



## ***PLANNING COMMITTEE***

***2.00 PM - TUESDAY, 22 DECEMBER 2015***

***COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE***

### **PART 1**

1. To receive any declarations of interest from Members.
2. Minutes of the previous meeting held on the 10th November 2015  
(Pages 5 - 6)
3. To Request Site Visit(s) from the Applications Presented

### **Report of the Head of Planning**

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

#### **Planning Applications Recommended for Approval**

4. Application No: P2015/0159 - Demolition of existing Care Home at Trebanos House, The Drive, Trebanos, Pontardawe (Pages 7 - 42)
5. Application No: P2014/0729 - Extension to and Reconfiguration of the Underground Coal Workings at Aberpergwm Colliery, Glynneath, Neath SA11 SSF (Pages 43 - 130)
6. Application No: P2015/0363 - Three Detached Dwellings and associated engineering operations and landscaping at Rear of 84-90, Henfaes Road, Tonna, Neath SA11 3EX (Pages 131 - 154)

## **Planning Application Recommended for Refusal**

7. Application No: 2015/0694 - Demolition of existing Golf Driving Range and Re-development of Site for up to 35 Dwellings and Infrastructure at Lakeside Golfing Range, Water Street Margam. Port Talbot SA13 2PA (*Pages 155 - 186*)

## **SECTION B - MATTERS FOR INFORMATION**

8. Appeals Determined (*Pages 187 - 190*)
9. Delegated Applications Determined between 2 November and 15 December 2015 (*Pages 191 - 214*)
10. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**S.Phillips**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 16 December 2015**

**Committee Membership:**

**Chairperson: Councillor R.G.Jones**

**Vice  
Chairperson: Councillor E.E.Jones**

**Members:** Councillors Mrs.A.Chaves, D.W.Davies,  
Mrs.R.Davies, S.K.Hunt, H.N.James, D.Keogh,  
Mrs.S.Paddison, C.Morgan, R.Thomas and  
Mrs.L.G.Williams

**Cabinet  
UDP/LDP  
Member: Councillor A.J.Taylor**

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## **PLANNING COMMITTEE** (Committee Rooms 1/2 Port Talbot Civic Centre)

**Members Present:**

**10 November, 2015**

**Chairman:** Councillor E.E. Jones

**Councillors:** D.W.Davies, Mrs.R.Davies, Mrs.J.Dudley,  
S.K.Hunt, H.N.James, Mrs.S.Paddison and  
R.Thomas

**Officers In Attendance** S.Ball, I.Davies, J.Griffiths, Ms.J.Weeks,  
R. Griffiths and Miss.G.Cirillo

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1. **MINUTES OF THE LAST MEETING**

**RESOLVED:** that the Minutes of the Planning Committee held on the 20 October 2015, as circulated, be confirmed as a correct record.

**Report of the Head of Planning**

**Planning Application Recommended for Approval following a Site Visit on Monday 9 November 2015**

2. **APPLICATION NO: P2014/0973 - 37 NO. RESIDENTIAL DWELLINGS AND ASSOCIATED ACCESS AT FORMER COLEG CWMTAWE, ALLTYCHAM DRIVE, PONTARDAWE SA8 4JT**

**RESOLVED:** that following a Site Visit on 9 November 2015, and in accordance with the Officer recommendation, subject to a Section 106 Agreement and Conditions, as detailed within the circulated report, the application be approved.

3. **APPEALS RECEIVED**

**RESOLVED:** that the following Appeal received, as detailed within the circulated report, be noted.

Appeal Ref: A2015/0009

Installation of Balconies to front elevation at Ferguson House, Bethel Street, Briton Ferry, Neath.

4. **APPEALS DETERMINED**

**RESOLVED:** that the following Appeal determined, as detailed within the circulated report, be noted:

Appeal Ref: A2015/0007

Conversion of chapel to residential dwelling, plus creation of off street car parking, installation of velux windows, 2 new windows and door, demolition of chimney and outbuildings plus outline planning permission for a detached two storey dwelling with details of access (all other matters reserved) at Rhiwfawr Chapel, Rhiwfawr, Swansea

Decision

Dismissed

5. **DELEGATED APPLICATIONS DETERMINED BETWEEN 13 OCTOBER AND 02 NOVEMBER 2015**

Members received a list of Planning Applications which had been determined between the 13 October and 02 November 2015.

**RESOLVED:** that the report be noted.

**CHAIRMAN**

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

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2015/0159</b>	<b><u>DATE:</u> 15 September 2015</b>
<b>PROPOSAL:</b>	Demolition of existing care home (C2 Use) following construction of new replacement two storey residential care home for 6 adults (C2 Use) and associated works (Amended plans received 20.11.15 and 23.11.15)
<b>LOCATION:</b>	Trebanos House The Drive Trebanos Pontardawe Swansea
<b>APPLICANT:</b>	Mr Michael Forzani
<b>TYPE:</b>	Full
<b>WARD:</b>	Trebanos

### **Background:**

Members should be aware that Cllr. Rebeca Philips requested on the 27<sup>th</sup> October 2015 that this application be determined at Planning Committee on the basis that there is a 42 person signature against the application and due to the transport issues in terms of Graig Road and the impact on the school.

Councillor Philips' written comments have been summarised within this report.

### **Planning History:**

The application site has the following relevant planning history: -

- 74/0031 – Residential development – Refused 25/07/74
- 78/0237 – Residential development – Refused 4/7/78
- 82/0371 – Proposed temporary siting of caravan – Approved 2/11/82
- 82/0397 – Annexe for domestic use by staff – Approved 07/12/82
- 83/0456 – Proposed renewal of consent for temporary residential caravan – Approved 6/12/83

- 84/0005 – Bungalow annexe – Approved 21/02/84
- 84/0650 – Renewal of temporary consent for residential caravan – Approved 19/2/84
- 86/0419 – Proposed single storey extension to nursing home – Approved with conditions 30/7/87
- **P2006/0967** – 3 no. detached bungalows (4 bedroom) as L.D. residential homes – Refused 20/2/07 on the following grounds: -
  - (1)The access which will serve as the access to the proposed development is narrow with no footways and its junction with the B4603 Swansea Road lacks adequate visibility and is therefore incapable of safely serving additional development. The development of the application site for a further three dwellings will result in additional traffic movements on this substandard highway to the further detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies H3 and T1 of The Neath Port Talbot Deposit Draft Unitary Development Plan and Policy T2 and H9 of The Northern Lliw Valley Local Plan.
  - (2)The proposed access road by virtue of its siting and lightly elevated position in relation to the property referred to as Y Groesfaen, will result in an unacceptable impact upon the amenities of residents within this property by virtue of an increase in noise and disturbance generated by the additional vehicle movements. The proposal is contrary to Policy H3 and GC1 of The Neath Port Talbot Deposit Draft Unitary Development Plan and Policy H9 of The Northern Lliw Valley Local Plan.
  - (3)The proposed access off The Drive will reduce the level of existing off street parking provision within the curtilage of Pathways. This will lead to indiscriminate parking of vehicles on The Drive interfering with the free flow of traffic to the detriment of highway safety and other road users. The proposal is therefore contrary to Policy T2 of The Northern Lliw Valley Local Plan and T1 of The Neath Port Talbot Deposit Draft Unitary Development Plan.



A subsequent appeal was dismissed on 20<sup>th</sup> November 2007. A copy of the appeal decision is attached at Appendix A.

- **P2010/0041** – Detached dwelling for assisted living home (outline)  
– Refused 15/3/10 on the following grounds:

(1) Graig Road which will serve as the access to the proposed development is narrow with no footways and its junction with the B4603 Swansea Road lacks adequate visibility and is therefore incapable of safely serving additional development. The development of the application site for a dwelling will result in additional traffic movements on this substandard highway to the further detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies H3 and T1 of The Neath Port Talbot Deposit Unitary Development Plan.

### **Publicity and Responses:**

15 neighbouring properties were consulted and a site notice was displayed.

To date 7 letters of objection, a petition containing 42 signatures, and letters from Peter Black AM and Cllr. Rebeca Phillips (Trebanos Ward) have been received.

The comments contained within these documents are summarised as follows, and it is noted that the 42-name petition endorses many of the comments made within the objection letters:

1. Development does not comply with planning policy. Proposal cannot be off-set against the existing care home operation
2. Questionable how approval was granted originally for this business. Moved from Nursing home to learning difficulties care home with no notification to neighbours. The existing care home operations pre-date any meaningful planning regulation
3. Existing care home fit for purpose and no evidence it cannot be re-built. No evidence to support the case that the existing residents have to be kept 'in situ' and cannot be relocated
4. It does not follow that as there are no TPOs none are worth preserving
5. A Flood Consequences Assessment should be provided
6. DAS inaccuracies including reference to drive as predominately residential area.

7. Impact upon residential amenity including no daylight / sunlight assessment has been provided, impact on privacy including overlooking, new building is closer to existing houses, increased noise and existing trees overgrowing
8. Impact on visual amenity including building not same height and design as adjoining properties
9. Concerns in respect of highways and pedestrian safety including location of development, no transport statement, number of vehicular movements and increase in traffic (construction and demolition as well as post development), parking provision, unsuitable Graig Road and the Drive and location of school given these concerns
10. Plans do not show access and egress arrangements for refuse vehicles, fire tenders, oil deliveries and predicted car use
11. Application previously refused on ground of access and there has been no change to Graig Road from when previous applications refused on highways and pedestrian safety grounds
12. Anti-social behaviour of existing residents
13. Trebanos house contains asbestos, no mention of its management, control and removal. How will residents be protected.
14. Japanese Knotweed present
15. Have applicants accurately costed the demolition of Trebanos House.
16. Building a new facility elsewhere possible, but would fail on planning grounds – DAS misleading
17. Office proposed in loft space – a completely new use
18. DAS states new building is much smaller but this does not reflect that two sections of the existing building are single storey or that the proposed building is nearer to existing residential properties
19. There is an intention to expand this site and build on Trebanos House's footings
20. No objection to the new care home being built on the site of the existing Trebanos House

**The comments received from Peter Black AM are summarised below:**

Graig Road is narrow and currently serves 70 properties. It is the only access to YGDD Trebanos. It starts with an acute angled junction off Swansea Road and proceeds up a steep hill with a bend and

carriageway width of average 5.5m but reducing to 4.5m at one point. Visibility out of the junction on to Swansea Road is at a 2.4m set back and is restricted and substandard to the south. There are no footways except for one small section. Further development along this road will lead to increased traffic along this road and compromise highway safety and that of pedestrians. The loss of green space as a result of this development will reduce amenity for local residents and is an inappropriate addition to a predominately residential area.

**The comments received from Councillor Rebeca Philips are summarised below:**

The site has been subject to many applications, all of which have been turned down by planning officers.

It has been noted by planning professionals from the local authority that:

- Graig Road is narrow, tortuous and steeply graded and is unsuitable to deal with additional traffic which would be generated.
- The junction of Graig Road with the Principal route A4067 (Swansea Road) is substandard and any increase in the number of vehicles negotiating the junction would be prejudicial to the safety of traffic and other road users.

The condition of Graig Road nor Swansea Road has improved since previous applications P2010/0041 and P2006/0967. I question therefore why this application is now being recommended for approval?

Graig Road serves around 70 residential properties and is the only vehicular access to Ysgol Gynradd Gymraeg Trebannws. The problems at Graig Road and The Drive are already unacceptable and are discussed regularly at PACT meetings. At school times the parking regularly restricts residents and having large vehicles enter Graig Road and the Drive during the construction process would have a negative impact on my constituents. The road is clearly not suitable for heavy goods vehicles during construction of the new building and will put pedestrians at further risk as there is no pavement on the road.

The DAS states that the existing building is not viable for refurbishment but provides no evidence of this. The access statement does not either state why the residents must remain in-situ and the need to build the

new care home alongside the existing building. This application also decreases the number of residents from 10 to 6 – where are the remaining residents going when every other application has been to increase the number of residents?

I understand that the planning department has received a petition from over 50 residents outlining their concerns of the dangers of Graig Road. Furthermore, residents from The Drive are concerned of the noise aspect during demolition and construction and the fact that the care home is being moved closer to their properties. There are concerns over privacy left unaddressed.

Due to the obvious strength of feeling regarding this application I urge my fellow councillors to reject this application for the reasons outlined above. It is essential that the committee at the very least conducts a site visit in order for you to understand the concerns I have in particular to transport and vehicular access issues.

**Pontardawe Town Council:** Objects on the grounds that there is insufficient access and parking at the site together with the loss of privacy for neighbouring properties if trees are removed. Also concern regarding damage to trees covered by TPOs and the impact of large vehicles on the access road.

**Building Regulations (Demolitions):** Notified

**Natural Resources Wales:** No objection, subject to condition

**Head of Engineering and Transport (Highways):** No objection, subject to conditions.

**Head of Engineering and Transport (Drainage):** No objection, subject to conditions.

**Structures Section:** No objection, subject to condition

**Contaminated Land:** No objection, subject to conditions

**Biodiversity Unit:** No objection, subject to condition

**Arboricultural Officer:** No objection, subject to conditions

**Public Rights of Way:** No objection

**Engineering and Transport Section (Land slips):** Site in dormant landslide area, history of coal mining and tips in the area. Seek specialist advice and carry out proper ground investigation prior to design of any foundations or retaining walls.

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

The application site consists of an existing care home known as Trebanos House and its associated grounds, located at The Drive, Trebanos. The site is situated within an established residential area and is accessed directly from the residential street known as The Drive.

The existing care home consists of a large two storey building with a single storey extension at a lower level together with a connected single storey annex at a higher level. There are also several ancillary outbuildings present.

The site has a lawful Class C2 use (residential institution) and is currently registered to accommodate 10 no. people with learning disabilities, or learning disabilities with a mental disorder (in 10 bedrooms).

The application site is irregular in shape and in its entirety measures approximately 0.97 hectares in area. While the application site is relatively large, most of the site is steeply sloping (generally west to east) with dense undergrowth. The existing care home is located on a more level area, located towards its northern boundary and close to an existing car parking area, which itself is located off The Drive, Trebanos.

There are a number of trees located around the periphery of the existing care home building and along the common boundary with number 14 The Drive, Trebanos. However, there are no trees on or immediately adjacent to the application site that are covered by Tree Preservation Orders (TPOs). A registered Public Right of Way is located towards the rear boundary of the site, which briefly enters the site.

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

## **Brief Description of Proposal:**

The applicants have stated that the existing care home building is not suitable for the intended use, and that refurbishment to suit current building standards and gain Care Quality Commission (CQC) approval is not viable.

This application therefore seeks permission for the demolition of the existing care home and the construction of a new replacement building immediately adjacent to the existing site. The new building would be located on land between the existing care home and the access to the site from The Drive. Due to the need to keep the residents in-situ, it is proposed to build the new care home alongside the existing and demolish the original building upon completion, once the residents are transferred across.

The new building will provide assisted living accommodation for 6 no. young adult patients that require full time care due to learning disablement. The proposal therefore represents a reduction in the available provision given the existing building provides for 10 bed accommodation.

Accommodation comprises: - Accessible en-suite bedroom (no. 1) office, communal lounge, treatment/sensory room, and kitchen/dining room at ground floor; 5 en-suite bedrooms, utility and accessible bathroom at first floor.

The design will be more 'compact' than the existing care home, and proposes a detached, two storey building with a multi-hipped roof and a traditional style projecting gable to the front elevation. The building will have a maximum width of 18m, a depth of 12.6m and maximum height of 9.3m, dropping to 7.5m (with a small flat roof section) closest to The Drive.

The existing car parking to the front forecourt area of the building that provides 5 spaces will be retained in its current position, with an additional two spaces (incl. 1 no. 'mobility space') provided to the side of the new building (where the existing care home is sited).

Existing hard landscaping such as pathways, access road and parking areas will be retained around the building. All other areas will consist of soft landscaping such as lawns and shrubs.

The application forms state that there are 10 existing full-time staff, which will reduce to 8 post-development. The Design and Access Statement elaborates by advising that on site there will be approximately 3 full time staff during the day (2 shifts per day) and 2 staff during the night.

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

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

### **Material Considerations:**

The main considerations in the determination of the application are the principle of development; the impact upon the character and appearance of the surrounding area; the impact upon residential amenity; the impact upon the highway safety and the existing road network; the impact upon drainage ; and the impact upon biodiversity.

### **Policy Context:**

#### **National Planning Policy:**

- Planning Policy Wales (Edition 7, 2014)
- Technical Advice Note 5 : Nature Conservation and Planning
- Technical Advice Note 12 : Design
- Technical Advice Note 18 : Transport

## **Local Planning Policy:**

### Adopted Unitary Development Plan

The Development Plan for the area comprises the Neath Port Talbot Adopted Unitary Development Plan (UDP).

As the proposed site is located within the settlement limits as defined in the UDP, the principle of this type of development is generally acceptable, subject to it complying with other development plan policies in respect of its impact on matters including highways, visual and residential amenity. The other relevant Policies are as follows:

- GC1 New Buildings/Structures and Changes of Use
- ENV16 Contaminated Land
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- ENV5 Nature Conservation
- ENV14 Unstable Land

### Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan (2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30<sup>th</sup> September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2<sup>nd</sup> December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the Council is now in the process of finalising the LDP with a meeting of



Council scheduled for 27<sup>th</sup> January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The relevant Policies within the emerging LDP are as follows: -

- Policy SC1 Settlement limits
- Policy EN8 Pollution and Land Stability
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy EN6 Important Biodiversity and Geodiversity Sites

### **Principle of Development**

The site has an established care home use, and the development proposes to demolish the existing buildings and replace with a new purpose-built care home. For these reasons the principle of development on the site is considered acceptable subject to an assessment of the impacts of the proposal.

### **Visual Amenity**

The existing use of the application site as a whole is as a care facility and accordingly there would be no material change in the character of the use of the land. However, the proposed building would be constructed on a different parcel of land to the existing care home, closer to the existing street known as The Drive.

The streetscene along The Drive is characterised by predominately bungalow style properties, with a strong emphasis on hipped roofs. Some of these properties have also been extended with dormer roofs thereby having the appearance of two storey properties.

The existing care home is located at the end of The Drive, in its own grounds, and currently has little material impact on the character of The Drive. The proposal seeks to construct a replacement care home on the land lying between the existing building and the entrance, thus

bringing the development closer to The Drive and increasing its visibility within the streetscene.

Although located closer to the main streetscene, the new building would still be located 9m from the site boundary and approximately 13.4m from the adjacent small-scale bungalow. Although higher than the existing care home (the 'main' part of the building would be 8.95m compared to approx. 7.7m (measured at its point closest to the new building)), care has been taken in the design of the building to employ measures and techniques to try to minimise the impact of structure upon the visual amenity of the area.

The proposed property although with a higher ridge level than those adjacent properties, would be constructed with a hipped roof design which would reflect that of a number of neighbouring properties. In addition, the side 'wing' of the building is set down from the main ridge to approx. 7.5m (with a small flat roof section) closest to The Drive.

Furthermore, in support of the application, a street scene elevation plan has been submitted that indicates how the proposed building would relate to numbers 12 and 14 The Drive which are the closest properties to the north of the site. It is considered that this plan demonstrates that the proposed dwelling relates well to these properties and that the site can be developed without having an obtrusive impact on the surrounding area and street scene.

Having regard to the above, it is considered that the building, while taller and closer to The Drive, would nevertheless still read as a separate detached building located in its own curtilage at the end of The Drive, such that it would not have an unacceptable impact on the character of the wider area. In reaching this conclusion it is also noted that the new building would replace an agglomeration of many other buildings, including those at higher level to the rear, which cumulatively have a larger footprint.

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

As such, it is considered that the proposed design, siting and massing of the building is appropriate to the area which will help the building

assimilate into its surroundings. It will therefore accord with both Unitary and Emerging Local Development Plan Policies.

### **Residential Amenity:**

The application site is located within a well-established residential area, with the closest adjacent dwellings to the site being numbers 13 and 14 The Drive. Number 14 is located immediately to the north and number 13 to the north east of the building.

As noted above, the proposed building would be built closer to the existing properties at The Drive than the existing building. However, a separation distance between number 14 (of 13.4m) and number 13 (of 25m) would still be retained. Furthermore, as detailed above the proposed building is constructed with a roof that is hipped away from number 14, thereby further lessening any potential overbearing impact on this property.

Although siting a new building closer would increase the impact on those properties, this in itself does not make the development unacceptable. In this respect, it is considered that the retention of adequate separation distances between existing and proposed properties together with the siting and design of the proposal ensures that the proposal will not result in any unacceptable overbearing impact or loss of light to the adjacent properties.

In terms of any potential overlooking impact, again the properties most likely to be affected by the proposal are numbers 13 and 14 The Drive. The majority of the windows on the front, east facing elevation of the proposed development that faces number 13 The Drive serve habitable rooms. It is also noted that the proposed care home would be located in an elevated position above this property.

However, a separation distance of approximately 25m is retained between the habitable room windows of the two properties and views are at an angle only. Furthermore, a distance of 14.8m is retained between the proposed property and the rear garden area of number 14. In addition to this, a driveway and parking area is located on the intervening land between the two properties together with intermittent screening in the form of a tree, hedgerow and fencing / walls along the common boundary.

As a consequence it is concluded that there would be no unacceptable impact on the amenity of no. 13 that would justify refusal of this application on such grounds.

With regard to no. 14, side facing windows are proposed in the elevation facing no. 14 which serve a dining room at ground floor and an en-suite at first floor. However, the ground floor facing window will be screened by proposed retaining works and boundary fencing. In addition to this, a condition will be imposed requiring that the first floor window is fitted with obscure glazing. Accordingly, there would be no unacceptable impact on the amenity of no. 14 that would justify refusal of this application on such grounds.

Having regard to the above, it is concluded that the proposed development would not have an unacceptable detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings.

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

Although representations have covered a number of areas, the primary nature of concerns raised locally, including from Councillor Rebeca Philips and Peter Black AM, relate to concerns regarding the inadequate access to the site and that it is not suitable to serve the proposed development as well as the necessary construction and demolition traffic.

The existing use / site is currently accessed off Graig Road (which leads to The Drive) which is narrow with no footways, has blind bends and its junction with the B4603 Swansea Road lacks adequate visibility. It is also acknowledged that Graig Road is the only vehicular access to Ysgol Gynradd Gymraeg (YGG) Trebannws.

Accordingly, the access arrangements for the new development (including construction and demolition traffic) will utilise the existing substandard access to the main highway network.

Notwithstanding this, however, it is essential that an assessment of this application has appropriate regard to whether the proposed development would result in a degree of activity or movements over and above the existing established use at the site which would justify refusal of the application on highway safety grounds.

In this regard, Members should note the planning history provides details of two planning applications refused by the local planning

authority at this site. The earlier of the two applications (P2006/0967) was for 3 no. detached bungalows providing care facilities. This application was refused by the LPA for reasons including unacceptable impact on highways and pedestrian safety and an appeal was then also dismissed by the Planning Inspectorate.

The appeal decision is provided at Appendix A, and it is noted that the Inspector stated that Graig Road is “*narrow, tortuous and lacks footways and forward visibility in parts*” and that “*visibility at the junction to the south is severely restricted and from my observations falls far short of the standards set out in Technical Advice Note 18: Transport and the Manual for Streets*”.

He also noted the access to the school off Graig Road, and that, “*while parents’ vehicles are stopped from using that access I noted on my site inspection that parents and children were walking to and from the school by way of Graig Road and the school access*”.

Having regard to the above, the Inspector reviewed submitted evidence and stated that the proposal would lead to an increase of about 10% in traffic using Graig Road, and that “*such an increase in traffic flow on a road of this nature would pose unacceptable additional risks for the safety of vehicle and pedestrian users of the road system leading to the site both in Graig Road and at the junction with Swansea Road*”.

The later application (P2010/0041) for a single detached dwelling also providing care facilities was again refused for reasons including unacceptable impact on highways and pedestrian safety.

Despite the previous refusals above, it should be noted that both of these applications were for additional development and as such were concluded to result in additional impacts on highways and pedestrian safety. This, however, is materially different to the current development proposal, which seeks a replacement for an existing care home.

In this respect, in terms of traffic generation, once operational the proposed development is likely to generate a similar (or potentially reduced) level of traffic to that of the existing care home at the site, notably since the number of bedrooms proposed has been reduced from 10 to 6 under the current proposals.

The nature of the trip patterns connected with the proposed use compared to the current permitted use is also likely to be very similar

given the comparable size of the existing and proposed care home. As such, while the concerns of local residents and the local Ward Member and AM are acknowledged, it is nevertheless considered that the long term operation of a care home of the size proposed would not result in any additional movements over and above that which already exists from the existing established care home. There are therefore not considered to be any sustainable grounds to refuse the application on grounds that there would be any unacceptable impact on highway and pedestrian safety arising from the development.

Concerns have also been raised in respect of the impact on the same highway network described above during the demolition and construction stage of the development. Councillor Philips has expressed concerns because Graig Road is the only vehicular access to Ysgol Gynradd Gymraeg Trebannws, and notes that at school times the parking regularly restricts residents. She therefore considers that having large vehicles enter Graig Road and the Drive during the construction process would have a negative impact on her constituents, and that the road is not suitable for heavy goods vehicles during construction of the new building and will put pedestrians at further risk as there is no pavement on the road.

Again, while the objections to the construction and demolition traffic using Graig Road and The Drive are noted, ultimately these are not grounds on which to withhold consent as construction traffic is temporary in nature and given that adequate mitigatory measures can be put in place to overcome any unacceptable risk to highway and pedestrian safety. For example, a condition is recommended (condition 5) that requires the submission of a Construction Method Statement (CMS) to be submitted to the Local Planning Authority for approval. The CMS would provide details of the working methods and practices at the site and has been drafted to include a requirement to submit a scheme indicating how construction deliveries or vehicles shall be prevented access to Graig Road and The Drive during the hours of 8 am to 9 am and 3pm to 4 pm during term times in order to minimise the congestion to the surrounding highway network and conflicts between site traffic and vulnerable road users in the interest of highway / public safety.

It is also emphasised that the Head of Engineering and Transport (Highways) has considered the proposed development and has raised no objection to the proposed development on highway safety grounds.

Finally, concerns have been raised in respect of the adequacy of the proposed parking to serve the development. It is noted that there are presently no parking spaces marked out on site and the parking arrangement is within an informal hard surfaced area close to the entrance of Trebanos House. However, the proposed scheme seeks to formally mark out the frontage parking area to provide 5 spaces, with an additional 2 no. off street parking spaces including 1 no. mobility space provided to the side of the new building. It is considered that this provision will be greater than the level of parking currently provided and a condition can be imposed requiring that the parking spaces are marked out prior to their first use, thereby formalising the parking arrangement at the site, and that the two 'new' spaces are provided within one month of the demolition of the existing building. Furthermore, the Head of Engineering and Transport has no objection to the level of parking provision proposed.

It is therefore considered that subject to the imposition of conditions, including that the existing care home use shall cease and that the buildings are demolished at an agreed time, the proposed development would not give rise to any unacceptable impacts on the existing highway network, existing properties or residents and the primary school located in close proximity to the application site which would warrant the application being refused on highway safety grounds.

Given the issues identified above in respect of the use of the highway by construction traffic, it is noted that a condition is also attached requiring a Condition Survey of the existing highway between the application site and its junction with the B4603 Swansea Road prior to any works commencing on site, and a subsequent survey prior to the use commencing, and that any remedial works to the road identified within the condition surveys resulting from the development to be remedied at the developer's expense.

### **Ecology (including protected species)**

All existing buildings at the site to be demolished have been examined for the potential for bats. A common pipistrelle bat roost/use of the existing main building was found and maternity colony use of the south end, east roof, of the existing main building was seen in 2010 but not at subsequent (2012, 2015) surveys. Other data suggested that a "local" maternity colony is using several sites in the vicinity and as such it was advised that it was possible that this colony could return to the care home in the future.

Given the findings of the bat report and their protected status, a methodology / mitigation strategy was provided to address the bat use of the site. In summary this seeks to minimise disturbance to any bats that might be present and for example, includes roost provision to be built at the upper section of the north-east facing front gable of the proposed care home, by the addition of a multi-chambered projecting fascia (false front bat box).

The Council's Biodiversity Officer has considered the submitted information and has raised no objection to the proposed development subject to the development taking place in accordance with the bat methodology / mitigation scheme provided. Similarly, Natural Resources Wales (NRW) has raised no objections subject to an appropriately worded condition requiring the implementation of bat mitigation measures within the submitted report.

It is noted that where an European Protected Species (EPS) is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a license issued to it by NRW. In this respect, it is noted that the bat report identifies that it is necessary for the existing building to remain in place until the new building has been constructed with the new bat box provisions in place. Accordingly, while condition 4 seeks removal of the existing building within three months of the first beneficial occupancy of the new care home, it also allows for this period to be extended should it be necessary to comply with the terms of any license granted by Natural Resources Wales. Condition 3 ensures that use of the existing care home will cease no later than three months following the first beneficial occupancy of the new care home, even if there is a delay to demolition.

### **Landscaping / Trees**

A number of trees are located in the grounds that surround the application building and they are considered to add amenity value to the site as a landscape feature. The applicants have therefore submitted a Tree Survey in support of their application. In summary, this states that three trees will be removed, minor encroachment into root protection areas and minor / moderate branch reduction / lifting as a result of the proposed development.

However, the trees to be felled (Lawson Cypress) are categorised as low quality and as such their loss will not be significant. The



encroachment into root protection areas is assessed as being minor and will not cause a long term effect on the health of the retained trees.

Finally, the minor / moderate branch reduction / lifting will prevent construction work damage to trees and as such is an inevitable consequence of the proposed scheme, but again minor in terms of its impact on the effected trees.

The authority's Arboricultural Officer also states that to retain the identified trees on this site to a safe and healthy standard the recommendations in the tree survey must be followed at all times. It is also stated that the installation of the specified root zone protective fencing prior to the start of any demolition works and its retention during all phases of the construction work is vital if these trees are to be retained.

It is considered that a sufficient number of trees would be retained on site in order to assist with integrating the new development into the landscape. As such, subject to the imposition of conditions, it is considered that the proposed development will have no significant adverse Arboricultural impact which would be detrimental to the amenity of the area or the health of any tree of quality on this site.

### **Slope stability:**

The application site has been identified as having very high potential for natural slope instability. As such, the authority's Design and Construction Department were consulted. It was confirmed that the development is within the area of an old landslip - described as 'dormant' in the Institute of Geological Sciences Report no. EG80/4 'South Wales Coalfield Landslip Survey'. Furthermore, it was stated that there is a history of coal mining and tips in the area.

The advice provided therefore was that it would be wise to seek specialist advice (Coal Authority, British Geological Survey, Engineering and geological specialists etc.) and to carry out proper ground investigation prior to design of any foundations or retaining walls.

The site specific constraints do not now show the site to be located within a high risk development referral in respect of the coal authority records and as such they were not consulted.

However, given the high potential for natural slope instability at the site, further ground investigation information will be required. The applicant requested that this information be provided by way of planning condition given the substantial extra cost of providing such a report was considered a risk when planning permission was not yet in place. Accordingly, a suitably worded condition is recommended requiring that this information is submitted prior to any development commencing on site.

### **Contaminated Land:**

The authority's Contaminated Land section has confirmed that the site is approximately 80m from a disused tip and large colliery which have the potential to generate ground gas. As such, a number of standard planning conditions are recommended including one that requires that the applicant submits a report to assess the nature and extent of any contamination on the site prior to the commencement of work on site.

### **Drainage:**

The Head of Engineering and Transport (Drainage) has no objection to the drainage scheme submitted. As such, subject to the imposition of conditions, including to ensure that the proposed drainage scheme is constructed and maintained, there will be no unacceptable impact upon the surrounding drainage environment.

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

While the above report seeks to address the main planning issues raised in local representations, in response to the letters of objection received the following additional comments are made:

In respect of the objections to the consultation process undertaken by the LPA, the consultation process was carried out in accordance with statutory requirements.

In response to the issue concerning planning policy. As stated already within this report, a care home is well established at this site and the application site is located within settlement limits. The application therefore complies with planning policy.

In respect of the planning history at the site, the application building was originally a nursing home and in the past changed to its current use as

a care home. However, both of these uses fall within the same use class definition 'C2 residential institutions'. Planning permission would not therefore have been required to alter the nature of the use from a nursing home to a care home.

Concern is raised with regards to the lack of evidence provided that the existing residents cannot be kept 'in situ', that the existing care home is fit for purpose and that there would be no objection to the new care home being built on the site of the existing Trebanos House. The applicants confirmed that it is not feasible to move the residents as they have a range of mental illnesses that do not cope well with disruption and it is better to relocate them only one time whilst still being in familiar surroundings, rather than move twice i.e. to temporary accommodation in unfamiliar surroundings and then back again to the new building (this has been tried before with upsetting consequences). The applicants have also confirmed that the existing building is in a state of disrepair and is not viable for refurbishment. Furthermore, the existing buildings are spread out across the site in an ad hoc fashion with poorly designed extensions and not fully accessible and do not conform to current standards. Furthermore, the bat report has identified that it is necessary for the existing building to remain in place until the new building has been constructed with the new bat box provisions. The existing building will therefore operate as a bat roost until the new building is constructed. Demolishing the existing building and then constructing a new building on the same / similar footprint would mean that there would be no roost site available to bats. For the above reasons, Officers are satisfied that it is not possible / viable to build on the site of the existing building or refurbish it, nor that this would justify refusal of this application on such related grounds.

In respect of the suggestion that a Flood Consequences Assessment (FCA) should have been provided, the application site is not located within a flood zone and as such there is no requirement for the applicant to provide an FCA.

It is noted that the Design and Access Statement (DAS) provided refers to the Drive as being a predominantly residential area when it in fact is solely residential. However, the DAS states 'the surrounding location...is predominantly residential with a mix of detached single and two storey dwellings'. The wider area, outside of The Drive does include a school and as such it is considered that this statement is not necessarily inaccurate.

In respect of those issues raised concerning impact upon residential amenity, including the comparable sizes of the two buildings, these issues are considered in detail within the officer report. An additional issue concerning increase in noise nuisance is raised. While there may be some increased noise disturbance during the construction and demolition phase of the development this will be temporary in nature and not to an extent that would merit refusal of this planning application.

The concerns raised in respect of the anti-social behaviour of existing residents at Trebanos House is not a material planning consideration.

In respect of the issues raised concerning asbestos removal at the existing Trebanos House. Asbestos is required to be removed by authorised demolition contractors. However, this issue is covered by separate legislation.

In respect of the issues raised concerning the presence of Japanese Knotweed at the application site, this issue can be adequately controlled via planning condition.

The concerns raised over whether the applicant has accurately 'costed' the demolition of Trebanos House is not a material planning consideration.

In respect of the suggestion that a new facility could be built elsewhere but would fail on planning grounds. While it is accepted that Trebanos House is set within substantial grounds, much of this land is steeply sloping and uneven and does not easily lend itself to development. However, it should be noted that Officers are of the view that the proposed siting of the development is not unacceptable for the reasons expanded upon in this report.

It is accepted that the DAS inaccurately refers to there being an office within roof space. However, the applicants have withdrawn this element of the DAS and confirmed that there will be no office provided in the roof space.

In respect of the suggestion that there is an intention to expand the site and build on the original footings of Trebanos House. The Local Planning Authority can only consider the application before them and can confirm that there are currently no other applications under consideration in respect of this site. Given the highway constraints and

planning / appeal history identified above, it is likely that there would be objections to an intensification in use of the site in question.

The comments received from Peter Black AM, Cllr. Rebeca Phillips and Pontardawe Town Council are noted and predominately raise concerns in respect of impact on highways and pedestrian safety and residential amenity. However, these issues are dealt with in detail earlier within the report. Additional issues are however raised. In response, it is not know where the remaining residents will be re-located to (there is to be a reduction from 10 to 6 residents as a result of the proposals). However, this matter is not a material planning consideration.

In respect of the request for the committee to make a site visit. A site visit will normally only be appropriate when the committee need to more fully understand the details of a development proposal in the context of the application site and the surrounding area. Whether a site visit is necessary is a matter for the committee to determine.

Finally, in respect of the issue raised concerning noise during demolition and construction, such matters are not a material planning reason to justify refusal of a planning application. Nevertheless, a Construction Method Statement will include details of the timing and duration of works and include measures to control the emission of dust and dirt during demolition and construction. Moreover, any nuisances such as excessive noise, dust, smells, etc arising during the construction period can be investigated by the Environmental Health Section and any appropriate remedial action taken under separate legislation.

## **Conclusion:**

The application proposes the replacement of an existing care home within an established residential area within the identified settlement where the principle of development is considered acceptable. The proposed development would have no unacceptable impact upon the character and appearance of the surrounding area, or upon the residential amenity of the occupiers of the adjacent buildings. The proposal would also result in no additional adverse impact upon the existing highway or drainage networks and would ensure that there is no detrimental impact on European Protected Species. As such the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, ENV5 and ENV14 of the Neath Port Talbot Unitary

Development and Policies SC1, EN8, TR2, BE1 and EN6 within the emerging Neath Port Talbot Local Development Plan.

**RECOMMENDATION: Approval with Conditions**

**Conditions:**

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

Reason

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

(2) Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby permitted. Development shall be carried out in accordance with the approved details only.

Reason

In the interest of the visual amenity of the area.

(3) No later than three months following the first beneficial occupancy of the new care home, use of the existing care home known as Trebanos House and its associated outbuildings (identified in red as buildings to be removed on drawing ref. 04 A Rev. A received 30th July 2015) for any purpose or use shall cease .

Reason

To ensure that both the new and the old care home buildings are not occupied simultaneously and in the interests of highways and pedestrian safety

(4) Within three months of the first beneficial occupancy of the new care home, or such other date that shall be agreed in writing by the local planning authority following the grant of any European Protected Species licence by the Natural Resources Wales, the existing care home known as Trebanos House and its associated outbuildings (identified in red as buildings to be removed on drawing ref. 04 A Rev. A received 30th July

2015) shall be demolished and the site reinstated in accordance with the requirements of condition 20.

#### Reason

To ensure that both the new and the old care home buildings are not occupied simultaneously and to ensure continuity of a bat roosting space as bats are European Protected Species

(5) No development shall commence, including any works of demolition, until a Demolition and 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 demolition and construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Viii) scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- ix) the frequency and size of vehicles used to transport the waste material arising from the demolition works
- x) A scheme detailing the control of surface water run-off during the construction period and the protection of lower lying land.
- xi) A scheme indicating how construction deliveries or vehicles shall be prevented access to Graig Road and The Drive during the hours of 8 am to 9 am and 3pm to 4 pm during term times
- xii) details of the timing and duration of works (including the demolition works)
- Xiii) a methodology for demolition

#### Reason :

In the interests of highways and pedestrian safety and residential amenity

(6) The recommendations and mitigation (including proposed bat roost) within the submitted 'Bats: Methodology-Mitigation Strategy July 2015' report and drawing number SK1 B by Rob Colley Associates shall be complied with in full. The mitigation measures shall thereafter be retained for the life of the development.

Reason:

In the interests of ecology and to ensure the protection of European Protected Species

(7) All the trees shown on the tree protection plan at Appendix 4 of the Arboricultural Report by ArbTS - Arboricultural Technician Services dated 2 June 2015 as 'to be retained' and/or any trees whose canopies overhang the site, shall be protected by strong fencing in full accordance with the tree protection plan. The fencing shall be erected in accordance with the recommendations (including the requirement for the installation of root zone protective fencing) within the Arboricultural Report before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason:

In the interests of good tree husbandry and to retain the identified trees on site to a safe and healthy standard

(8) Prior to the commencement of the construction of any retaining wall, full details including calculations, specifications, materials and a landscaping scheme for any retaining structures that may be required, together with a detailed method statement detailing how the works are to be carried out, shall be submitted to and approved in writing by the Local Planning Authority. Any retaining wall shall be constructed in accordance with the agreed details.

Reason:

In the interests of public safety.



(9) 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.

(10) Should remediation be required by condition 9, 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.

(11) Should remediation be required by condition 9, 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 10 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.

(12) 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.

(13) Prior to any building works commencing on any part of the site related to the approved development, any Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Natural Resources Wales Knotweed Code of Practice.

Reason

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

(14) The drainage of the site shall be carried out in accordance with the details set out within the submitted drawing number 07 'Proposed detailed site plan' and provided before the first use or occupation of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage

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

Reason

To protect the integrity of the public sewerage system

(16) Development shall not commence until such time as a full Condition Survey of the highway network between the application site and its junction with the B4603 Swansea Road has been submitted to the Local Planning Authority for its approval in writing (at the developers expense).

Reason:

To ensure that the condition of the surrounding highway network is surveyed prior to the development, in the interest of highway safety.

(17) Within one month following completion of the development, or at such other time that the local Planning Authority may instruct, a full and comprehensive Condition Survey of the roads stipulated in condition 16 above shall be undertaken and submitted (at the developers expense). Any identified remedial works required to the existing Highway network identified within the condition surveys shall be undertaken within two months of being formally requested in writing by the local planning or highway authority.

Reason: To ensure that any physical impacts on the surrounding highway network arising from the development are mitigated, in the interest of highway safety.

(18) Prior to the commencement of development on site:

(i) A methodology for the investigation of the stability of the ground at the application site shall be submitted to and approved in writing by the Local Planning Authority. This methodology shall identify the potential risks from landslips and ground instability at the application site by indicating the nature and extent of any land instability and any other retaining structures

(ii) A land stability investigation shall be carried out in accordance with the approved methodology, and the results submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters. In the event that the land stability investigation confirms the need for remedial works to treat any land instability issues at the site to ensure the safety and stability of the proposed development, a report specifying the measures to be taken to ensure that a suitability designed dwelling is constructed at the site shall be submitted to and agreed in writing with the Local Planning Authority. This should include details in relation to proposed foundations for the building.

(iii) Should mitigation be required by ii, the site shall be remediated in accordance with the approved mitigation measures as part of the development and in accordance with an approved timeframe of works.

Reason

To ensure that risks from land instability to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public as the site is located within an area of very high potential for natural slope instability

(19) Notwithstanding the details submitted and prior to the occupation of the proposed care home the window on the north facing elevation serving the en suite shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.7 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

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

(20) The replacement care home shall not be occupied until such time as there has been submitted to and approved in writing by the local planning authority a scheme of site restoration / landscaping including for the site of the existing buildings at Trebanos House (including a timetable for implementation of such restoration / landscaping works) . The restoration shall be undertaken in full accordance with the approved details, and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

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

(21) The replacement care home shall not be occupied until such time as the existing car park has been marked out in accordance with drawing 04 rev. A received 30th July 2015, and the car park shall be retained and maintained as such thereafter.

Reason

To ensure the development is served by sufficient off-street car parking, in the interests of Highway and pedestrian safety.

(22) Within one month of the demolition of the existing care home, the two car parking spaces shown on drawing 04 rev. A received on 30th July 2015 shall be provided on site and shall be retained and maintained as such thereafter.

Reason

To ensure the development is served by sufficient off-street car parking, in the interests of Highway and pedestrian safety.

## REASON FOR GRANTING PLANNING PERMISSION

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

The application proposes the replacement of an existing care home within an established residential area within the identified settlement where the principle of development is considered acceptable. The proposed development would have no unacceptable impact upon the character and appearance of the surrounding area, or upon the residential amenity of the occupiers of the adjacent buildings. The proposal would also result in no additional adverse impact upon the existing highway or drainage networks and would ensure that there is no detrimental impact on European Protected Species. As such the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, ENV5 and ENV14 of the Neath Port Talbot Unitary Development and Policies SC1, EN8, TR2, BE1 and EN6 within the emerging Neath Port Talbot Local Development Plan.



**Penderfyniad ar yr  
apêl**

**Appeal Decision**

Ymweliad â safle a wnaed ar 22/10/07

Site visit made on 22/10/07

**gan/by T J Morgan LLB(Hons) Solicitor**

**Arolygydd a benodwyd gan y  
Gweinidog dros yr Amgylchedd,  
Gynaliadwyedd a Thai, un o  
Weinidogion Cymru**

**an Inspector appointed by the  
Minister for Environment,  
Sustainability and Housing,  
one of the Welsh Ministers**

Dyddiad/Date 20/11/07

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**Appeal Ref: APP/Y6930/A/07/2050262**

**Site address: Site off Graig Road, Trebanos, Pontardawe**

**The Minister for Environment, Sustainability and Housing has transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Pathways (Trebanos) Ltd. against the decision of Neath Port Talbot County Borough Council.
- The application Ref P/2006/0967, dated 21 June 2006, was registered on 14 December 2006 and refused by notice dated 20 February 2007.
- The development proposed is 3 No. detached bungalows (4 bedroom) as L.D. residential homes.

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**Decision**

1. I dismiss the appeal.

**Main Issues**

2. The main issues are the effect of the proposal on the safety and free movement of traffic on the road system leading to the site and its impact on the living conditions of residential occupiers alongside the access in terms of noise and disturbance.

**Reasons**

3. The application site occupies the north eastern part of a larger site known as Pathways owned by the appellant. An additional portion of land was added to the site before the application was determined that runs up to the current main entrance to Pathways off The Drive. Although all matters are

reserved for future approval and the plans indicative, the amended site drawing shows access to the public road network could be gained either through The Drive or by way of a lane leading to Graig Road.

4. The only representations submitted on the part of the appellant are those contained in the initial appeal documentation which describes Pathways as being a care home for disabled youth, which was formerly a nursing home for 20 elderly persons re-opened as a residential care home for 10 young adults with learning disabilities. The proposal is described as being for three detached dwellings, each of which is to accommodate special needs youth as ancillary self-catering accommodation as part of the main care home facility at Pathways. The appellant has not provided any more details of the current occupation by youth and staff, the operation of the site or of traffic movements associated with it. There are also no details provided of the extent of likely changes in occupation, operation or traffic movements that would arise from the proposal.
5. The Council have provided a highway statement which describes conditions in the area and while they have carried out a traffic survey which provides details of the number of vehicles entering and emerging from Graig Road onto and from Swansea Road on a day during school term time, this does not identify current traffic flows from and to Pathways. The survey appears to me to show a figure of 419 traffic movements in and out of Graig Road between 0700 and 1900 with a peak hour two way flow of 63 vehicles between 0800 and 0900.
6. One of the residents of The Drive has instructed an associate of a large independent transport planning consultancy who has local knowledge of the area to carry out a review and impact assessment of the proposal and I consider his report to be an objective and reliable appraisal which can be given due weight. On the basis of 12 residents and 6 staff on a three shift basis, it predicts between 36 and 48 additional vehicle movements arising from the proposal based on TRICS data for a nursing home and first principles for the actual use respectively and takes an average of 42 movements as a basis for assessment of impact.
7. On the above basis and taking the 12 hour daily flow on Graig Road to be 419, the proposal would lead to an increase of about 10% in traffic using Graig Road. It seems to me, from the route options that movements are more likely to be on to Swansea Road than in the other direction and there would be a similar and significant increase in turning movements at the junction between Graig Road and Swansea Road. Graig Road is narrow, tortuous and lacks footways and forward visibility in



parts. Visibility at the junction to the south is severely restricted and from my observations falls far short of the standards set out in Technical Advice Note 18: Transport and the Manual for Streets. I note that there is an access to the local school off Graig Road, and while parents' vehicles are stopped from using that access I noted on my site inspection that parents and children were walking to and from the school by way of Graig Road and the school access.

8. I consider the increase in traffic flow described above on a road of this nature would pose unacceptable additional risks for the safety of vehicle and pedestrian users of the road system leading to the site both in Graig Road and at the junction with Swansea Road. I appreciate that the means of access has yet to be determined, but if it were to be through The Drive, there would be a significant increase in traffic movements (about 50% of the traffic generated by the dwellings based on TRICS). This could lead to potential vehicle conflict that adds to my conviction that on highway safety reasons alone the proposal should be refused permission. The proposal would conflict with the relevant parts of Policies T2 and H9 of the adopted North Lliw Valley Local Plan ["the NLVLP"] and Policies H3 and T1 of the emerging Neath Port Talbot Unitary Development Plan ["the UDP"] and national guidance in TAN18.
9. Although access is a reserved matter, the consequences of likely points of access must be evaluated in order to ascertain whether access can be acceptably achieved. I have referred to traffic conflict if The Drive is used, but there would also be an increase in impact from additional vehicle movements on its residents living conditions, although this must be looked at in the context of current movements and the scale of the impact would be related to the level of increase in traffic movements. The only possible alternative suggested is through an unmade lane. The appellant suggests this is in active use, but I saw little sign of traffic movements on the surface of the lane and no details of such movements are provided by the appellant. Indeed those familiar with the area indicate it is used only very occasionally by the occupiers of 3 and 5 The Drive and more commonly by the occupier of 1 The Drive.
10. The occupiers of Y Groesfaen live at a lower level than the track and have a number of living room windows facing it as well as outdoor amenity area close to it. Consequently, the use of the track for access, either exclusively or as part of a one way scheme would impact significantly on their living conditions in terms of noise and disturbance. This impact would be experienced, albeit to a lesser extent, by those living in 1, 3 and 5 The Drive. It has not been shown, on the

information before me that the proposal can be accessed without unacceptable impact on the living conditions of residents along the access routes to it and as a consequence it does not comply with Policy H9 in the NLVLP and Policy H3 of the UDP.

11. The third reason for refusal relates to loss of parking facilities for Pathways and its consequent effect on the free flow of traffic in The Drive. However, there is ample room within the appellant's ownership to provide replacement parking spaces for those that might be lost. Consequently, this reason for refusal could be overcome by imposing a condition that requires replacement of any lost parking spaces. Although this reason has not been substantiated, the objections I have identified in relation to first and second reasons for refusal convince me that on the information available and the traffic predictions made the appeal should be dismissed.

*TJ Morgan*

INSPECTOR

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2014/0729</b>	<b><u>DATE:</u> 23/07/2014</b>
<b>PROPOSAL:</b> Application for an extension to and reconfiguration of the underground coal workings; Creation of a mine waste repository with the retention and improvement of the associated haul road (to dispose of mine waste and discard from coal preparation at the mine) and the delivery of further peat habitat mitigation works; Mine Surface development, including - regularisation and time extension of existing mine related operations and mine surface development, consolidation of existing planning permissions and planning controls, construction of infrastructure/buildings, formation of materials storage and stocking areas, drainage works, and landscaping.(Further information received 18/05/15)	
<b>LOCATION:</b> <b>Aberpergwm Colliery, Glynneath, Neath SA11 5SF</b>	
<b>APPLICANT:</b> <b>Energybuild Ltd</b>	
<b>TYPE:</b> <b>Minerals</b>	
<b>WARD:</b> <b>Glynneath</b>	

### Planning History:

The site has an extensive planning history in respect of the following areas: -

- Surface mine
- Nant y Mynydd Opencast Coal Site
- Forest Quarry Opencast Coal Site
- Forest Quarry Area 2 Opencast Coal Site

A list of the detailed planning history is provided at Appendix A.

### Background:

The Aberpergwm Drift mine was operated by British Coal before it closed in 1985. It was then re-opened in 1993 by Glotech Mining under a planning permission granted in November 1993. The underground take area was extended in 1996.

The time period of both these permissions was extended to 30<sup>th</sup> September 2013 by planning permissions granted in February 2004. A number of subsequent permissions for a new access drift, extension of underground take and surface developments were also time limited to 30<sup>th</sup> September 2013.

Prior to the expiry of these permissions the applicants submitted planning applications to extend them by a further 5 years, i.e. up to 30<sup>th</sup> September 2018. However, these applications are being held in abeyance pending the decision on this application which seeks to consolidate all the previous permissions into a single permission which will be simpler to administer. If this permission is granted then these applications will be withdrawn but if this permission is refused the applications will be progressed.

Operations have continued both underground and on the surface since September 2013 without planning permission, although the site is now in care and maintenance.

The mining activity at Aberpergwm has been supplemented since 2005 by opencast coal developments on the high ground above the mine site, firstly at Nant y mynydd and subsequently at Forest Quarry, Forest Quarry Area 2 and Forest Quarry Area 2 extension. These sites are now worked out and are at different stages of re-instatement and restoration. The output from these sites utilised the haul road through the mine surface and onto the B4242 through the mine access point.

### **Publicity and Responses:**

The application has been publicised by the display of Site Notices and by advertisement in the Local Press initially in August 2014 and again in June 2015. No responses have been received as a result.

### **Statutory Consultees**

**Natural Resources Wales** – does not object to the application provided a number of conditions are placed on any planning permission in order to protect controlled waters within Mining Zones 4-6. Requests a condition is attached to any planning permission in relation to maintenance of the haul roads and their associated drainage systems and request conditions in relation to restoration and peat mitigation.

**Head of Engineering & Transport (Drainage)** – the information/calculations submitted by the developer with regard to the existing and proposed haul road drainage is acceptable. All outstanding information regarding drainage should be conditioned as part of any grant of planning permission.

**Biodiversity Unit** – the Maclean Tip supports previously developed land of biodiversity interest some of which will be lost to the scheme. However, this could be replaced as part of the restoration and landscaping schemes. No loss of ancient woodland is reported and the section of the Nant Ysgwrfa to be realigned is already a modified section. The information provided suggests that there could be impacts, adverse and positive, upon sensitive ecological receptors due to subsidence. A mechanism for assessment of such potential impacts as each mining zone progresses can be provided and mitigation proposed and implemented where necessary. There is some inconsistency in the restoration schemes but this can be addressed through the future submission of detailed schemes. A number of conditions and informatives are requested to be attached to any grant of planning permission.

**Contaminated Land Unit** – no objections but suggest conditions in relation to remediation of any contaminated land encountered during development.

**Head of Business Strategy & Public Protection (Environmental Health)** – from the information received the revised proposals are unlikely to have a significant effect on nearby receptors in terms of noise. The existing controls are sufficient.

The Air Quality submission is quite comprehensive. Measurements of wind speed and direction should be made in a location with a suitably open aspect and on a mast which is of the appropriate height so that they are meaningful. A Dust Management Plan should be required as a condition of any planning permission granted.

**Public Health Service for Wales** – the LPA must satisfy themselves that assumptions made in relation to noise and dust are correct, existing controls should remain in place or be increased as necessary, noise and dust action plans are reviewed as production is increased, specific conditions are attached in relation to noise and dust, cumulative impact is considered, impacts on private water supplies are considered and Community Liaison is encouraged.

**Head of Engineering & Transport (Highways)** – No objections but advise that the highway improvements will have to be implemented as proposed in the application.

**Welsh Government Transport** – no objections

**Footpaths** – no registered public right of way affects the site in question.

**CADW** – no objections. The works will not have a significant impact.

**GGAT** – recommend planning condition requiring a written scheme of archaeological investigation.

**Arboricultural Officer** – The Arboricultural assessment is a comprehensive and accurate tree survey. The effects of the development on individual tree areas have been identified with the requirement for the calculation of root protection zones when the exact scale of road and track upgrading is known. Recommends that the proposals in the survey are followed during all phases of the development

**Network Rail** – has no objection to the proposed underground extension. There are Acts, Codes and the potential for agreements which the developer must adhere to. Request a condition to be attached to any permission granted.

**Mid & West Wales Fire & Rescue** – the developer should consider the need to provide adequate water supplies for firefighting purposes.

**Wales & West Utilities** – no objections but apparatus may be at risk during construction works and the developer should make direct contact to discuss requirements to safeguard apparatus in detail.

**DCWW** – no objections

**Mineral Valuer** – no observations

**The Coal Authority** – supports the application

**National Grid** – supplied a plan indicating power distribution in the vicinity of the works.

**Neath & Tenant Canals Preservation Society** – no observations received to date.

**HSE** – no observations received to date.

**RSPB** – no observations received to date.

**NPT Badger Group** – no observations received to date

**Cilybebyll Community Council** – no objections

**Onllwyn Community Council** – no observations received to date, therefore no comments to make.

**Seven Sisters Community Council** – no observations received to date therefore no comments to make.

**Crynant Community Council** – no observations received to date therefore no comments to make.

**Resolven Community Council** – no observations received to date therefore no comments to make.

**Glynneath Town Council** – no observations received to date therefore no comments to make.

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

The Aberpergwm Mine Surface Area is located immediately to the north of the B4242 approximately 100m south-west of Morfa Glas. Glynneath lies to the east with Blaengwrach and Cwmgwrach approximately 500m to the south on the opposite side of the valley. The A465 Heads of the Valleys Road and the River Neath lie between the site and Blaengwrach/Cwmgwrach.

The Mine Surface Area contains the mine entries, processing plant, stocking areas, water treatment areas, offices, weighbridge, welfare and ancillary facilities. The car parking area is located on the south side of the B4242 some 200m west of the Mine access point. The mine access crosses the Neath Canal on a low bridge. Traffic from the site exits onto

the B4242 and travels 200m east before turning south for 300m before connecting with the A465 at a roundabout.

The underground extraction area covers approximately 2,318 hectares of land to the north and east of the mine surface area. This is divided into 7 phases of development from Z0 to Z6. Much of the surface is upland with large parts covered in woodland and only isolated properties. However, Z4, Z5 and Z6 contain the village of Crynant, Treforgan and the southern part of Seven Sisters.

The proposed Mine Waste Repository (MWR) is situated on high ground on the Hirfynydd Mountain approximately 2km west of Glynneath and 3km to the south east of Seven Sisters. Approximately 70% (58ha) of the repository site has been surface mined (Forest Quarry series of sites) whilst the remainder (25ha) of the area is comprised of part harvested, commercial forestry blocks. A void from the surface mining of Forest Quarry Area 2 Extension remains and is proposed to be infilled as part of the development. The original Forest Quarry OCCS has been restored and planted with trees. This area will be cleared and tipped upon in the later stages of the development. The site also includes the Peat Conservation Area within the former Nant-y-mynydd Opencast Coal Site.

The mine surface area is linked to the MWR site and the former opencast coal sites by a haul road which snakes up the side of the valley for approximately 5.4km.

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

The application comprises three elements

- A consolidation and time extension of the existing planning permissions for surface development and operations at Aberpergwm Mine (partly retrospective)
- Use of land to the north of the site (formerly Forest Quarry, Forest Quarry 2 and Forest Quarry 2 Extension area) as a mine waste repository (MWR), together with peat mitigation areas and with retention of the associated haul road, to dispose of colliery mine waste and discard from coal preparation at Aberpergwm Mine
- Extension to and reconfiguration of the underground coal workings at Aberpergwm Mine



It is proposed to provide for the extraction of approximately 70 million tonnes of run of mine coal over a period of 25 years, of which it is estimated that approximately 42 million tonnes will be saleable coal.

It is proposed to increase production at the mine from 233,000 tonnes (run of mine) in the first year up to 1 million tonnes per annum by Year 5 and to 2.5 million tonnes per annum by Year 7 and beyond.

It is estimated that the amount of mine waste generated over the life of the mine will total approximately 10.4 million m<sup>3</sup> which will be transported by dump truck along the internal haul road which leads up the mountain to the MWR.

The MWR will be developed in a series of 7 phased areas commencing with the filling of the void of the Forest Quarry Area 2 Extension and generally working in layers from south to north. The composition of the discard is generally 70% shales and 30% filter cake and will be tipped in a manner as to ensure stability in the final landform.

The MWR will result in a domed landform with its northern extremity blending into the natural topography. The final aftercare elements will include areas of mixed coniferous plantation, acid grassland/heathland mosaic and commercial forestry plantation which will promote suitable habitat for Skylark, Meadow Pipit and Nightjar. Ephemeral ponds will also be created to promote colonisation by frogs and newts which in turn will be beneficial for Honey Buzzard.

Peat deposits exist in the eastern part of the site which will be translocated to four additional peat mitigation areas, similar to those already existing as a result of previous opencast operations. The MWR will be provided with additional and improved water treatment areas and associated drainage channels.

The haul road will be improved, including the drainage regime. Although it has been utilised for mine traffic and opencast coal traffic for past 20 years it is in need of improvements in surface durability and widening in some areas especially as the production increases. The lower section is only wide enough for single-way traffic and needs to be widened to 9m so as to cater for full two-way operation of 40 tonne dump trucks. At full production approximately 9 loaded trucks per hour will be using the haul road. It is considered that the haul road should be improved within 24

months, at which time production is due to increase and some finance will have been generated to fund the improvements.

The target coal seams are the 9ft and the 18ft seams in Zones 0-3 and the 9ft seam in Zones 4 -6. These seams contain high quality anthracite coal which can be used at Aberthaw Power Station as well as for pulverised coal injection techniques used at TATA steel works at Port Talbot. It can also be used as a filtration medium, in cement and brick making and for domestic use.

The applicants propose to employ a range of underground mining methods to allow for maximum coal exploitation depending on the geological/hydrogeological conditions encountered. A mix of longwall, shortwall, multi-entry and multi-entry pillar working techniques will be utilised depending on underground conditions and surface constraints.

It is intended to work Zones 1, 2 and 3 during the first 10 years with Zones 4 – 6 being worked for the remaining life of the mine. Despite the proposed increases in output there are no proposals to increase the hours of operation beyond the currently permitted hours which are 7am to 7pm Monday to Friday, 7am to 4pm on Saturday (washery operation and haulage limited to 12 noon) with no surface working on Sundays and Public Holidays. Operations at the MWR are proposed as 7am to 7pm Monday to Saturday. No surface operations are proposed on Sundays or Public Holidays.

The final element is the consolidation of a number of planning permissions for surface development and operations together with regularisation of unauthorised developments (e.g. structures, storage areas) into a single planning permission which it is proposed to extend for a further 25 years.

This proposal also provides for additional coal stocking areas to allow for increased production levels and fluctuations in demand and also includes some areas within the site not previously covered by any planning permissions.

## **Environmental Impact Assessment**

The application is accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Wales and England) Regulations 1999. The Regulations set out procedures for an Environmental Impact Assessment which applies to certain

developments and is a means of drawing together in a systematic way an assessment of the likely significant environmental effects of the development. The Environmental Statement accompanied by the application is a series of documents describing the site and its surroundings a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects along with an assessment of health impacts and planning policy. The Environmental Statement has been supplemented in this case by a Regulation 19 Submission providing additional information requested by the LPA.

### **Material Considerations:**

The main issue for consideration is the balance between the need for coal in the UK and the potential socio-economic benefits of the development when weighted against any potential adverse impacts on the environment, transport network and amenity having regard to current planning policy.

### **Policy Context:**

#### National Policy

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

It is recognised that the UK economy is currently reliant on fossil fuels, and they are likely to play a significant role for some time to come as most of our power stations are fuelled by coal and gas. However, the UK Government accepts that the country needs to wean itself off such a high carbon energy mix to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification. This will inevitably lead to a period of transition and although the Government has announced that coal fired power stations will close by 2025 some coal will still be needed during the transition to a low carbon economy. Power Stations whilst being a substantial part of the market for coal are not the only market.

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development. Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

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

The Welsh Government’s vision for a sustainable Wales is one where Wales

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

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

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

Planning Policy Wales (PPW) 7<sup>th</sup> Edition 2014 makes it clear that the planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating the competing objectives of sustainable development in order to meet current development needs whilst safeguarding those of the future. These principles are

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

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

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

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

- when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife”

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

- social progress that recognises the need for everyone: to provide for the benefits of increased prosperity through an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity
- effective protection of the environment: to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure, without compromise, restoration and aftercare to provide for appropriate and beneficial after-use
- prudent use of natural resources: to help conserve non-renewable resources for future generations through efficient use, recycling and minimisation of waste; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials
- maintenance of high levels of economic growth: to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.

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

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

Authorities must take into account in making decisions on planning applications. These are to:

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

### National Guidance

MTAN (Wales) 2: Coal was published in January 2009 and 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.

### Unitary Development Plan

The Neath Port Talbot Unitary Development Plan (March 2008) sets out the policies and objectives for the County Borough and includes policies for the delivery of sustainable development and a better quality of life. The Plan objectives specifically seek to encourage employment and the expansion of businesses and to ensure that prudent use is made of the areas minerals taking into account the need to protect long term needs and minimise adverse effects on communities, the landscape, water resources, wildlife and habitats.

Part 1 Policy 20(A) states

- A) Proposals for coal extraction will be favoured where they contribute to the County Borough's share of local, regional or national production subject to: -
- a) ensuring the impacts on the environment and local communities are acceptable; and

- b) securing appropriate, high quality and prompt restoration and aftercare to provide a beneficial after-use.

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

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

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 which would create, affect or might be affected by unstable land will not be permitted unless mitigation measures are put in place to minimise 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 ENV16 indicates that proposals that would affect contaminated land or land likely to be contaminated will not be permitted unless investigations, proposals, treatment and monitoring measures are in place to ensure adequate remediation.

Policy ENV23 indicates a requirement for archaeological evaluation

Policy ENV26 sets out a requirement for the impacts of lighting to be mitigated.



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 EC1 identifies 13.8 hectares of land at Glynneath Business Park for A2, B1, B2 and B8 uses. The current temporary car park is within the employment allocation.

Policy T1 – requirements for layout, location and accessibility of proposed sites and avoiding highway safety issues and congestion of the highway network.

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.

### Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan (2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30<sup>th</sup> September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2<sup>nd</sup> December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the

Council is now in the process of finalising the LDP with a meeting of Council scheduled for 27<sup>th</sup> January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The Plan objectives seek to minimise the causes and consequences of climate change; reduce people's exposure to the determinants of poor health; deliver sustainable, safe and confident communities and develop vibrant settlements; reinvigorate the Valley areas and improve economic prospects, recognising the role of Glynneath in delivering sustainable growth; to promote and protect a diverse portfolio of employment land and employment opportunities to meet the needs of residents and businesses and stimulate economic growth; improve and strengthen the economic base of Neath Port Talbot to increase economic activity, reduce the unemployment rate in line with the Welsh average and negate some of the impacts of a reduced working age population; conserve Neath Port Talbot's important landscapes, important wildlife habitats and geodiversity sites; address air quality issues and minimise the adverse impacts from noise generating and polluting activities; safeguard the County Borough's mineral resource and make a proportionate contribution to the supply of mineral reserves to meet local, regional and national demand whilst ensuring adverse impacts are minimised; and to make a proportionate contribution towards the energy needs of Wales with a focus on renewable energy.

The relevant Policies within the emerging LDP are as follows: -

Policy SP 11 seeks to support and safeguard existing employment uses and encourage new and expanding employment developments.

Policy EN 6 indicates that development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where they conserve and where possible enhance the natural heritage importance of the site; or the development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of

the site. Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.

Policy EN 7 seeks to protect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds and indicates that development will only be permitted where full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or the biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

Policy SP 16 seeks to protect and where feasible improve the air, water and ground quality and the environment generally by ensuring that proposals have no significant adverse effects.

Policy EN 8 states that proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk due to air pollution; noise pollution; light pollution; contamination; land instability; and water (including groundwater) pollution will not be permitted.

Policy SP 17 states that the Authority will make a proportionate contribution to meeting national, regional and local demand for a continuous supply of minerals will be made while balancing the impact of development on the environment and communities.

Policy M 2 states that surface coal operations will be considered unacceptable in principle where they are within 500 metres of a settlement (unless there are deemed to be exceptional circumstances by the Council); they are within or adversely affect any International and National areas of environmental importance; or are within or adversely affect any International and National areas of cultural importance.

Policy M 4 sets out the criteria for the assessment of mineral development.

Policy TR 2 indicates that development proposals will only be permitted where the development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway

safety or create unacceptable levels of traffic generation; appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of any service vehicles associated with the planned use; the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes; Transport Assessments and Travel Plans are provided for developments that are likely to create significant traffic generation.

Policy SP 21 seeks to protect and safeguard features of historic and cultural importance.

### **Appraisal and Assessment**

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

Policy GC2 and Policy M8 of the UDP and Policies M2 and M4 of the LDP set out specific criteria for the assessment of mineral and coal developments. The relevant criteria are considered and assessed below along with other National Policy guidelines and other material considerations.

### **Hydrogeology, Hydrology and Drainage**

The coal measures strata are classified by NRW as minor aquifer which has no strategic significance as a groundwater resource but can have importance at a local level. However, there are no licensed or unlicensed surface or groundwater abstractions within the application area.

The upper sections of the geological sequence comprise the Rhondda and Llynfi sandstone beds with poor primary permeability and fairly low storativity, containing minor perched aquifers with limited hydraulic potential. The lower section, extending below the Llynfi beds to the lowest target seam is dominated by argillaceous strata with the potential for limited, only very minor, perched aquifers of no consequence. The

unit is considered to have virtually no permeability especially vertically and essentially presents a barrier to downwards water flow.

The locations of the main aquifers are in the upper levels of the stratigraphy in the Llynfi and Rhondda sandstone beds and occur when mining is at its deepest and subsidence at its least. Given the impact of depth and the nature of the perched aquifers (contained within thick units of sandstone with low secondary permeability characteristics), it is considered unlikely that any significant impacts will be experienced. Subsidence and the incidence of old workings and fault lines can lead to connections which facilitate groundwater movement. However, in this case it is not considered that such groundwater movements would be large given the geology.

The surface mine, the MWR and the haul road fall within the catchment of the River Neath. The underground take area is split by the Hirfynydd ridge which separates the catchments of the River Neath and the River Dulais.

When the mine was closed between 1985 and 1993 the mine filled up with water up to the 41m AOD level and flowed out of the 'Quakers Level' via a culvert into the Neath Canal. When the mine re-opened the flow stopped. It is anticipated that at the final cessation of working the mine will gradually fill up with water and the flow will resume. The 41m AOD level is also the level that marks the 'overspill' point in the mine whereby water flows to the west over the intersection point between the 9 feet seam and the Pentreclwydau Fault.

Hydrogeologically the mining Zones Z1, Z2 and Z3 are isolated as a distinct area with the only possible connection to surface being the various openings in the Aberpergwm Drift Mine area. The area is hydrogeologically isolated from abandoned mineworkings along the northern and southern limits by in-situ blocks of solid, unworked ground which act as a barrier to underground groundwater/minewater flow. On completion of working of all the mining zones it is proposed to install a 'stopping' in the roadways in the western side of the Pentreclwydau Fault in order to isolate the minewater and to re-instate the existing groundwater regimes to the east and west of the fault.

During mine operations the amount of minewater pumped to the surface is likely to increase. This will be directed into the existing drainage system at the site and will have to comply with the discharge limits set

out in the Environmental Permit issued by NRW. The dewatering of Zones 4, 5 and 6 is difficult to predict at this stage but will become more evident once more is understood about the geology. NRW have requested that planning conditions be imposed on any grant of planning permission requiring method statements and control measures to be approved prior to working in these zones.

Surface water run-off from the original mine surface area is collected into an attenuation pond within the site, released into two settlement lagoons and then discharged to an unnamed watercourse that runs along the southern boundary of the site. The flows enter a culvert that crosses under the Neath Canal and the B4232, pass under the temporary car parking area and then discharge into the River Neath approximately 120m to the south of the canal. The discharge consent requires a maximum discharge rate of 19 l/sec in order to protect the receiving watercourses against any potential deterioration in water quality and/or increase in surface water run-off.

The Cae Capel site area surface water is collected into an attenuation pond via a silt trap and primary settlement lagoons, released at a controlled rate to two settlement lagoons and then discharged into the unnamed watercourse after passing through an oil separator. The discharge is controlled by an Environmental Permit at a maximum discharge rate of 137 l/sec. The lower part of the Cae Capel field, including the site access, and the Nant Pergwm have been identified as being subject to some potential flood risk. A Flood Consequence Assessment has been submitted in support of the planning application and has concluded that the flood risk can be managed to an acceptable level for the type of development proposed.

The 'Pwllfaron' lagoons receive surface water run-off from the lower haul road and pumped minewater from underground. The combined discharge from this area to the Nant Ysgwrfa is limited to 60 l/sec. The current proposal seeks to split this discharge into two separate systems with a maximum discharge of 38 l/sec for the haul road surface water and 22 l/sec for the pumped underground mine water. This will have the benefit of not mixing the clean minewater with the suspended solids in the haul road drainage system. This will involve the construction of two additional lagoons to the north east of the current lagoons where the mine water will be pumped.

The MWR area currently has two water treatment outlets associated with the former opencast workings. Discharge rates are limited to 470

l/sec at outlet 1 and 406 l/sec at outlet 2. Some works are proposed to these treatment areas to increase the attenuation volumes and improve the settlement capabilities. An additional attenuation pond is also to be constructed to the south of the MWR site. Potential impacts from the MWR on water quality are sediment from earth moving operations, sediment from the haul road, oil leaks and the discharge of foul drainage.

Surface water from the haul road generally drains to open drainage channels to the side of the road. There is potential given the road construction for suspended solids and therefore the water is directed into existing settling lagoons before being discharged back into the receiving watercourses. There have been concerns about the drainage system along the haul road but the Head of Engineering & Transport (Drainage) has indicated that the proposed improvements are acceptable.

Improvements to the surface water drainage regime are proposed and to ensure that they are implemented within a reasonable timeframe a condition is necessary requiring the improvements within 12 months of re-commencement of underground operations. It is considered that 12 months is appropriate as the mine will take some time to establish and to generate some funds to carry out the works. It is unlikely that the scale of works within the initial 12 months will lead to issues which cannot be adequately controlled by the current surface water drainage systems. The systems will have to be adequately managed during the life of the mine and a management plan can be required by condition.

Surface water features and watercourses have the potential to be affected by subsidence. The gradients of the watercourses within the application area are such that the anticipated range of subsidence impacts is unlikely to have any significant negative effects. The worst case situation would be the development of fissures at surface which intercept water flows. This can be remedied by temporarily diverting the flow and sealing the fissures. The ES concludes that the potential impact of mining and subsidence on the hydrogeology and hydrology is limited. This would be controlled by condition.

It is considered that the proposals will not lead to any adverse effects on ground and surface water drainage. It will result in some improvement to the current surface water drainage controls at the MWR and along the haul road and the separation of clean pumped minewater from haul road drainage. The development will not lead to additional

flooding impacts or adverse effects on water supply. The proposal is not therefore contrary to Policies M8(a)(i), GC2(d) or ENV12 of the UDP or Policies M4(3), SP16(1) and EN8 of the LDP.

### **Landscape Character and Visual Impact:**

The ES has evaluated the Landscape Character using the LANDMAP database which evaluates the landscape in terms of five aspect areas - Cultural, Visual & Sensory, Landscape Habitats, Historic Landscape and Geological Landscape. The evaluation for the different aspects of the site is set out below.

<b>Area</b>	<b>MWR</b>	<b>Mine Surface Area</b>	<b>Car Park</b>
Cultural Landscape	High	High	Outstanding
Visual & Sensory	Moderate	Moderate	Moderate
Landscape Habitats	Moderate	High	High
Historic Landscape	Outstanding	High	Outstanding
Geological Landscape	High	High	High

The sensitivity of the landscape to change and the Impact/Significance is set out below. This indicates that the proposed development would not result in significant adverse effects on the landscape character of the area as there are at worst only Minor impacts. The mine site has limited inter-visibility with its context, the site has previously been developed in a functional and industrial manner and lacks landscape features of any particular note, it would be possible to restore the mine surface to something close to its former pre-development state and the MWR will not be wholly at odds with the character of the receiving landscape.

### **MWR**

<b>Area</b>	<b>Sensitivity to Change</b>	<b>Impact/Significance</b>
Cultural Landscape	Very Low	Minor
Visual & Sensory	Medium	Minor
Landscape Habitats	Very Low	Minor
Historic Landscape	Medium	Minor
Geological Landscape	Low to Medium	Minor

### **Mine Surface**

<b>Area</b>	<b>Sensitivity to Change</b>	<b>Impact/Significance</b>
Cultural Landscape	Very Low	Minor
Visual & Sensory	Low	Minor
Landscape Habitats	Low to Medium	Minor
Historic Landscape	Medium	Minor
Geological Landscape	Low	Negligible



## Car Park Area

Area	Sensitivity to Change	Impact/Significance
Cultural Landscape	Low	Minor
Visual & Sensory	Low to Medium	Minor
Landscape Habitats	Low to Medium	Minor
Historic Landscape	Low to Medium	Minor
Geological Landscape	Low	Negligible

In visual terms a total of 22 viewpoints were initially assessed and a further 9 viewpoints were assessed in the Regulation 19 submission. Visual impacts vary depending on the proximity of the viewpoint. Due to topography and intervening vegetation there are only a limited number of viewpoints where the site can be seen. Central sections and the lower sections of the haul road are visible from some residential areas of Glynneath and from the A465. The taller elements on the mine surface area are also visible from Cwmgwrach and Blaengwrach across the valley. Whilst visible from some areas the visual impact is evaluated as slight adverse over the life of the mine with some views tending towards moderate adverse. However, when works are completed the visual impact will reduce to negligible or minor beneficial with the removal of a visual detractor.

The visibility of the MWR is likely to be at distance. The closest potential views are from Sarn Helen Roman Road located approximately 100m to the north. This route is a byway but is used primarily for recreational purposes. The topography of the area is such that views look over the MWR to the wider panorama rather than into it.

The haul road snakes up the mountainside through heavily wooded areas and is only perceptible from limited locations in Glynneath and the A465 and from parts of Blaengwrach. The widening of the haul road will result in it becoming more visible but this will be mitigated by distance and will not result in an unacceptable impact.

The mine surface area location and configuration is such that it is well screened from view to all but the closest viewpoints. It is important that the screening vegetation along the southern boundary of the mine surface is retained and supplemented. This can be secured by appropriately worded conditions. External views of the MWR are also limited due to its topography and relative remoteness from visual receptors. As a consequence the proposal does not result in any significant adverse visual effects.

The impacts on landscape character and visual amenity are acceptable and the development is not therefore contrary to Policies M8(a)(ii), GC2(a) and ENV3 of the UDP and Policies M4(3) and EN7 of the LDP.

### **Ecology and Biodiversity**

No statutory or non-statutory protected sites occur within or adjacent to the application site. No Annex 1 habitats or protected plant species were recorded.

Much of the application site for surface development has been disturbed by former mining operations and by forestry operations. However, some areas of deciduous woodland, coniferous plantation, scrub and secondary grassland on spoil, watercourses and bare ground along tracks are evident. The small areas of secondary grassland on spoil provide the greatest diversity.

Most of the 2.25 hectares of Restored Ancient Woodland (RAWS) along the northern boundary, the 0.61 hectares of Plantation on Ancient Woodland Site (PAWS) along the Nant Ysgwrfa and the 0.33 hectares of Ancient Woodland along the southern boundary are of a secondary nature and in poor condition. None of these woodland areas are directly affected by the proposals but there may be indirect impacts from pollution if not controlled. There may be opportunities to establish areas of lowland mixed deciduous woodland in the long term as part of the restoration and aftercare of the site.

Surveys indicate that the use of the site by badger is likely to be very limited and that only seasonal hunting opportunities for otter occur away from the River Neath and the Neath Canal. Otter may travel along the corridors of the Nant Ysgwrach and the Nant Clwyd and hunt around the ponds at the lower levels of the haul road. A single brown hare was observed during survey work but the site provides sub-optimal habitat for the species. Impact on badger, otter and brown hare is considered to be negligible.

The two pipistrelle bat species are widespread and abundant throughout NPT and were observed during the survey. Maternity roosts are invariably in buildings and four such roosts are known within 800m of the mine surface. All observations were consistent with movements from the known roosts and impact is considered to be negligible.

Whiskered bats are also commonly found roosting within buildings but roosts in trees cannot be discounted although numbers observed do not

suggest a nearby roost site. The species is unlikely to forage in the nearby woodland which is considered to be too dense. Impact is considered to be minor.

Daubentons bat is a specialist over-water forager and is rarely encountered away from water features. Roosts are normally within 100m of significant water features. Roosts in trees surrounding the site whilst unlikely cannot be discounted but impact is considered to be negligible.

Noctule bats preferentially roosts in trees but no tree roost features were observed on site. Impact is considered to be negligible.

Birdlife at Aberpergwm is diverse and in good health. The development is located in an area with suitable breeding habitat for Honey Buzzard which has a vulnerable population in NPT. Disturbance of nest sites would have a major adverse impact so to guard against disturbing Honey Buzzard nests the removal of trees should be limited to the October to December period unless it can be proven that no nests exist. This will also similarly protect Goshawk and Hobby.

It would be possible to contribute to the overall value of the site to Honey Buzzard by introducing ponds, log piles and leaving dead wood to decay naturally. This will introduce foraging habitat for Honey Buzzard and would be a potential gain. Such opportunities will form part of the detailed restoration plan.

Peregrines have nested locally in the past but these sites are sufficiently well buffered from the development not to affect the nest sites.

The most important recorded feature was the breeding population of Nightjar. These birds favour the small area of habitat that occurs on the eastern boundary of the MWR site. With the exception of Nightjar it is predicted that operational activities should produce few negative impacts on birdlife. Opportunities exist to mitigate losses by means of introducing ponds, woodpiles and nest boxes. However, maintaining a mosaic of clearings, sparsely vegetated ground and young plantations will support the most significant bird species. The predicted impact on nesting birds provided appropriate mitigation is implemented is considered to be minor adverse at worst. Conditions can be imposed to mitigate impact and to monitor the impact of the development on important species such as Honey Buzzard and Nightjar.

On site conifer plantations are too heavily shaded to support reptiles. Clear felled and recently reinstated areas can be expected to become progressively more attractive to reptiles as ground flora establishes and the presence of slow worm and common lizard indicate there is a population of these species which would be expected to colonise these areas. The bank of the canal is well populated with slow worm. No amphibians were seen within water bodies on site and the habitat is sub-optimal for amphibians but there are opportunities to improve the habitat for amphibians. Potential impact on reptiles and amphibians is considered to be negligible although schemes for their protection and translocation, if found, can be secured by condition.

Peat has previously been removed from the former Opencast Coal Sites and translocated to peat bog mitigation areas. Further peat translocation is proposed within this development together with a management regime for all the bogs extended for the lifetime of the mine. This management regime will need to be secured under the terms of a Section 106 Agreement.

SINC's have been designated for Riparian Woodland along the Neath River and Sarn Helen Ridgeway. The applicants have been asked to assess the impact of subsidence on these SINC areas and sensitive ecological habitats dependent on hydrology. This assessment has indicated that there could be impacts, adverse and positive, on these sensitive ecological receptors from subsidence. However, further assessment of these potential impacts as each mining zone comes forward, as part of a wider subsidence assessment, together with mitigation/compensation and implementation would address these concerns. This can be secured by condition.

There are no sites or species of national or international importance adversely affected by the development. The potential adverse impacts on biodiversity are localised and are reversible by appropriate mitigation. Subsidence impacts will be assessed further as underground operations progress and appropriate mitigation/compensation is achievable. There are opportunities to enhance the site for biodiversity in the longer term through detailed restoration and aftercare plans. The proposal does not therefore conflict with Policies M8(a)(iii), GC2(b) or ENV5 of the UDP and Policies M4(3), M4(5), EN6 and EN7 of the LDP.

## **Archaeology and Cultural Heritage**

Four SAM's lie within the Z0 - Z3 area – Carn Cornel Cairn, Coed Du Cairn, Coed Du House platforms and enclosure and Hirfynydd Roman Earthwork. A further nine National Sites and Monuments have been identified. The assessment concludes that the level of impact on assets of archaeological significance in Zones 1 to 3 is negligible. There are a limited number of features, and these features by reason of their being low level earthworks have a low sensitivity to development and the subsidence that may occur as a result of deep mining operations.

Zones 4-6 contain a greater number of surface constraints, including features of archaeological and cultural significance. These areas, especially under the village of Crynant are likely to be more susceptible to underground mining subsidence and the potential for adverse impact is greater. The increase in sensitivity would result in additional mitigation being required in the form of mine design to ensure the potential impact is minimised. The applicants are proposing a zone of limited working beneath the settlement of Crynant and the corridor along the valley to Seven Sisters. A condition can be imposed requiring further subsidence assessments to be undertaken prior to large scale mining operations where these are proposed beneath sensitive land-uses so as to ensure the potential impacts are adequately mitigated.

There are no recorded sites located within the MWR study area although the Sarn Helen Roman Road runs approximately 100m to the north. The assessment of the potential for impact on features of cultural heritage concluded that it was limited to visual impact. The feature most susceptible to a higher degree of visual impact would be the section of Sarn Helen Roman Road to the north of the application area. However, visual impact is mitigated by tree cover, distance and the presence of the current opencast overburden mound. The significance of the impact is considered to be slight.

Glamorgan Gwent Archaeological Trust agree with the conclusion of the assessment submitted by the applicants which recommends a written scheme of archaeological evaluation for the previously undisturbed areas of the MWR. This written scheme of archaeological evaluation can be secured by condition. CADW indicated no objections to the development on the basis that in their view the works would not have a significant impact on protected features.

The proposal does not therefore conflict with Policies M8(a)(v), GC2(a) or ENV23 of the UDP and Policy SP21 of the LDP.

## **Land Stability**

Underground working in the 9ft and the 18ft coal seams will cause varying magnitudes of ground movement.

The underground working area has been divided into zones – Z0 to Z6. In Z0 – Z3 there are a limited number of surface constraints and a relatively low sensitivity to subsidence. However, Zones 4 – 6 contain a greater number of surface constraints in terms of subsidence such as areas of population i.e. Crynant but only one seam is to be worked in these areas whereas two seams are to be worked in Mining Zones Z0-Z3.

The applicants proposals involve a variety of mining methods including longwall, shortwall, multi-entry and multi-entry with pillar extraction. These methods will result in varying degrees of ground movement and subsidence governed by a number of factors i.e. extraction thickness, geometry of the worked out area, depth of working, nature of overlying strata.

Estimates of the potential subsidence risk have been prepared using the Subsidence Engineers Handbook. Subsidence at the surface in Zone 1 from combined working of the 9ft and 18ft seam is estimated as 0.75m (multi entry) to 1.2m (longwall/shortwall). Multi entry working beneath the village of Tynewydd and the mineral rail line will produce only low orders of ground movement. Longwall mining beneath the landslip areas on the western boundary would tend to increase the landslip risk but there is no development at risk from a landslip. A number of minor watercourses are present but the surface contours are steep so drainage regimes are unlikely to be significantly impacted by subsidence.

Subsidence in Zone 2 from combined working of the 9ft and 18ft seam is estimated between 0.6m (multi entry) and 2.7m (longwall/shortwall). Mining parameters in this Zone range between depths of 225m and 685m. There are watercourses and tracks traversing the area. A SAM is located in the north eastern section but it is a ground earthwork feature which CADW has confirmed is not sensitive to ground disturbance. The application also indicates the footprint of the proposed Hirfynydd Windfarm which straddles Z2 and Z3. However, planning permission for

the windfarm was refused by the Council and the subsequent Appeal was dismissed on the basis that the wind turbines were sensitive to ground disturbance and would sterilise significant quantities of coal.

Subsidence in Zone 3 from the working of longwall panels in the 9ft seam only is estimated to be in excess of 0.85m with similar magnitudes if the 18ft seam is worked in the longer term. Working depths in this phase range from 360m to 685m. Similar to Z1 and Z2 there is an absence of development at the surface in Z3. Again minor watercourses, tracks and a SAM are present but these are not at significant risk from subsidence.

The applicants are proposing areas beneath Crynant and along the valley to Seven Sisters in Z4-Z6 where they would not work coal, apart from a drivage with some multi entry coal production to access the 9ft seam in Z4 and Z5. On that basis the potential for subsidence damage is limited. Areas of Z4 – Z6 outside of that ‘sensitive’ area would be worked by a mix of longwall/shortwall/multi-entry methods in the 9ft seam only and result in subsidence of between 1.5m and 2m.

It is acknowledged that pillar and stall mining techniques, which remove approximately 50% of the coal and leave the other 50% as support pillars, are unlikely to result in significant subsidence. However, longwall, shortwall and multi-entry with pillar removal could result in subsidence impacts on sensitive features such as buildings, landslip areas or sensitive habitats. Given the sensitivity of such areas it would be necessary to ensure further assessment of subsidence impacts if large scale mining techniques were to be proposed under any such sensitive features. This can be secured by condition.

The MWR area is underlain by strata which belong to the Lower Pennant Measures comprising the Rhondda beds. The Rhondda No1 and Rhondda No2 coal seams have been extensively worked beneath the site as has the Red Vein. The Rhondda No 1 seam has been worked by the former opencast coal sites. The Rhondda No 2 and Red Vein have been worked by underground small mines which are no longer operational. Operations were by pillar and stall which will give rise to very little identified mining related disturbance at the surface.

Mining in the 9ft and 18ft seams has been undertaken at depth at Aberpergwm by a mixture of pillar and stall with some longwall working. It is unlikely that any current or future working will have any impact on

the structural integrity of the MWR given methods of working and the nature of the geological sequence.

Stability analysis has driven the structural design of the MWR with shear keys being installed in some areas and the removal of low shear strength clays from eastern and southern boundaries prior to filling. The tip will be constructed in layers and compacted with a roller. Where moisture content is too high to enable the defined tipping method to be followed the material will be stored in a specific temporary holding area.

On the basis of the above, there are no significant adverse impacts from subsidence or land stability but as operations progress further detailed analysis of the potential impact of subsidence on sensitive features, buildings and habitats will be required. This can be secured by condition. The proposal does not therefore conflict with Policies M8(a)(vi), GC2(f) or ENV14 of the UDP and Policies M4(3), SP16 or EN8 of the LDP.

### **Land Contamination**

The submitted reports identify a risk to end users of the site from potential exposure to contaminated soils if works are done to the car park area. A remediation scheme is recommended for areas where ground contamination is encountered. This can be ensured by the imposition of planning conditions on any grant of planning permission. With the conditions in place the development would not conflict with policies M8(a)(vii), GC2(e) or ENV16 of the UDP and Policies SP16 and EN8 of the LDP .

### **Noise**

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

A noise assessment has been undertaken at eight locations – Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church; Roman Road, Banwen; Sarn Helen Roman Road and Roman Fortlet SAM. Background noise levels have been obtained at Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church and range from



44 dB at Engine Cottage to 37 dB at Manor Drive and St Cadocs Church.

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

The calculated hourly noise levels for the routine operations at the site range from 54dB at Engine Cottage to 42 dB at Chain Road and St Cadoc's Church. These predictions are not in excess of MTAN2 derived noise limits during daytime working hours, and are typically considerably lower, except for Engine Cottage which is on the +10dB limit. Noise limits can therefore be set within any planning permission granted which reduce the noise limits below the current limit of 55dB. This will be an improvement on the current situation. The assessment also confirms that the criterion of 42dB can be met outside the normal daytime working hours. A Noise Management Plan forms part of the submission which is acceptable to Pollution Control Officers.

An assessment has been made of the potential change in traffic noise levels as a result of the development. This assessment has concluded that the impact will be minor, negligible or none.

It is considered the development can be operated well within the general criteria for noise set out in MTAN2 and therefore the proposal is not in conflict with Policy GC2(c), M8(b)(i) or ENV29 of the UDP and Policies M4(3), SP16 and EN8 of the LDP.

### **Dust and Air Quality**

There is potential for dust as a result of operations at the mine surface and from stockpiles of material. There is also potential for dust from haul roads and from the deposition of material and stripping of soils at the MWR. Coal stocking and windblow across disturbed surfaces can also contribute to the potential for the generation of dust.

MTAN2 makes reference to the dispersal of dust which is described in 'The Environmental Effects of Dust from Surface Mineral Workings' (DoE). It was found that for dust emitted from surface mineral workings

95% of particles are between 30µm and 75µm which generally deposit within 100m of their source. Particles in the range of 10µm to 30µm make up a minor proportion of dust from mineral sites and these will tend to deposit within 250m of the source.

The closest potential receptors within 100m of the Mine Surface Area are Aberpergwm House, 1 Manor Drive, Elmwood and the (approved but not built) Healthcare Centre. Engine Cottage is within 60m of the haul road and there are no residential receptors within 1km of the MWR. Sensitive ecological receptors such as lowland mixed deciduous woodland, Neath Canal and Nant Pergwm are located adjacent to the Mine Surface Area.

Dust suppression is currently undertaken in accordance with the previously approved scheme and a revised Operational Dust Management Plan has been submitted as part of the Regulation 19 submission. The Plan is acceptable to Pollution Control Officers.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) - objectives to be achieved for a range of pollutants and in respect of coal mining development pollutants such as PM<sub>10</sub> and PM<sub>2.5</sub> particulates are relevant and NO<sub>2</sub> is relevant for HGV emissions.

PM<sub>10</sub> data show that the current average PM<sub>10</sub> concentrations in the area occupied by the application site in 2013 ranged from 12.64 to 12.83µg/m<sup>3</sup>, 32% of the annual average NAQS objective of 40ug/m<sup>3</sup>. The mapped level for PM<sub>2.5</sub> for 2013 is 8.59µg/m<sup>3</sup>, 34.36% of the NAQS average annual objective of 25ug/m<sup>3</sup>. NO<sub>2</sub> concentrations ranged from 7.98 to 10.58µg/m<sup>3</sup> which is well below the NAQS annual average limit of 40µg/m<sup>3</sup>.

Dust can also be a source of complaint as a visual impact on surfaces. There are no UK Statutory Standards recommended for dust deposition rates however MTAN2 suggests that for high-contrast dust such as coal, conditions should be set at a maximum of 80mg/m<sup>2</sup>/day (as a weekly average) or as a combination of 100% AAC (actual area coverage) across a single 45° sector over a 7 day period or the dust effect or discolouration is greater than 25% for a single sector within the same period. It is unclear if the limit of 80mg/m<sup>2</sup>/day relates to all dust or just the coal component.

Dust monitoring has been undertaken at three locations from March 2012 to March 2014. The range of deposition rate for Location1

(adjacent to new drift mine entrance) ranged between 13 mg/m<sup>2</sup>/d to 135 mg/m<sup>2</sup>/d with 6 of the 20 measurements being above 80 mg/m<sup>2</sup>/d. The average over the period was 57 mg/m<sup>2</sup>/d. Location 2 (east of the attenuation pond) had deposition rates ranging between 7 mg/m<sup>2</sup>/d and 36 mg/m<sup>2</sup>/d. Location 3 (south western corner of soil storage area) has deposition rates of between 7 mg/m<sup>2</sup>/d and 96 mg/m<sup>2</sup>/d with 2 of the 20 measurements exceeding 80 mg/m<sup>2</sup>/d. Background measurements at Llygadyrhaul, 250m to the north east of the site indicate low background levels of dust deposition of 18 mg/m<sup>2</sup>/d. This confirms that although rates are generally low, mitigation is required by condition in order to minimise dust deposition rates as far as possible and prevent some of the high readings experienced previously which do tend to be in the spring/summer months.

Monitoring at the MWR between March 2012 and March 2013 indicated that dust levels were high for much of the period at Forest Quarry Area 2 but started to drop away when opencast excavations ceased. The levels at Nantymynydd were relatively low.

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

Whilst it is inevitable some dust will be released to the atmosphere from such operations given the nature of the controls put forward, the distance between any dust sensitive properties and associated land uses, it is considered that the proposal can comply with modern standards of control and dust reduction and is therefore not in conflict with Policy GC2(c), M8(b)(i), ENV15, and ENV29 of the UDP and Policies M4(3), SP16 and EN8 of the LDP.

## **Lighting**

Lighting will be required during periods of darkness to conform to Health and Safety requirements. Poorly designed lighting can have an adverse effect on the local environment and the amenity of the area. Therefore, sensitive and well-designed lighting provisions would need to take account of safety but also to protect the natural environment and

prevent glare and respect the amenity of the area. A condition requiring a lighting scheme for the mine surface area is justified.

Some impacts would inevitably be experienced during the operation of the site. However, most of this would be in the form of a general light haze as opposed to direct light installations. Lighting along the haul road and at the MWR would be an unacceptable intrusion into the countryside and can be prevented by condition.

A mitigation strategy should reduce the incidents of light pollution and unwanted light. General review and adjustment of lighting at the site should secure a reduction and control of light intrusion to local residents. It is therefore considered that the development would not have an adverse effect by way of light and illumination on the living conditions of local residents subject to adequate review and management under a condition. The issue of illumination is therefore not in conflict with Policy GC2(c) or ENV26 of the UDP and Policies M4(3), SP16 and EN8 of the LDP.

## **Health**

Paragraph 121 of MTAN2 states in part

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

Paragraph 122 goes on

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

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

A statement in relation to the potential health effects of the development has been submitted. The screening exercise undertaken in accordance with WHIASU guidance finds that the application is unlikely to have adverse effects on wider health and wellbeing as the activities will be distant to populated areas. However, there may be greater risks of noise, air quality and pollution.

The major health effect that can be expected will come as a result of the provision of employment and training at the mine. This is expected to be beneficial to the health and wellbeing of the employees and their families. The activity will also be beneficial to the local economy.

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

Public Health Wales (PHW) considers that the main impacts are overall health impact, noise and vibration, dust nuisance and air quality and impact on water supplies. PHW recommends that the LPA are satisfied by the underpinning assumptions, especially with regard to noise and air quality at the nearest sensitive receptors; existing regulatory controls and permits remain in place or are amended in line with increasing production; the Noise and Dust Management Plans are agreed and modified as production increases; planning conditions are specifically set for noise and dust; adverse impacts on potable water supplies should be considered; cumulative impact of noise and dust from other sources should be considered and public liaison groups are encouraged to discuss any local issue and concern. These matters can be covered by the imposition of planning conditions.

Levels of particulate matter, PM<sub>10</sub> have been measured to inform the preparation of the ES. There is no evidence from the monitoring undertaken at the site and at other sites in the Authority's area that there is any measurable significant contribution from coal working to local PM<sub>10</sub> levels that could affect National Air Quality Standards.

Mapped levels of PM<sub>2.5</sub> indicate levels substantially lower than the NAQS objective.

Nuisance dust can have an effect on the amenity of the closest residents however there is no evidence of any indirect effect on health from nuisance dust. The levels anticipated and controls put forward have been considered above. In addition, there have been no complaints regarding dust from the site over the last 10 years.

In certain concentrations Nitrogen Oxide in the atmosphere are an irritant to the human respiratory system, which can lead to serious health effects for asthma sufferers in particular. In Wales the main producers of Nox are energy producers (36%), followed by exhaust fumes from transport (34%). Nox levels for the site are 11.66µg/m<sup>3</sup> in 2013. This is well below the recommended guideline of 40µg/m<sup>3</sup>.

Noise at a certain level is considered to be a nuisance and noise has been recognised as having a possible indirect effect on health. However based on the assessment of noise impacts outlined above, all noise levels are likely to be within a range that should not cause serious annoyance or above the criteria of the World Health Organisation by limiting levels to a maximum of 54 dB LAeq.

It is fully recognised that the well-being of the local population must be given due regard within the determination of the application. An appropriate level of assessment has been undertaken on the range of criteria considered relevant to health particularly in respect to air quality measurements.

The results of such as assessment conclude that PM<sub>10</sub> concentrations would be well within AQS objective levels under worst case scenarios and PM<sub>2.5</sub> concentrations would be the same. Other criteria indicate acceptable levels of impact. The Pollution Control officers have not raised any serious concerns on the relative impacts of the development and any consequential impacts on health. It should also be noted that no objections have been received from members of the public.

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

standards. There is therefore no conflict with Policy GC2(c) or M8(b)(ii) of the UDP and Policies M4(3), SP16 and EN8 of the LDP.

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

The mine is located approximately 500m from the A465 Heads of the Valleys route, which is a major east west trunk road artery.

The application has been accompanied by a Transport Assessment and an Addendum which has analysed the likely impact of the development based on the objectives of the Mine to increase production of coal year on year from 2014 – 2020, with maximum production being sought and sustained beyond 2020. This is shown in the table below (albeit noting that the recent changes in mine production would mean that ‘Year 1’ would be 2016 at the earliest).

	Annual ROM (tonnes)	Product		Discard
		Thermal product to Aberthaw	PCI to Tata (Port Talbot)	
Year 1 - 2014	233,000	83,880	55,920	93,200
Year 2 – 2015	233,000	83,880	55,920	93,200
Year 3 – 2016	670,000	241,200	160,800	268,000
Year 4 – 2017	833,000	299,880	199,920	333,200
Year 5 – 2018	1,000,000	360,000	240,000	400,000
Year 6 – 2019	1,000,000	360,000	240,000	400,000
Year 7 - 2020	2,500,000	900,000	600,000	1,000,000

Table 1: Planned increase in mine productivity

The TA is based on the following distribution and assignment of HGV traffic (based on the anticipated end user):

- **Thermal product** – to be transferred to the rail head by road (initially stated to be at Unity Mine but the mine is now in administration), for onward transfer by rail using 20 tonne rigid tipper trucks; and,
- **PCI** (metallurgical coal for use in pulverised coal injection techniques at Tata steel works) – this will be transferred by road, and will travel south along the A465 using 30 tonne vehicles.

The anticipated volume of HGV movements per day (one-way movements) is shown in the table below, showing the increasing number of movements based on the increased production levels.

Year	Trucks per day		Total	Total Annual ROM (tonnes)
	Thermal product to rail head	PCI to Tata		
Year 1 - 2014	15	7	22	233,000
Year 2 - 2015	15	7	22	233,000
Year 3 - 2016	44	19	63	670,000
Year 4 - 2017	55	24	79	833,000
Year 5 - 2018	65	29	94	1,000,000
Year 6 - 2019	65	29	94	1,000,000
Year 7 - 2020	164	73	237	2,500,000

**Table 2:** Anticipated volume of HGVs per day

As identified above, the ‘worst-case’ scenario is that the proposed development (when at maximum capacity of 2.5m tonnes ROM) could generate up to 237 HGVs (one-way) per working day (and therefore up to 474 2-way movements).

The junction capacity analysis within the TA states that the existing/proposed highway infrastructure (which includes a proposal for the existing access to the mine over a bridge spanning the Neath Canal to be upgraded to include traffic signal controls) has sufficient capacity to accommodate base traffic flows plus development generated traffic beyond 2029, with marginal increases in queues and delays at each of the five junctions within the study area and minor adverse impact from traffic noise. The Highways officer has raised no objection based on the TA.

The TA, however, is based on approximately 70% of HGVs travelling the short distance to the rail head at Unity Mine for onward transmission by rail with approximately 30% travelling by lorry to TATA in Port Talbot. In this regard the TA stated that the applicants have an agreement with Unity Mine to use the railhead (although subsequent Regulation 19 submissions include a TA Addendum which now indicates that there is no current agreement in place).

TAN18 – Transport states that where possible local planning authorities should promote the carriage of freight by rail, water or pipeline rather than by road, where it forms a feasible alternative for all or part of the journey. Given the relatively close proximity of the railhead to the site, there are clear and obvious benefits of using the railhead for distribution of coal, in order to minimise the impact on the wider highway network.



It is also noted that the transportation impacts on the highway network extend beyond Neath Port Talbot and, for example, the impacts of all coal sent to Aberthaw being by road would have potentially extensive highway impacts on the more rural road network in that part of South Wales.

The applicant has also stated in their initial TA that their analysis represents a 'worst-case' scenario, with all saleable product transferred by road, either to the rail head at Unity Mine, or to Tata Steel (in Port Talbot). In practice, however, they anticipate that a corridor to facilitate the transport of coal could be provided (between Aberpergwm Mine and the rail head at Unity). This, they state, will significantly reduce the volume of HGV traffic generated by the proposed development. It is noted, however, that the TA Addendum now omits such a suggestion (which in any event would require a separate planning permission alongside a railhead agreement).

Having regard to the above, the matter of rail transportation has been further discussed with the applicant's agent. He notes that Energybuild has no direct access to the rail network, and their only means of securing rail movements at present is to haul the coal by road initially, deposit it at a local rail head for it then to be loaded on to trains. At higher tonnages (e.g. over 1 million tonnes coal export per annum) there is attraction (environmental, logistical, commercial - under the sustainability umbrella) to hauling more coal by rail. He also considers the evidence does not indicate any wider environmental unacceptability of transportation solely by road.

While it is noted that access to a nearby railhead cannot be guaranteed, it is nevertheless considered appropriate to place some requirement on the applicant to explore the potential for a proportion of the coal produced at the site to be transported by rail, having regard to national guidance and potential wider implications on the highway network. It is accepted, however, that the use of rail – while encouraged from the outset – may not reasonably be restricted based on the initial years of production, which could be undertaken without significant detriment to the highway network/ capacity. For example, based on 1 million tonnes ROM (600,000 tonnes product), then the HGV movements by road (based on 30 tonne loaded coal HGVs) would equate to approximately 73 (one-way) movements a day.

In this respect, rather than an absolute requirement to transport a proportion by rail (such as that in place at East Pit), a condition is

recommended which states that no more than 600,000 tonnes (equating to 1m tonnes ROM) of coal shall be exported from the site until such time as a scheme is submitted to explore the viability of, and demonstrate the ability to, transport coal from the site by rail. Such scheme would need to be submitted to and approved in writing by the LPA before any coal above 600,000 tonnes could be exported.

The above conclusions are reached in full knowledge that the previous planning permissions for the mine contain conditions setting vehicle limits of 180 vehicles per day. In addition, although traffic from the Opencast Coal sites has now ceased, their planning permissions included limits ranging from 70 to 110 vehicles per day. Nevertheless, given the significant increase in ROM output proposed through the TA, it is considered essential to require detailed consideration of potential for a rail transportation scheme as outlined above, which accords fully with National Policy and guidance.

In conjunction with the above condition, it is also recommended that a condition is attached restricting the number of HGVs leaving the site to a maximum of 237 loaded HGV's per weekday by condition and 100 on a Saturday.

As referred to above, the existing access to the mine over a bridge spanning the Neath Canal is to be upgraded to include traffic signal controls together with a formal pedestrian crossing of the B4242 in order to accommodate the movement of miners between the site and the car park. Having regard to the submissions in the TA, the lower level of movements in the initial period, and the planned intensification in output and associated HGV movements, the Head of Engineering and Transport considers that an appropriate trigger for such works to be implemented would be 18 months from date of re-commencement of mining at the site. This is based on the TA and amount of coal product to be output from the site. In this regard, it is considered more appropriate to impose a condition restricting output from the site to a maximum of 140,000 tonnes coal product until such time as the scheme has been implemented.

In concluding on transport issues, it is concluded that subject to the conditions and controls referred to above, that the proposed development would have no unacceptable impact on the local highway network or upon highway safety. On that basis the proposal does not conflict with Policies M8(b)(iii), GC2(g), GC2(h) and T1 of the UDP.

## **Soils and Restoration**

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

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

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

It is proposed to restore the MWR to commercial forestry plantation (30.4ha), conservation grassland (26.9ha), amenity woodland (8.9ha) and peat bog (1.2ha).

At the MWR there are stored soils available for use which came from the previous opencast coal working area and there are soils available from the restored and undisturbed areas as well as a quantity of soil forming material. Analysis of the soils available indicates that the soil resource is sufficient to provide a depth of 950mm for both the commercial plantation and amenity woodland and 400mm for the conservation grassland (a combination of wet and dry acid grassland).

There are identified areas of peat on the undisturbed ground up to 2.8m thick. The peat resource identified presents an opportunity to build upon the success of the peat translocation and mitigation scheme which was implemented as part of the Forest Quarry 2 Extension. A number of opportunities for peat bog construction have been identified. Peat Bog 2

could be extended. A new Peat Bog 5 (within the MWR site) and Peat Bog 1 (together with a satellite) could also be developed.

The mine surface area will be restored to a mixture of reed beds and grassland with the retention of one of the lagoons as a water feature.

The Biodiversity Unit of the Authority have no significant objections to the proposed restoration element of the application subject to appropriate schemes and commitments to manage the restored areas. The applicant has indicated a willingness to undertake extended aftercare on peat mitigation areas, along with an extended management regime within a dedicated Ecological Steering Committee. These provisions, in part, would be the subject of the requirements of a Section 106 Agreement and also under specific conditions and schemes of any permission. There is no indication therefore that satisfactory restoration cannot be achieved.

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

Paragraph 8.9.1 of the UDP indicates that in some instances social, economic or infrastructure interest might justify development proceeding despite adverse impacts on biodiversity, and that the Authority will consider the provision of mitigation measures to compensate for losses which are otherwise unacceptable.

The provision of adequate restoration with enhanced biodiversity objectives forms a cornerstone to the consideration of this application and any short term conflict with any nature conservation policies, both nationally, and within LBAP targets and within the UDP, must be balanced against the benefits of the proposal. In this case it is not considered that there are any adverse effects on biodiversity and nature conservation that have not been mitigated to an acceptable degree. The restoration strategy is acceptable, ensures a beneficial after-use and takes account of the potential to create biodiverse habitat. Further detailed schemes will be required for the Mine Waste Repository, Mine surface area and the haul road at the appropriate time. For the mine waste repository this would be 3 years after commencement and for the mine surface area and haul road it would be 15 years after

commencement, unless the mine closes permanently before those dates. The proposal does not therefore conflict with Policy GC2(l) or Policy M8(c)(iii, iv and v) or Policy M4(5)(d) of the LDP.

### **Cumulative Impact**

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

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

The nearest communities in Neath Port Talbot in particular may have witnessed temporary changes to the landscape and recorded some impacts in the form of noise, dust, blasting, light pollution, and associated transportation movements in association with these developments. Additionally, the surface facilities for underground working at Aberpergwm and the Unity mine and Cwmgwrach railhead complex will have had some defining impacts on the general area.

It is recognised that the overall levels of complaint from working at Aberpergwm have been very low. This may be an acceptance of any perceived disturbance by the local residents of the area, however, it is more likely to relate to the recorded levels of noise and dust that has emanated from the site during its life.

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

## **Socio-economic considerations**

Coal production at Aberpergwm has fluctuated over recent years. The site operated from 2007 until December 2012 when the mine was placed on a care and maintenance footing until May 2013, with the loss of 240 jobs. Production recommenced in July 2013 at a reduced capacity and manpower increased from 31 to 65 employees. Unfortunately, the mine was placed on a care and maintenance footing again recently with only 7 jobs remaining.

The applicants propose to invest £100 million to develop the mine to full production of 2.5 million tonnes per annum. The proposal allows for an incremental re-employment of 166 employees during Year 1, with employment eventually reaching 529 employees if the production level achieves full capacity.

This level of employment would have a major beneficial effect at a sub-regional level. The applicants estimate that over a 25 year period they would pay out £700 million in salaries which would have significant beneficial effects on the spending power of employees in the locality. There would also be benefits in terms of indirect jobs and in supporting the jobs at customers such as TATA Steel in Port Talbot.

In NPT the number of economically active people in employment is lower than the national average. Glynorwg, Onllwyn and Blaengwrach are in the top 40% of the most deprived wards in Wales and parts of Glynneath are in the top 20% most deprived wards in Wales. The potential for 529 jobs in this part of NPT must be given significant weight in that it would assist in achieving the objectives of the Unitary Development Plan and the Community Plan in generating well paid employment.

Energybuild also contributes to and participates in the administration of a Community Social Fund administered by a Community Funds Committee. The fund is available to support local causes. It is estimated that over the lifetime of the mine approximately £875,000 will be deposited in the Community Fund. This has the potential to significantly contribute to the well-being of the adjacent communities by supporting community based ventures.

The applicant's agent has confirmed that these benefits can be secured through a section 106 agreement, the finer details of which will be negotiated post-Committee.

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

## **Need for the coal**

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

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

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

It is recognised that the UK economy is currently reliant on fossil fuels, and they are likely to play a significant role for some time to come as most of our power stations are fuelled by coal and gas. However, the UK needs to wean itself off such a high carbon energy mix to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification. This will inevitably lead to a period of transition and some fossil fuels will still be needed during the transition to a low carbon economy and the current UK Governments proposed closure of the coal fired power stations by 2025.

Welsh Government's policy emphasises the increasing importance of low emission power generation, alongside increasing energy efficiency. Welsh Government policy also includes ambitious plans to generate electricity from renewable resources but this will take time to achieve.

It is always important to consider the overall requirement and justification of any development. The extraction of indigenous coal resources has been declining for a number of years and a number of

factors, not least the opportunity to work areas that are environmentally acceptable have become more difficult to find.

Notwithstanding a general shift in policy to renewable energy technology, there is a definite need for coal either from the UK or from imports to maintain existing coal fired power stations in the next 10 years and possibly beyond if policy changes. Coal from this site is also suitable for use for pulverised fuel injection at TATA Steel, as a filtration medium as well as for domestic use, brick and cement making.

The proposal is therefore not considered to conflict with Policy M4(1) of the LDP.

### **Restoration and Aftercare Bonds and Financial Guarantees**

Paragraphs 53 and 54 of MPPW states:

“Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity of extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

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

Policy M10 of the UDP states:

‘Where planning permission is granted for coal mining, the Authority will require a deposit of a financial bond or other agreed means of financial



security capable of securing satisfactory landscaping restoration and aftercare.

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

The West Glamorgan County Council Act 1987 enables the Authority to attach a planning condition to any coal mining permission requiring the deposition of a financial bond to secure restoration and aftercare to any operator. However, in this case, due to the complexity associated with the eight existing Bonds for different parts of the mine surface area, the previous opencast working of the MWR site, the peat mitigation areas, and the haul road (included within the Nantymynydd Opencast Coal site), it is considered that a Section 106 Agreement would be a more appropriate mechanism within which to secure financial arrangements to ensure restoration of the entire site. There are also areas outside of the application site which are under the control of the applicant which are at different stages of restoration and aftercare which still require financial guarantees to be retained.

In accordance with the policy of this Authority, and government guidance, the Authority will require a Financial Guarantee in this case to ensure the restoration and aftercare of the MWR, the Mine Surface, Peat Mitigation Areas and the haul road. The final details of the financial bond arrangements will be secured through negotiations on the Section 106.

### **Buffer Zones**

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

Paragraph 49 in MTAN2 goes on to say

"Exceptionally, having considered the evidence put forward with a surface or underground coal working application coal working may be

permitted within 500 metres of settlements. Factors to be considered include:

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

The above advice and guidelines set out in MTAN2 on the limits of coal working needs to be considered in this case.

The site boundary is well within 500m of settlements therefore Policy M2 of the LDP and Government Guidance would suggest that coal mining would generally be unacceptable in this location. However, it must be noted that the mine surface area pre-dates MTAN2 and the LDP and the mine has been operating intermittently for more than 20 years. In addition, the impacts of the development, as assessed above, are considered to be acceptable, while the potential for 529 jobs to be created cannot be understated and is also considered to be of overriding significance to the economy of this part of the Borough.

In terms of the MWR and the haul road it is considered that topography, natural features such as woodland would significantly mitigate impacts.

It must also be noted that there have been no objections to the working of the site on amenity grounds since 2005.

On the basis of the above it is considered that the exceptions apply in this case in that this is a development of overriding significance for regeneration, employment and economy in the local area as well as topography, natural features such as woodland, or existing development, significantly and demonstrably mitigating impacts. The development is therefore not contrary to guidance in MTAN2 or Policy M2(1) of the LDP.

### **Conclusion:**

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

Coal deposits are relatively widespread in the County Borough. However, economic resources are dictated by the geological sequence and the position of such resources. They are also invariably in the open countryside. Coal can only be worked where the mineral exists but also is dependent on the geological arrangements and economic viability for working the resource.

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

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

The coal produced from the site would contribute to the coal requirements at Aberthaw Power Station (possibly only to 2025), the TATA Steelworks, and some ancillary domestic supplies and

cement/brick manufacture. Whilst the extraction rate and total reserve is relatively large in regional terms, it is also recognised that Aberthaw currently imports a high proportion of its coal, and the proposal in itself would only provide a small proportion of its requirements.

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

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

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

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

The impact of transportation can be managed to an acceptable level by requiring a scheme to explore the sustainable delivery of coal by rail once output reaches 600,000 tonnes per annum. This accords with National Minerals Planning Policy and sustainable development principles.

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

All potentially negative aspects of the proposed development have been considered. It is considered that these carry insufficient weight, either individually or collectively to outweigh the acceptability of the proposal.

Therefore it is considered that the proposed development accords with the general policies of the Unitary Development Plan and emerging Local Development Plan, and the requirements contained in national and regional planning policy and that the balance is in favour of the proposal.

All environmental information submitted within the ES and additional information along with the comments of statutory consultees on the information supplied has been taken into account. The economic, social, environmental and cultural well-being of Wales has been taken into account. In addition, all relevant European directives, legislation and regulations have been taken into account.

**Recommendation: Approve subject to conditions and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area.**

#### Time limits

(1) Extraction of coal shall cease by 31st December 2039, buildings to which this permission relates shall be removed and the approved restoration shall be completed by 31st December 2041. For a period of five years from the date of completion of restoration on any part of the site the restored area shall be managed in accordance with the approved aftercare scheme. The planning permission shall expire following the complete restoration and aftercare of the areas of surface development in accordance with the approved restoration and aftercare schemes.

#### Reason

The application refers to the 'regularisation' and 'retention' of development and has sought a planning permission for 25 years. As the implementation of the permission will therefore occur on the date this decision is issued, the permission is limited to 25 years from the end of the year in which it was submitted in order to minimise the duration of disturbance.

## Working Programme, Phasing and Direction of Working

(2) The underground extraction of coal from the site shall take place only in the 9 feet coal seam in Mining Zones Z0-Z6 and in the 18 feet coal seam in Mining Zones Z0-Z3 as shown on the Underground Mining Parameters Plan AC/UWPP/215/001.

### Reason

The assessment of environmental impacts and particularly subsidence impacts is based only on extraction of coal within the 9 feet and 18 feet seams.

(3) Written notification of the date of re-commencement of underground operations at the mine shall be sent to the Local Planning Authority a minimum of 7 days prior to any such re-commencement.

### Reason

To allow the Local Planning Authority an adequate period of time to ensure that all necessary site monitoring arrangements and controls are in place.

(4) All large scale underground extraction (i.e. any method of underground mining in which less than 50% of the coal is left in place to support the roof of the active mining area) shall only take place within the application site in accordance with a Large Scale Mining Scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall as a minimum include:

- a) The proposed large scale underground extraction layout.
- b) The predicted amount of mining related subsidence resulting from the layout and methods identified in a) above, based on the subsidence calculation methodology set out in the Subsidence Engineers Handbook and applying a 20% South Wales factor.
- c) An assessment of the potential impact of predicted subsidence on any buildings and the areas hatched red on Drawing Number AC/UWPP/215/001 if such areas fall within the proposed extraction area
- d) An assessment of the potential impact of predicted subsidence on any landslip areas identified on Drawing No CA10601-004 if such areas fall within the proposed extraction area.

- e) An assessment of the potential impacts of predicted mining subsidence on sensitive ecological features identified as being at potential risk of adverse impacts from subsidence, as detailed in plan 'Ecological designated & sensitive sites Rev2' submitted on 9th December 2015, if such habitats fall within the proposed extraction area.
- f) Details of any mitigation, remedial action or compensation for unmitigated subsidence proposed to be implemented to protect/enhance any habitats, falling within the proposed extraction area and identified as being at risk of adverse impacts from the subsidence assessment carried out under e) above. Where compensation is required as a last resort this should be based on the ecological mitigation opportunities set out in the submission dated 9th December 2015 within 'Aberpergwm ecological mitigation opportunities 08dec15' and plan 'Aberpergwm mitigation zones'.
- g) Details of any mitigation proposed to be implemented to protect/enhance any buildings and features falling within the proposed extraction area identified as being at risk of adverse impacts from subsidence
- h) The mechanism and timetable for implementing any mitigation identified in f) and/or g) above.
- i) The proposed arrangements for monitoring of subsidence predicted together with the reporting mechanism for annual subsidence monitoring reports for large scale underground extraction areas mined in the preceding 12 months.

The Scheme shall be implemented as approved.

#### Reason

To enable the Local Planning Authority to control the impact of subsidence from the underground development and minimise its impact on the environment and the amenities of the local area

(5) The development of the Mine Waste Repository shall be carried out strictly in accordance with the following Drawing Numbers

JA-034-012-001 - Mine Waste Repository Design

JA-034-012-003.1 - Phasing Design

JA-034-012-003.2 - Phasing Design Cross Sections

JA-034-012-003.3 - Phasing Design Year 5

JA-034-012-003.4 - Phasing Design Year 10

JA-034-012-003.5 - Phasing Design Year 15

JA-034-012-003.10 - Mine Waste Repository Cross Sections

CA10649-006A - Final Landform, Slope Gradients, Surface Water Drainage System and Access Arrangements

CA10649-007A - Landscaping Scheme

CA10649-008A - Restored Soil Profiles

Reason

To ensure that the Mine Waste Repository is developed and engineered to ensure its long term stability and is properly restored so as to minimise the impact on the environment and local amenity.

(6) Within six months of the date of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, and at intervals of twelve months thereafter, detailed surveys, sectional details and calculations shall be submitted to the Local Planning Authority to show the volume of material tipped in the Mine Waste Repository

Reason

In order that the local planning authority has sufficient information to monitor the development of the site.

(7) No more than 95,000 tonnes per annum shall be transported from the Mine Surface Area to the Mine Waste Repository until such time as the improvements to the haul road have been carried out strictly in accordance with the following Drawing Numbers

Figure 9.21 - Mine Haul Road Layout 1

Figure 9.22 - Mine Haul Road Layout 2

Figure 9.23 - Mine Haul Road Layout 3

Figure 9.24 - Mine Haul Road Layout 4

Figure 9.25 - Mine Haul Road Layout 5



Figure 9.26 - Mine Haul Road Layout 6

Figure 9.27 - Mine Haul Road Layout 7

Figure 9.28 - Mine Haul Road Layout 8

Figure 9.29 - Mine Haul Road Layout 9

Reason

To ensure that the standard of the haul road is improved to a condition to facilitate the passage of the number of HGV/ADT vehicles at the time those improvements are necessary and to minimise the potential for pollution of the water environment and the impact on local amenity

(8) A Haul Road Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above. The scheme shall be implemented as approved.

Reason

The prevention of pollution from surface water drainage and to ensure the integrity of the road is sufficient to cater for the vehicular traffic along its length.

(9) From the date of re-commencement of underground operations at the mine (as notified in accordance with Condition 3 above) to the completion of restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be permanently maintained and be available for inspection at the site offices utilised for Aberpergwm Mine.

Reason

To ensure that the operators of the site and any site contractors are aware of the working programme and the conditions attached to carrying out the development.

Restriction of Permitted Development Rights

(10) Notwithstanding the provisions of parts 4, 19, 20 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that

Order), no fixed plant or machinery, buildings or structures and erections, except for the plant, machinery, buildings and structures hereby approved and itemised on Drawing Number JNP/SRP/13-REV01, shall be erected, extended, installed or replaced at the site without the prior written approval of the Local Planning Authority,

#### Reason

In the interest of the amenities of the area and to ensure adequate space is maintained within the site to carry out the development proposed.

(11) The external walls and roofs of buildings and the external surface of structures shall be dark green in colour and shall be maintained in such colour for the duration of operations.

#### Reason

In the interests of visual amenity

#### Production Limits

(12) The only coal to be processed and/or stocked at the site shall be coal extracted from the 9ft and 18ft seams at Aberpergwm Mine.

#### Reason

The capacity of the site for processing coal and the potential impacts on amenity and traffic generation is based on the use of coal from the mine only. The impact of processing additional coal from other sources has not been assessed.

(13) From the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, the developer shall maintain records of their monthly run of mine production and shall make them available to the Local Planning Authority within 14 days of a written request.

#### Reason

In order that the Local Planning Authority can monitor the run of mine production at the site

(14) No more than 600,000 tonnes of coal per annum shall be transported from the site by HGV until such time as a scheme to explore the viability of, and demonstrate the ability to, transport coal from the site by rail has been submitted to and approved in writing by the local planning authority. Thereafter, all coal shall be transported in accordance with the approved scheme.

#### Reason

In order to minimise the impact of the development on the wider highway network and to ensure a sustainable delivery strategy in accordance with National Minerals Planning Policy.

(15) The number of Heavy Goods Vehicles (more than 7.5 tonnes gross weight) loaded with coal leaving the site shall not exceed the following

- a) No more than 237 per day Monday to Friday, inclusive.
- b) No more than 100 per day on Saturday
- c) None on Sundays or Public Holidays

#### Reason

In the interests of highway safety and local amenity.

(16) A written record shall be maintained at the site office of all movements out of the site by Heavy Goods Vehicles (more than 7.5 tonnes gross weight); such records to include the vehicles loaded weight, registration number and the time/date of the movement and shall be made available for inspection by the Local Planning Authority within 14 days of a written request.

#### Reason

In order that the Local Planning Authority can monitor output of coal from the site and the number of HGV's loaded with coal leaving the site.

#### Hours of Working

(17) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no surface operations within the Mine Surface Area (other than activity ancillary to underground operations, water pumping, servicing, environmental monitoring, maintenance and/or repair and testing of plant) shall be carried out on the site except between the following times:

0700 to 1900 hours Mondays to Fridays.

0700 to 1600 hours Saturdays (Washery operation limited to 0700 to 1200 hours)

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

Reason

In the interests of the amenity of local residents

(18) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no operations within the Mine Waste Repository (other than water pumping, servicing, environmental monitoring, maintenance and testing of plant) shall be carried out on the site except between the following times:

07.00 to 19.00 hours Mondays to Saturday.

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

Reason

In the interests of the amenity of local residents

(19) Except in an emergency, which shall be notified to the Local Planning Authority as soon as practicable, no HGVs loaded with coal shall leave the Mine Site except between the following times:

07.00 to 19.00 hours Mondays to Fridays.

07.00 to 12.00 hours Saturdays

There shall be no loaded HGV movements on Sundays, Bank or Public Holidays.

Reason

In the interests of the amenity of local residents

## Access and Parking

(20) No more than 140,000 tonnes of coal per annum shall be transported from the site until such time as the traffic light controlled junction and all works along the B4242 identified on Figures 14.26, 14.27, 14.28 and 14.29 contained within the Transport Assessment (dated May 2014) has been fully implemented.

### Reason

In the interests of highway and pedestrian safety.

(21) Before entering the public highway the wheels, undersides and bodies of all vehicles transporting any coal from the site and exiting onto the B4242 shall be cleaned and their loads shall be secured and fully covered by sheeting and in such a condition as to avoid the deposit of slurry, mud, coal or other material upon the public highway. The mine operator shall also ensure that the B4242 is kept clear of any such material for a minimum of 150 metres each side of the access point.

### Reason

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

(22) All vehicles transporting coal from the site shall turn left as they emerge at the junction of the access point with the B4242. In the event of exceptional circumstances when other highway routes are unavailable, vehicles transporting coal may turn in either direction for a temporary period only. Such events shall be notified in writing to the Local Planning Authority within 24 hours of such an occurrence. In any event such temporary periods shall not last for more than 5 days at any one time.

### Reason

In the interests of highway safety

### Dust

(23) The Operational Dust Management Plan Reference AC/EP/DMP/001 dated April 2015 shall be complied with at all times until the expiry of the permission. The Plan shall be reviewed annually by the Technical Working Party, and revised if considered necessary

following the annual review to ensure the measures contained within it remain effective. All revisions shall be submitted to the Local Planning Authority for their written approval within 1 month of such revisions being made.

Reason

In the interests of the environment and local amenity

Noise

(24) Between 0700 and 1900 hours Monday to Friday and 0700 to 1200 hours on Saturday the noise levels arising from the development shall not exceed the following levels measured as dBLAeq (1 hour) freefield under the measurement criteria of BS4142:

Engine Cottage - 54dB

Elmwood - 52dB

10 Chain Road - 52dB

1 Manor Drive - 47dB

St Cadocs Church - 47dB

Reason

In the interests of the amenity of the area

(25) At all other times outside of the hours specified in condition 24 above the noise levels arising from the operations at the site shall not exceed 42 dBLAeq (1 hour) freefield under the measurement criteria of BS4142 and as measured at any noise sensitive property.

Reason

In the interest of the amenities of the area

(26) The best practical measures shall be used to minimise noise from reverse warning devices fitted to mobile plant and vehicles on site.

Reason

In the interest of the amenities of the area.

(27) All vehicles, plant and machinery operated on the site shall be maintained in accordance with the manufacturer's specification at all times, and shall be fitted with and use effective silencers.

Reason

In the interest of the amenities of the area

(28) The Noise Management Plan Reference AC/EP/NMP/001 dated April 2015 shall be complied with at all times until the expiry of the permission. The Plan shall be reviewed annually by the Technical Working Party, and revised if considered necessary following the annual review to ensure the measures contained within it remain effective. All revisions shall be submitted to the Local Planning Authority for their written approval within 1 month of such revisions being made.

Reason

In the interests of the environment and local amenity

(29) The processing yard acoustic fencing as indicated on Drawing Number JNP/SRP/13-REV01 shall be the subject of an inspection on a weekly basis for the duration of the operations at the site. Any damage or missing panels shall be repaired or replaced in accordance with the approved specification within 5 working days of the inspection. Details of the inspections shall be retained on site for the duration of the planning permission and shall be made available to the Local Planning Authority within 14 days of a written request.

Reason

To ensure that the attenuation fencing is maintained in an effective condition and in the interest of the amenity of the area.

Water Environment and Drainage

(30) Prior to the commencement of underground operations at the mine within Zone 4 (as defined in Drawing Number JA-034-001-030, dated March 2015) the developer shall submit plans and define control measures for working within Zone 4 to be protective of controlled waters and the River Dulais. These details shall be submitted to and be approved by the Local Planning Authority prior to any underground operations at the mine within Zone 4.

## Reason

To protect controlled water (i.e. River Dulais) from underground mining of the 9 feet and 18 feet seam from the drift mining at Aberpergwm

(31) Prior to commencement of underground operations at the mine within Zones 4, 5 and 6 (as defined in Drawing Number JA-034-001-030, dated March 2015) the developer shall submit plans, method statements (to include volumes, locations, treatment and discharge locations) and quantitative assessment of the dewatering required to work these zones. These details shall be submitted to and be approved by the Local Planning Authority prior to commencement of underground operations at the mine within Zones 4, 5 and 6.

## Reason

To ensure protection of controlled water in the local area

(32) The improvements to the surface water and mine water drainage regime shall be carried out strictly in accordance with the following Drawing Numbers within 12 months of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above

Figure 9.1 - Cae Capel Surface Water Drainage Layout

Figure 9.2 - Existing Yard Surface Water Drainage Layout

Figure 9.3 - Pwllfaron Surface Water Drainage Layout

Figure 9.10 - Existing Mine Water Treatment Area

Figure 9.11 - Proposed Minewater Treatment Area

Figure 9.13 - MWR Surface Water Drainage Layout

Figure 9.15 - MWR SW Management Plan

Figure 9.16 - MWR WTA2A Layout

Figure 9.17 - MWR WTA 2B Layout

Figure 9.18 - MWR Attenuation Pond

Figure 9.30 - Mine Haul Road Lagoon System 1

Figure 9.31 - Mine Haul Road Lagoon System 2

Figure 9.32 - Preliminary Drainage Details

## Reason

To reduce the risk of flooding and the prevention of pollution



(33) The surface water drainage arrangements at the site shall be monitored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above. The scheme shall be implemented as approved and shall include remedial measures as necessary to ensure effective control of surface water.

Reason

The prevention of pollution of the water environment

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

Reason

To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after care period.

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

Reason

To prevent pollution of watercourses.

(36) Foul water and surface water discharge shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system.

(37) No surface water or land drainage run off shall be allowed to connect, either directly or indirectly to the public sewerage system.

#### Reason

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

(38) All surface water flows within the site and north of the access bridge over the Neath Canal shall be prevented from flowing onto the public highway along the access point.

#### Reason

To prevent excessive flows of surface water flowing onto the public highway and in the interest of highway safety.

(39) The storage of mining equipment and materials within the Materials Storage Areas defined on Drawing Number JNP/SRP/13-REV01 shall not occur within 7 metres of any water course, and within 1 metre of any tree, and shall not exceed a height of 3 metres from ground level. At no time shall chemicals or substances that have the potential to cause pollution or contamination be stored in these areas. On no account shall mining equipment or any other ancillary equipment or materials be stored on the application site other than within those areas identified on Drawing Number JNP/SRP/13-REV01.

Reason: to ensure that materials are stored within areas specifically allocated for that purpose and in the interests of visual amenity.

#### Lighting

(40) Within 3 months of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the mitigation of light pollution at the Mine Surface Area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the nature of the management and control of lighting proposed for the site, including the level of lighting and the timing mechanisms proposed on any working day. The scheme shall be fully implemented on the completion of the construction works at the site or before the beneficial use of the coal preparation plant building, whichever is the sooner and shall be maintained as such for the duration of the development.

## Reason

To minimise the disturbance to neighbours, the surrounding area and in the interests of highway safety

(41) No lighting or floodlighting whether fixed or portable shall be used at the Mine Waste Repository Site or the Peat Mitigation Area

## Reason

The use of lighting at this remote and elevated location would have an adverse impact on the amenity of the area and would be detrimental to the environment and species, especially bats.

## Archaeology

(42) No excavation of soils shall take place in any previously undisturbed areas of the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

## 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.

## Ecology and Biodiversity

(43) The Myotis bat light mitigation scheme, as approved under application P2011/0319 on 07th November 2011 shall be fully implemented on site throughout the operational phase of the development, and retained as such thereafter.

## Reason

To limit the impact of lighting on bat flight corridors.

(44) Within 6 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the provision of bird boxes/artificial nests shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

## Reason

To provide bird mitigation within the development site.

(45) During all stages of site clearance and vegetation clearance an ecological watching brief shall be undertaken. If any reptiles are encountered during these activities they should be carefully captured and relocated to a suitable habitat in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to any vegetation clearance.

## Reason

In the interest of nature conservation.

(46) Within 6 months of the date this permission a scheme shall to be submitted to and approved in writing by the Local Planning Authority for the eradication of all invasive species listed under Section 9 of the Wildlife and Countryside Act 1981 that are located on the site. The scheme shall be implemented as approved.

## Reason

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

(47) Prior to the stripping of any peat from the Mine Waste Repository site full details of the peat bog construction and mitigation together with method statements, restoration and aftercare management of those areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

## Reason

To ensure adequate restoration and aftercare and ecological mitigation.

(48) Prior to any works to any existing ponds on site or the movement of any peat into Peat Bog 1 as labelled on Drawing Number CA10649-005A, an amphibian survey of those areas shall be undertaken by a suitably qualified ecologist and any amphibians identified shall be captured and relocated to an appropriate pond on the site.

## Reason

In the interests of biodiversity and ecology

(49) Prior to the removal of any vegetation on the site the operator shall check that there are no breeding birds or protected species on that part of the site. The results of the checks (which must be undertaken by a suitably qualified ecologist) shall be submitted to the Local Planning Authority, together with any mitigation proposals for approval if species are recorded. Mitigation shall be implemented as approved.

Reason

In the interests of the biodiversity

(50) Within 6 months of the re-commencement of underground operations a Bird Monitoring Programme shall be submitted to the Local Planning Authority for approval. The Programme shall detail annual surveys to monitor nesting Schedule 1 birds, particularly Honey Buzzard and Nightjar and mitigation measures if any nesting birds are encountered.

Reason:

In the interests of ecology and biodiversity

(51) Within 12 months of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, an Ecological Management and Monitoring Plan for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include all details of all proposed habitat management works, enhancements and monitoring and include a commitment to take remedial action in light of monitoring results indicate they are required. The Plan shall be implemented as approved.

Reason

To allow the identification of positive and negative indicators in restored habitats and to allow adjustments to aftercare operations as necessary to achieve the objectives of the aftercare scheme.

(52) Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the surface land and structures of the site in respect of which permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy provided to the Local Planning Authority.

Reason

In the interests of ecology and biodiversity

Landscaping

(53) Within 6 months of the date of this permission a scheme for supplementary planting of the Mine Surface Area and in particular along the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in the first planting season following such approval.

Reason

To diversify plant species, improve structural integrity and to provide additional screening from the B4242

(54) All existing deciduous trees, bushes and hedgerows within and bounding the site or within the developer/operators control (including their root systems) shall be retained and protected and shall not be lopped, topped, removed or felled without the prior written approval of the Local Planning Authority. Any requests for approval to remove, lop, top or fell deciduous trees, bushes or hedgerows must be supported by an Arboricultural Method Statement.

Reason

The protection of the environment and protected species such as bats, in the interests of visual amenity and to ensure the development is adequately screened by natural vegetation.

(55) Within 3 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, details of measures for the protection of trees from damage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and be maintained for the duration of mining activity at the site.

Reason

The protection of the environment

(56) All trees and shrubs planted in accordance with an approved scheme shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased

shall be replaced in the next planting season with others of a similar size and species.

#### Reason

In the interests of amenity, the environment and to ensure the site is adequately restored.

#### Site Management

(57) Mineral and waste stocking at the site shall be restricted to the following height limits above ground level at each specified location.

ROM Coal Storage areas - 12 metres

Sized coal products area - 12 metres

Washed/High Ash Duff areas - 8 metres

Discard/Filter cake - 8 metres

#### Reason

To protect the living conditions of nearby residents and visual amenity.

(58) ROM coal, coal product and discard shall only be stocked within the areas of the mine surface shown for bulk coal stocking and discard stocking on Drawing JNP/SRP/13-REV1 and at no time shall any coal or discard be stocked on any other areas of the mine surface.

#### Reason

To protect the living conditions of nearby residents and visual amenity.

#### Potential Land Contamination – Car Park Area

(59) Prior to the commencement of any groundwork on the car park 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.

(60) Prior to the use of the car park site for any other purpose commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 60 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.

(61) In the event that contamination is found at any time when carrying out the approved car park 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.



## Soil Stripping, Handling & Storage

(62) All turf, topsoil, subsoil and peat deposits shall be stripped from any areas used for the Mine Waste Repository, those areas used for the storage of topsoils, subsoils and all those areas to be traversed by heavy machinery or other vehicles. Wherever possible these resources shall be directly placed as part of the restoration or peat mitigation scheme; where this is not reasonably practicable, they should be stored separately in mounds within the site until required for restoration. Topsoil mounds shall not exceed 3m in height and subsoil mounds shall not exceed 4m in height as measured from adjoining ground.

### Reason

To ensure satisfactory preservation, conservation and restoration of soil and peat resources.

(63) All turf and topsoil, subsoil, peat and soil forming material shall remain on site for use in the restoration of the site.

### Reason

To ensure satisfactory preservation, conservation and restoration of soils and peat resources.

(64) In any calendar year, soil stripping shall not commence on any phase until any standing crop of vegetation has been cut and removed

### Reason

To avoid incorporation of concentrations of decaying vegetation in soil

(65) Topsoil, subsoil and soil making material shall only be stripped when they are in a dry and friable condition.

### Reason

To ensure that the soils are not damaged during the process of their stripping and handling.

(66) Topsoil and subsoil storage mounds that will remain in situ for more than 3 months shall be seeded and managed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority within 6 months of the date of commencement of underground operations at the mine as notified in accordance with condition 3 above.

## Reason

To protect mounds from erosion and prevent the build up of weeds in the soil

(67) All disturbed areas of the site and all topsoil, subsoil and peat storage mounds shall be kept free of weeds.

## Reason

To prevent a build-up of harmful weed seeds in soils

(68) Within 6 months of the re-commencement of mining and every 6 months thereafter a report shall be submitted to and approved by the Local Planning Authority prepared by a suitably qualified soil scientist of the soils and peat resources recovered, conserved and/or utilised at the site identifying the procedures and inspections undertaken and the quantities recovered and the nature and suitability of the material for the restoration and afteruse of the site.

## Reason

To ensure adequate restoration and aftercare of the site.

## Restoration

(69) Within 3 years of the date of commencement of underground operations at the mine as notified in accordance with Condition 3 above, or the cessation of winning and working of minerals which in the opinion of the local planning authority constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, a restoration scheme for the Mine Waste Repository, in the form of a written statement and plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a. The removal of buildings, plant and machinery and the reinstatement of the site
- b. Details of the respreading of peat, subsoil and topsoil previously stripped from the site, specifying depths and placement.
- c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.

- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

The restoration of the site shall be carried out in accordance with the terms of such approval.

#### Reason

To ensure that the site is reclaimed in an orderly manner to a condition suitable for after use and in the interest of the amenities of the area.

(70) Within 15 years of the date of commencement of underground operations at the mine as notified in accordance with Condition 3 above, or the cessation of winning and working of minerals which in the opinion of the local planning authority constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, a restoration scheme for the Mine Surface Area and haul road, in the form of a written statement and plans shall be submitted to and approved in writing by the Local Planning Authority f. The scheme shall include details of:

- a. The removal of buildings, plant and machinery, drainage features and access/haul roads and the reinstatement of the site
- b. Details of the re-spreading of subsoil and topsoil and soil forming material, specifying depths and placement.
- c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.

- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

The restoration of the site shall be carried out in accordance with the terms of such approval.

#### Reason

To ensure that the site is reclaimed in an orderly manner to a condition suitable for after use and in the interest of the amenities of the area.

(71) Within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, a remediation plan for the Rock Tip (shown coloured blue on Drawing Number CA10605-002) shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall include inter alia a scheme of surface water drainage control and shall be implemented as approved.

#### Reason

To address an outstanding liability in the interests of the environment

#### Aftercare

(72) No later than 3 years from the date of commencement of underground operations at the mine as notified in accordance with condition 3 above, or in the event of a cessation of winning and working of minerals, which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990 within 3 months

thereof, whichever is the sooner, an aftercare scheme for the Mine Waste Repository setting out in detail the requirements as may be necessary to bring the land to the required standard for use for amenity and forestry i.e. when it is reasonably fit for those uses, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

(a) Cultivation practices for the preparation of the soils, subsoils or colliery shale.

(b) The timing and pattern of vegetation establishment including species to be planted grass seeding mixtures, stock, type and size, spacing, method and position of planting.

(c) Secondary treatments such as moling, subsoiling, discing, stone picking as necessary.

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land.

(e) Drainage including timing of installation work, maintenance works or temporary drainage methods.

(f) Fertilizer and weed control to improve soil fertility and control of weeds to be based on soil/shale and sampling analysis.

(g) A detailed Annual Programme for the first and subsequent 4 years for the

Aftercare of the site which shall include:

(i) Identify the person(s) responsible for the succeeding years programme.

(ii) Vegetation establishment and layout.

(iii) Secondary treatments such as further moling, subsoiling or fertilising requirements.

(iv) Field drainage requirements and maintenance.

(v) Tree and hedge establishment for the year including maintenance such as beating up, weed control fertiliser application, cutting and pruning.

The aftercare of the site shall be carried out in accordance with the scheme as may be approved.

#### Reason

To ensure satisfactory aftercare on site.

(73) No later than 15 years from the date of commencement of underground operations at the mine as notified in accordance with condition 3 above, or in the event of a cessation of winning and working of minerals, which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990 within 3 months thereof, whichever is the sooner, an aftercare scheme for the Mine Surface area and haul road setting out in detail the requirements as may be necessary to bring the land to the required standard for use for amenity, agriculture and forestry i.e. when it is reasonably fit for those uses, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

(a) Cultivation practices for the preparation of the soils, subsoils or colliery shale.

(b) The timing and pattern of vegetation establishment including species to be planted grass seeding mixtures, stock, type and size, spacing, method and position of planting. Lowland deciduous woodland shall form part of the scheme.

(c) Secondary treatments such as moling, subsoiling, discing, stone picking as necessary.

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land i.e. provision of log piles, ponds and areas of bare ground

(e) Drainage including timing of installation work, maintenance works or temporary drainage methods.

(f) Fertilizer and weed control to improve soil fertility and control of weeds to be based on soil/shale and sampling analysis.

(g) A detailed Annual Programme for the first and subsequent 4 years for the

Aftercare of the site which shall include:

- (i) Identify the person(s) responsible for the succeeding years programme.
- (ii) Vegetation establishment and layout.
- (iii) Secondary treatments such as further moling, subsoiling or fertilising requirements.
- (iv) Field drainage requirements and maintenance.
- (v) Tree and hedge establishment for the year including maintenance such as beating up, weed control fertiliser application, cutting and pruning.

The aftercare of the site shall be carried out in accordance with the scheme as may be approved.

Reason

To ensure satisfactory aftercare on site.

(74) Before 1st December of every year of the aftercare period, a site meeting shall be arranged by the operator, to which the Local Planning Authority and the landowner shall be invited, to monitor previous performance of aftercare requirements and to discuss future aftercare proposals. The meeting shall also be attended by the person(s) responsible for undertaking the aftercare steps.

Reason

To ensure the productive afteruse of the site in accordance with Policy M10 of the Neath Port Talbot Unitary Development Plan

(75) Before 1st November of every year of the aftercare period the operator shall provide the Local Planning Authority with the following

- a) A record of the aftercare operations carried out on the land in the previous 12 months
- b) An assessment of losses and replacements to be provided in woodland areas
- c) Proposals for managing the land for the forthcoming 12 months including weed controls

## Reason

To ensure the productive after-use of the site in accordance with Policy M10 of the Neath Port Talbot Unitary Development Plan

## Community Liaison

(76) Within 1 month of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority for the continuation of the existing Site Liaison Committee meetings for the duration of this permission. The scheme shall include the terms of reference, constitution and membership. The Committee shall meet on a quarterly basis or as frequently as the Committee shall otherwise determine. The first meeting shall be convened by the operator within 3 months of the date of this permission.

## Reason

To ensure that the development is considered and discussed within the existing forum for the Aberpergwm Mine.

(77) Within 1 month of the date of this permission a scheme shall be submitted to and approved in writing by the Local Planning Authority for the continuation of the existing Technical Working Party meetings for the duration of this permission. The scheme shall include the terms of reference, constitution and membership. The TWP shall meet on a quarterly basis or as frequently as they shall otherwise determine. The first meeting shall be convened by the operator within 3 months of the date of this permission.

## Reason

To ensure that the development is considered and discussed within the existing forum for the Aberpergwm Mine.

(78) Within 12 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above the operator shall convene a meeting of the Site Ecological Steering Committee which shall include representatives of the Local Planning Authority, the operator and the landowner. The Committee shall meet 6 monthly or as frequently as they shall otherwise determine and shall be responsible for monitoring the delivery of the Ecological Management and Monitoring Plan approved under Condition 52 above.

## Reason



To ensure that the ecological and biodiversity opportunities at the site are maximised.

(79) Within three months of the date of this permission a scheme shall be submitted to the Local Planning Authority for its approval for the monitoring of ground water and mine water discharge flows from the Aberpergwm mine. The scheme shall include the provision of long term monitoring and maintenance and the provision of contingency plans and improvements to existing water treatment facilities that may be required based on the results of such monitoring. The scheme shall be implemented in accordance with the details as approved.

#### Reason

To prevent the pollution of receiving waters from the lagoon treatment system and from the recovery of groundwater levels following the completion of mining.

**Planning History:**

Surface Mine

2/3/93/0268 – Extraction of Coal by Underground Mining Methods – Approved – 25<sup>th</sup> November 1993

2/3/96/0065 – Proposed Extension of Underground Take Area – Approved – 13<sup>th</sup> March 1996

P2003/1048 – Washery and Land sales Operation under the provisions of Condition 20 of 2/3/93/0268 – Withdrawn – 6<sup>th</sup> October 2003

P2003/1498 – Vary Condition 1 of planning permission 2/3/96/0065 to allow an extension of time to 30<sup>th</sup> September 2013 – Approved - 24<sup>th</sup> February 2004

P2003/1500 – Vary Condition 1 of planning permission 2/3/93/0268 to allow an extension of time to 30<sup>th</sup> September 2013 – Approved – 24<sup>th</sup> February 2004

P2004/0093 – Construction of a Waste Tip for Mine and Washery Waste – Withdrawn -14<sup>th</sup> September 2010

P2004/1109 – Scheme for Dust Suppression under Condition 25 of planning permission P2003/1500 – Approved – 11<sup>th</sup> October 2004

P2004/1110 – Scheme for Noise Suppression under condition 26 of planning permission P2003/1500 – Approved – 11<sup>th</sup> October 2004

P2004/1112 – Scheme for Canal Bridge Parapets and Access Road under condition 8 of planning permission P2003/1500 – Approved – 12<sup>th</sup> October 2004

P2004/1113 - Scheme for surface water run-off and mine water discharge under condition 4 of previous planning permission P2003/1500 – Approved – 11<sup>th</sup> October 2004

P2004/1114 – Scheme for Surface Water Run-off and Mine water Discharge under Condition 14 of planning permission P2003/1500 – Approved – 11<sup>th</sup> October 2004

P2004/1115 – Scheme for Provision of Signs, safeguards and surfacing of public rights of way under Condition 32 of planning permission P2003/1500 – Approved – 11<sup>th</sup> October 2004

P2004/1339 – Scheme for landscaping under Condition 5 of planning permission P2003/1500 – Approved - 16<sup>th</sup> March 2005

P2004/1343 – Details of Buildings, Structures, Coal Stocking and Site Boundary under Condition 12 of planning permission P2003/1500 – Approved – 29<sup>th</sup> October 2004

P2004/1368 – Details relating to Site Liaison Committee under condition 29 of planning permission P2003/1500 – Approved – 25<sup>th</sup> November 2004

P2004/1395 – Details for the removal of scrap and redundant machinery under condition 28 of planning permission P2003/1500 – Approved – 29<sup>th</sup> October 2004

P2007/1309 – Variation of Condition 23 of planning permission P2003/1500 to extend hours of working – Approved – 28<sup>th</sup> May 2008

P/2007/1422 – Construction of a new access drift – Approved – 8<sup>th</sup> July 2008

P2008/0074 - Retention of new administration offices, baths and mine offices under condition 13 of planning permission P2003/1500 – Approved – 2<sup>nd</sup> July 2008

P2008/0414 – Retention of extension to existing substation together with a control room and engineers office – Approved 2<sup>nd</sup> May 2008

P2008/0494 – The retention of water treatment facilities and an explosives magazine and the inclusion of the land on which they are situated within the Colliery Surface Area – Approved 8<sup>th</sup> July 2008

P2008/0954 – Retrospective application for Car Park – Withdrawn – 14<sup>th</sup> November 2008

P2008/1088 – Extension to Colliery Surface area to incorporate a coal dry store, materials compound, surface water management areas and access road and construction of a building 80m by 30m together with ancillary works – Withdrawn – 7<sup>th</sup> May 2010

P2008/1290 – Retention and completion of electrical substation – Approved 10<sup>th</sup> November 2008

P2008/1469 – Retrospective application for boiler house under condition 13 of planning permission P2003/1500 – Approved - 3<sup>rd</sup> March 2009

P2008/1564 - Retrospective permission for fan house under condition 10 of planning application P2007/1422 – Approved – 6<sup>th</sup> March 2009

P2009/0429 – Extension of underground planning boundary – Approved – 23<sup>rd</sup> November 2010

P2009/0637 – New FSV Garage to maintain FSV under condition 13 of planning permission P2003/1500 – Approved 9<sup>th</sup> September 2009

P2010/0498 – Mine surface development to provide coal preparation, coal storage, coal handling and sales, welfare and bathing facilities, together with car parking, internal haul road, wheelwash, weighbridge, ancillary infrastructure and surface water control, attenuation and pollution prevention plus permission to increase the number and capacity of coal haulage vehicles per day and alterations to existing access – Approved - 23<sup>rd</sup> November 2010

P2010/1128 – Retention of a temporary car park with security cabin, boundary fencing, bunds and floodlighting plus an uncontrolled pedestrian crossing of the B4242, temporary footpath and footbridge of the Neath Canal for a period of 24 months – Approved – 6<sup>th</sup> September 2011

P2011/0116 – Workshop at Pwllfaron Surface under provisions of condition 13 of planning permission P2003/1500 – Approved – 4<sup>th</sup> May 2011

P2011/0180 - Proposed traffic light controlled junction at the B4242 at main entrance to Aberpergwm Colliery under condition 42 of planning permission P2010/0498 – Approved – 28<sup>th</sup> June 2011

P2011/0307 – Scheme for suppression, control and monitoring of airborne dust & particulates from site operations under condition 33 of planning permission P2010/0498 – Approved 20<sup>th</sup> October 2011

P2011/0308 – Scheme for provision of bird boxes under condition 63 of planning permission P2010/0498 – Approved – 8<sup>th</sup> September 2011

P2011/0309 – Scheme for mitigation of light pollution under Condition 64 of planning permission P2010/0498 – Approved – 20<sup>th</sup> June 2011

P2011/0319 – Scheme for the mitigation of light pollution on Myotis bats under Condition 60 of planning permission P2010/0498 – Approved – 3<sup>rd</sup> November 2011

P2011/0523 - Prior Notification under part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed Seismic Survey – Approved 19<sup>th</sup> July 2011

P2011/0552 - Prior Notification under Part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed drilling of boreholes – Approved – 9<sup>th</sup> September 2011

P2011/0708 – Retrospective application for the storage of mining equipment, diversion of access track, relocation of explosive store/security alarm cabin and slope stabilisation works and application for a fan house substation building and cable duct – Approved 30<sup>th</sup> May 2012

P2011/0852 – Retention and completion of electricity substation with associated access, enclosures and plant – Approved 7<sup>th</sup> September 2011

P2011/0945 – Noise Action Plan and Noise Monitoring Scheme under Conditions 39 and 41 of planning permission P2010/0498 – Approved – 5<sup>th</sup> December 2011

P2011/1094 - Request to defer completion of traffic signals, highway signage and road markings under condition 10 of planning permission P2010/1128 – Approved – 20<sup>th</sup> December 2011

P2012/0421 – Retrospective application for diversion of a watercourse – not determined

P2012/0768 - Prior notification under Part 22 Class B of the Town and Country Planning (General Permitted Development) Order 1995. Proposed drilling of borehole – Approved – 10<sup>th</sup> September 2012

P2012/0772 - Details to be agreed in association with condition 6 (monitoring of groundwater and mine water discharge flows) of planning permission P2009/0429 - Pending

P2012/0995 – Retention and completion of mine surface development comprising coal preparation plant and associated sub-station; coal storage, handling and sales facilities; welfare and laboratory facilities and store building; internal haul road, wheel wash and weighbridges; surface water control, attenuation and pollution prevention measures; as well as permission to increase the number and capacity of coal haulage vehicles per day and alterations to existing access, including footbridge over the Neath Canal; retention of temporary car park and security cabin; plus proposed additional Run of Mine Transfer Building and conveyor; hard surfacing and drainage works; weld mesh security fencing, security gatehouse and associated landscaping – Approved - 26<sup>th</sup> July 2013

P2013/0875 – Variation of Condition 1 to allow an extension of time of planning permission P2003/1498 until 30 September 2018 – Pending

P2013/0876 – Variation of Condition 1 to allow an extension of time of planning permission P2003/1500 until 30 September 2018 – Pending

P2013/0877 – Variation of Condition 1 to allow an extension of time of planning permission P2007/1422 until 30 September 2018 – Pending

P2013/0878 – Variation of Condition 1 to allow an extension of time of planning permission P2008/0494 until 30 September 2018 – Pending

P2013/0879 – Variation of Condition 1 to allow an extension of time of planning permission P2009/0429 until 30 September 2018 – Pending

P2013/0880 – Variation of Condition 1 to allow an extension of time of planning permission P2011/0708 until 30 September 2018 – Pending

P2013/0881 – Variation of Condition 1 to allow an extension of time of planning permission P2012/0995 until 30 September 2018 - Pending

#### Nant y mynydd Opencast Coal Site

P2004/0443 – Nant y mynydd Opencast Mining Scheme and Secondary High Quality Sandstone – Approved – 17th May 2005

P2005/1514 – Scheme for arrangements of foul and surface water and drainage facilities under condition 9 of planning permission P2004/0443 – Approved 12th July 2006

P2005/1516 – Scheme for Control of Dust under the provisions of Condition 23 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1518 – Scheme for Site Liaison Committee under condition 31 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1519 – Scheme for Technical Working Party under Condition 32 of Planning permission P2004/0443 – Approved – 25th November 2005

P2005/1520 – Scheme for a Warning System for Blasting under Condition 56 of planning permission P2004/0443 – Approved – 25th November 2005

P2005/1522 – Scheme for identification of soils and soil survey under Condition 37 of planning permission P20054/0443 – Approved – 16th December 2005

P2005/1523 – Scheme for Soil Stripping under Condition 37 of planning permission P2004/0443 – Approved – 16th December 2005

P2005/1524 – Scheme for Fencing under Condition 42 of planning permission P2004/0443 – Approved – 16th December 2005

P2005/1658 – Landscaping Scheme under Condition 20 of planning permission P2004/0443 – Approved – 3rd February 2006

P2005/1662 – Scheme for translocation of heathland and acid grassland habitats under Condition 50 of planning permission P2004/0443 – Approved – 27th March 2006

P2005/1663 – Importation of waste materials from Aberpergwm Colliery under condition 33 of planning permission P2004/0443 – Approved – 1st August 2006

P2005/1665 – Programme of Archaeological Work in accordance with a written scheme of investigation under Condition 30 of planning permission P2004/0443 – Approved – 16th December 2005

P2007/0499 – To extend period for restoration of the former Sarn Helen Overburden Mound under Condition 47 of planning permission P2004/0443 until 31st October 2008 – Approved – 11th October 2007

P2010/0306 - Proposed modification of ground contours and road layout under condition 48 of planning permission P2004/0443 – Approved – 8<sup>th</sup> October 2010

P2011/0613 - Variation of condition 3 of planning permission P2005/1663 to allow mineral waste to be deposited beneath 1m of soil & in accordance with the revised tipping strategy – Approved – 12<sup>th</sup> September 2011

P2011/1039 – Importation of overburden into Nant y mynydd OCCS from Forest Quarry 2 Extension OCCS for the purposes of restoration under condition 33 of planning permission – Approved – 23rd August 2012

P/2012/0120 – Proposed Restoration and Aftercare Scheme under Conditions 38 and 40 of planning permission P2004/0443 – Approved – 15th August 2012

#### Forest Quarry Opencast Coal Site

P2007/0502 – Opencast Mining Operation (Forest Quarry) – Approved – 20<sup>th</sup> November 2007

P2008/0055 – Proposed drainage scheme under condition 8 of previous planning permission P2007/0502 – Approved – 11<sup>th</sup> April 2008

P2008/0071 - Agree condition 27 (proposed programme of archaeological works) under planning permission P2007/0502 – Approved – 2<sup>nd</sup> May 2008

P2010/0309 - Proposed amendments to the restoration and aftercare schemes under conditions 41 and 42, relaxation of 3 hectare area of acidic grassland under condition 43 of previous planning consent P2007/0502 – Approved – 1<sup>st</sup> September 2010

P2010/0739 - Scheme for drainage details for the purposes of restoration under condition 44 of previous planning permission P2007/0502 – Approved – 1<sup>st</sup> September 2010



## Forest Quarry Area 2 Opencast Coal Site

P2009/0216 – Opencast Mining Operation (Forest Quarry Area 2) – Approved – 22<sup>nd</sup> September 2009

P2010/0153 - Proposed habitat monitoring plan under condition 46 of planning permission P2009/0216 – Approved – 25<sup>th</sup> March 2010

P2010/0666 - Proposed extension to Forest Quarry Area 2 OCCS and subsequent restoration – Approved – 20<sup>th</sup> October 2010

P2012/1258 - Scheme for monitoring watercourses and water features under Condition 21 of Planning permission P2010/0666 – Approved – 20<sup>th</sup> December 2011

P2010/1259 – Scheme for monitoring of water quality, water movement and water levels within the restored peat bog area under Condition 41 of Planning permission P2010/0666 – Approved – 13<sup>th</sup> January 2012

P2010/1260 – Scheme for the protection and conservation of soils under Condition 22 of Planning permission P2010/0666 – Approved – 13<sup>th</sup> January 2012

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## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2015/0363</b>	<b><u>DATE:</u> 22/10/2015</b>
<b>PROPOSAL:</b>	Three detached dwellings and associated engineering operations and landscaping.
<b>LOCATION:</b>	<b>Rear 84-90, Henfaes Road, Tonna, Neath SA11 3EX</b>
<b>APPLICANT:</b>	Ms Jacqueline Murphy
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Tonna

#### **Reason for Committee Determination:**

The application has been called to Committee by the Ward Member Councillor Cari Morgans who has raised concerns with regard to access to the highway.

#### **Planning History:**

The application site forms part of a larger site with the following relevant planning history: -

- **1991/0037** Residential development – Outline Approved 20/6/91
- **1995/0113** 10 No. dwellings – Approved with conditions 22/2/96
- **1997/0845** Residential development (8 No. self- build plots – Outline) – Refused 14/1/99 – Allowed on appeal 11/6/99

The land subject to this application was originally part of a large development scheme which included the land that now forms the frontage development which was granted outline planning permission under P1991/0037 on the 20/06/91. Mixtures of reserved matters and full applications have been approved on a plot by plot basis for the frontage development which comprises 8 completed self-build plots onto Henfaes Road.

## **Publicity and Responses:**

### **Statutory Consultees**

Tonna Community Council: No reply received therefore no observations to make

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

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

Biodiversity Unit: No objections subject to conditions

Arboricultural Officer: No objections

Community Care and Housing services: Requested Affordable Housing contribution.

Site Notices were displayed on site and 11 properties were consulted. In response, 7 letters of objection have been received which are summarised below:

- Concern with regard to the vehicular access to the site via a single lane and the inadequate visibility provided in either direction, especially in relation to safety regarding pedestrians, runners, cyclist and oncoming traffic.
- Concerns with the proximity of a sewer pipe and the proposed development exceeding capacity.
- Stability and subsidence concerns, objector has indicated that existing gardens on Henfaes road could subside into proposed development.
- Effect the development could have on ecology; trees, bats, vegetation
- Amenity issues for both existing and future occupiers, loss of and lack of light due to frosted windows.
- Contradiction of planning history
- Japanese Knotweed issues.
- Loss of Native Blue Bells by the developer and the Impacts on the ecosystem and all its inhabitants/ecology
- Socio-economic issues, there is no demand for houses of this type. There is potential for them to remain vacant and open to acts of vandalism etc.

- Bins and recycling, excessive carrying distances for the bins
- Badgers, the report does not confirm the extent of the badger setts.
- Back Land Development, it is a contradiction to Policy ENV17
- Questions raised in relation to a traffic survey that the applicant may have carried out.

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

The application site is an irregular parcel of land situated for the main part to the rear of the self-build plots that have been constructed off Henfaes Road, Tonna.

The site is accessed via a narrow part of the site which runs between 83 and 84 Henfaes Road before opening up in a more regular rectangular shape that runs along the rear gardens of numbers 84-90 Henfaes Road. With regard to the size of the site, it measures approximately 126m at its maximum width and 75m approximately in length, with a site area of 0.41 hectares.

The site has undergone some clearance in terms of its vegetation and is now relatively open with trees remaining around the parts of the perimeter not backing on to the dwellings on Henfaes Road.

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

The application seeks full planning permission for the construction of 3 detached dwellings set within their garden area and vehicular access. Each dwelling will include 5 bedrooms, with two plots benefiting from detached garages.

The submitted plans indicate that each unit will measure 13.2m in length, have a maximum width of 9.6m and a maximum height to ridge level of approximately 9m. External materials proposed include a mixture of timber cladding and render. Mirrored glass is to be used on the front elevations to reflect the landscaping in the garden. These frontages have a distinctive triangular frontage

The dwellings would be accessed via a new vehicular access located between the existing properties of 84 and 83 Henfaes Road. The access would be 7.25 metres wide, and would extend approximately 71.5 metres into the site before turning to the left

and continuing on into the wider part of the site to serve the three proposed units.

The submitted plans also detail a full landscaping scheme for each plot.

### **Material Considerations:**

The main issues concern the principle of residential development, having regard to the adopted and emerging Development Plan policy, together with an assessment of the impact of the proposal on highway and pedestrian safety, design and visual amenity, the character of the area as a whole, and residential amenity.

### **Policy Context:**

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

The existing Development Plan comprises the Neath Port Talbot County Borough Council Unitary Development Plan (UDP) which was adopted in March 2008 and covers the period 2001-2016. The Development Plan is the primary document for consideration of land use planning in the County Borough, within which the following Policies are of relevance: -

- Policy H3 Infill and windfall development within settlements
- Policy GC1 New buildings/structures and changes of use
- Policy ENV17 Design
- Policy T1 Location and layout and accessibility of new proposals
- Policy H4 Affordable Housing

The site is located within the defined settlement limits for the area as outlined within the Neath Port Talbot Unitary Development Plan. Policy H3 allows for infill and windfall residential development within these defined settlements, subject to criteria.

#### Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan

(2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30<sup>th</sup> September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2<sup>nd</sup> December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the Council is now in the process of finalising the LDP with a meeting of Council scheduled for 27<sup>th</sup> January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The relevant Policies within the emerging LDP are as follows: -

- Policy SC1 Settlement limits
- Policy M1 Development in Mineral Safeguarding Areas
- Policy TR2 Design and Access of New Development

For the purposes of the emerging Neath Port Talbot Local Development Plan, the application site area is located outside settlement limits.

## Principle of Residential Development

As identified in the Policy section above, there is a disparity between the settlement limit identified in the current adopted Unitary Development Plan, and that identified within the emerging Local Development Plan. In short, the residential settlement boundary in the emerging LDP has been drawn tighter round the extent of the built development as it exists today, having regard also to the fact that there is no extant planning permission for development on the application site.

The site does, however, still fall within the adopted UDP boundary and therefore is acceptable in principle when assessed against the adopted Plan, subject to an assessment of its impacts. Moreover, the application was received in April 2015 (when the LDP was still being heard by the Inspectors), and Officers have been in discussion with the application before that date including as far back as 2010.

Furthermore the application was taken to a Delegated Panel on the 2<sup>nd</sup> of December (prior to the receipt of the inspectors report) and was assessed under adopted Unitary Development Plan Policies and it is only as a consequence of the Ward Member calling the application into Planning Committee that it now is being determined after the LDP examination officially ended.

Having regard to this, and notwithstanding the material change between UDP and LDP settlement limits, in this particular case it is considered to be unreasonable to assess the principle of development at this site based on emerging Local Development Plan Policies.

With reference to its allocation within the LDP, it has been designated as being within the Development for safeguarding Mineral Area (Policy M1).

Policy M1 looks to safeguard minerals resources as they are finite and any development will be need to meet criteria which ensures they are not sterilised or their extraction hindered.

Nevertheless, it is considered that the development due to its scale and location will not have a significant impact on the working of the mineral. Moreover, given the site's close proximity to the



settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding grounds.

### **Developer contributions and affordable housing.**

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to the requirement, where there is a proven need, to provide an element of affordable housing on sites. Supplementary Planning Guidance on Affordable Housing refers to the requirement being made on sites of 3 or more.

In this case the applicant has provided an extensive package of information which has been assessed by the Estates section. The applicant has proven that the provision of any affordable housing on the site would affect viability of the site significantly and as such it is not considered in this case that affordable housing can currently be provided on this site.

Notwithstanding the above, in the event planning permission is granted, this would be subject to a section 106 agreement requiring subsequent re-assessment of viability whereby if after one year, only a proportion of the approved dwellings have been constructed on site, the developer will be required to submit a new viability assessment for the undeveloped remainder of the site. If the new viability assessment shows that the remainder of the site is still considered to be economically non-viable, then the developer will be required to submit a new viability assessment every 12 months until construction has been completed on the whole of the site.

Moreover, if the developer starts construction 12 months after the receipt of planning permission, they will be required to submit a new viability assessment for the whole site. If a new viability assessment is required for either the whole or part of the site, the assessment must be approved in writing by the Local Planning Authority before occupation can take place of any development not completed before the viability assessment requirement date.

If an assessment demonstrates that the site is economically viable and provides a profit level that the Local Planning Authority considers to be in excess of what is a reasonable profit (as

referred to in the Affordable Housing Viability Assessment Procedures document), then 20% (or a percentage agreed between the Local Planning Authority and the developer) of the assessed dwellings will be provided as affordable housing on site or an equivalent financial contribution will be paid to the Local Planning Authority for the provision of off-site affordable housing in accordance with the requirements of the Supplementary Planning Guidance document entitled Affordable Housing and in accordance with an agreed programme of works.

### **Visual Amenity:**

The application site is located at a significantly lower level than the existing frontage properties off Henfaes Road and, in terms of scale, siting, size and the topography of the site the proposed properties would be subservient to the surrounding dwellings. As a consequence, while not respecting the character of the frontage development, development at the site will nevertheless have no material impact on local visual amenity.

Whilst the development is located to the rear of the Henfaes Road Estate, the 3 units proposed will therefore create their own sense of place, sharing a common design. The proposal therefore successfully creates its own character without negatively impacting on the existing established character of the immediate and wider area.

The creation of a sense of place has been helped by the topography of site which slopes down significantly from the rear elevations of the properties on Henfaes Road and is therefore responsible for the pattern of development differing from the uniform layout and building pattern on Henfaes Road.

The uniqueness of the design of the existing properties has removed any restriction on house design and has allowed the developer to create this new self-contained development with its own character that would assimilate well with the appearance of the area and its topography. The applicant has also provided full landscape detail for each of the plots. There is however a parcel of land in front of the site known as plot 3 that remains bare, and in order to protect local character, a condition is recommended requiring the implementation of a woodland planting scheme of trees on this area in order to further help the development to

assimilate the woodland surrounding the site. This planting will further enforce the woodland residential environment the applicant is seeking to capture given the design and style of these units.

Having regard to the above, while these units will not follow the pattern of development in the immediate area, it is considered that the site is not in prominent public view and would be well designed and satisfactorily ensures it integrates with and respects the character and appearance of the immediate and surrounding area.

### **Residential Amenity:**

In terms of the proposed developments ability to overbear neighbouring properties, the accompanying information detail that all 3 of the units will have a finished floor level which is approximately 8m lower than the finished floor level of the existing housing on Henfaes Road. The elevational plans show that each property will not be more than 9m in height to ridge level which equates to the development being slightly less than 1m (approx. 0.9m) in height over the finished floor level of the existing neighbouring properties.

The submitted plans also indicate that the proposed units will all be located in excess of 21m from the rear elevations of the existing properties positioned on Henfaes Road. This separation distance ensures that there is no conflict between distances allowable between habitable room windows and that the proposed properties do not unacceptably overshadow or overbear the existing houses.

In terms of overlooking, any habitable room windows located on the ground floor will be looking out directly onto a closed boarded fence means of enclosure and the roof lights positioned in the roofscape will be obscurely glazed on all south eastern elevations. Therefore there is no overlooking of private space; both the privacy of the existing residents and that of the future occupiers are safeguarded.

The submitted plans indicate that there will be a variety of retaining structures that will be utilised around the boundaries between the new plots and the neighbouring existing properties as well as on the new access road. To ensure the amenity of all residents, future and existing, a condition will be attached to any permission

granted requesting full structural calculations of all retaining structures prior to the commencement of work on site.

The proposed site plan shows more than adequate private amenity space to serve each proposed unit.

The submitted plans indicate traffic calming measures within the access lane off Henfaes Road. The plans show the access track narrower for the part of road between 83 and 84 Henfaes Road. The developer has utilised this design to ensure the vehicular traffic slows down as it negotiates between these two neighbouring properties. The reduced speed will help to reduce the amount of noise disturbance experienced by the neighbours to an acceptable level when it is considered in conjunction with the relatively wide width of the access road and the topography of the site. In this respect it is noted that there is at least 7m width on the road which means the access track provides sufficient width so that cars utilising it are not right up onto the boundary of the neighbouring properties elevating the noise levels onto these properties. Furthermore the sloping topography means that as the cars traverse the access road they are generally at a lower level than the existing properties which itself reduces noise disturbance given the difference in levels.

Having regard to the above, it is concluded that there would be no unacceptable impact on residential amenity of the occupiers of the adjacent dwellings.

### **Drainage and Sewerage System**

The applicant has stated that they wish to connect to the existing drainage system and have indicated as such on their application form and detailed plans. Welsh Water raise no objection provided the foul water and surface water discharges are drained separately from the site. Similarly, the Councils drainage section has offered no adverse comments other than conditions requiring the submission of drainage strategy prior to work commencing on site.

### **Ecology**

The Councils Ecology Section offers no objection to the development subject to the imposition of suitable conditions. These conditions are limited to the control of Himalayan Balsam on

site and further monitoring of the badger activity on site. They have requested that further badger monitoring is undertaken prior to the commencement of work on site and if any badgers are found to be present the applicant would then need to seek a license from Welsh Government prior to any further action. In terms of Japanese Knotweed, there are no concerns that have been highlighted by the Councils Ecology Section.

## **Trees**

The applicant has carried out a full tree survey of the site which has been assessed by the Councils Arboricultural Officer who has assessed the submitted information and is satisfied with the quality of the submission and in turn offered no adverse comments. There were initial concerns that the position of the sheds to serve plots 2 and 3 may interfere with the root protection zones of the existing trees, but as the developer re-positioned these structures the Tree Officer removed his concern.

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

A number of concerns have been raised, including from the ward member Cllr. Cari Morgans, over the access to the site. Councillor Morgans states that the access point to the highway is on a steep road with a limited visibility in both directions. To the left, on the proposed access point, is a bend and to the right there is a dip in the road that can make it difficult to spot traffic on what is already a busy road. The access would also cross a safe route to school used by school children living in the estate and on Neath Road.

The development is proposed to be served off a shared drive off Henfaes Road which has a maximum width of 7.25m at a point where current visibility is not acceptable in highway and pedestrian safety terms as there is inadequate visibility.

In accordance with Technical Advice Note (TAN)18, roads in built up areas require a minimum visibility splay of 2.4m by 40m in both directions.

The Head of Engineering and Transport (Highways) has offered no objections and recommended that a condition should be attached which requires the submission of a scheme detailing a 2.4 by 43m

visibility splay that will need to be implemented prior to the commencement of development on the rest of the site.

The Highways department is satisfied that the developer can achieve this required splay all within the application's red line boundary. In this regard, it is noted that the red line boundary includes a proportion of land to the front of, and in the ownership of, 83 Henfaes Road. This parcel of land is needed in order for the visibility splays to be achieved and the applicant has confirmed that they have a legal agreement with the owner of 83 Henfaes Road to make alterations to this land to facilitate the necessary vision splay to meet highway and pedestrian safety. For the purposes of the planning application, the developer has also served notice on this property in the form of a Certificate B.

In view of the above, subject to a 'Grampian' condition requiring the provision of these visibility splays on site in advance of any other development, the development is not considered to have an unacceptable impact upon highway and pedestrian safety.

While the local Councillors concerns in respect of the access crossing a footway used by school children is noted, this is not considered to be unusual or to justify refusal of this application on such grounds.

### **Bin Storage**

There is a bin storage area proposed at the entrance to the private drive off Henfaes Road, which at in excess of 150m distant does not meet the usual standards for carrying distances. Nevertheless, this is not considered to amount to a reason that would warrant a recommendation for refusal of this application. Furthermore in terms of amenity of the future occupier, any future purchaser will be aware of the refuse collection location and excessive carrying distance prior to purchase.

### **Others:**

There have been a number of written objections received with regard to this application. A number of these objections have been addressed within the above appraisal. The following comments are made in response to these issues that remain outstanding:

- Stability and subsidence concerns, objector has indicated that existing gardens on Henfaes road could subside into proposed development.  
***There is no evidence of this on site, nor has it been flagged up by the consultees. A condition is recommended requiring full structural calculations for all retaining structures prior to determination.***
- Socio-economic issues, there is no demand for houses of this type. There is potential for them to remain vacant and open to acts of vandalism etc.  
***Such matters are not considered to be material planning considerations***
- The submitted ecology report does not acknowledge the existence of reptiles on the site.  
***No objection has been raised by the Council's ecologist and we have no reason to question the authenticity of the survey work carried out on site.***
- Back Land Development, it is a contradiction to Policy ENV17. ***The impacts of the development and its 'backland' location have been assessed within the report.***
- Concerns with regard to the use of mirrored glass, invasion of privacy with shining light onto existing properties.  
***The glare off mirrored surface is not considered to negatively impact residential amenity to warrant a refusal.***
- Questions raised in relation to a traffic survey that the applicant may have carried out.  
***It is unclear what survey is being referred to, but the assessment on highway safety has been assessed in detail above.***

### **Conclusion:**

The proposed development would not have an unacceptable detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse effect upon highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1, ENV17, H3 and H4 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:** Approve subject to conditions and the signing of a Section 106 Legal Agreement with regard to a 12 clawback provision on Affordable Housing

**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 shall be carried out in accordance with the following approved plans:

- Land Registry Official Copy of title plan REVISION A
- Relationship between new and existing properties
- Plot 1 ground floor plan
- Plot 1 first floor plan
- Site Plan
- Design and Access Statement for New Development to rear 84-90 Henfaes Road
- Site Plan, Plot Layout
- Entrance Driveway
- Site Entrance Details
- Front Boundary Detail
- Plot 1 Landscaping detail
- Driveway Landscaping Details
- Sections through Drive and Plot 1
- Relationship between new and existing properties
- Plot 1 Section B-B



- Plot 1 South East Elevation
- Plot 1 Second Floor
- Plot 2 Section B-B
- Plot 2 Landscaping Plan
- Plot 2 Garage Floor Plan Rev A
- Plot 2 Garage Front Elevation Rev A
- Plot 2 Garage Left Elevation Rev A
- Plot 2 Garage Rear Elevation Rev A
- Plot 2 Garage Right Elevation Rev A
- Plot 2 Shed Floor Plan
- Plot 2 Shed Front Elevation
- Plot 2 Shed Right Elevation
- Plot 2 Shed Left Elevation
- Plot 3 Ground Floor Plan
- Plot 3 Section A-A
- Plot 3 Section B-B
- Plot 3 Landscaping Details
- Plot 3 Shed Floor Plan
- Plot 3 Shed Front Elevation
- Plot 3 Shed Right Elevation
- Plot 3 Shed Left Elevation
- Plot 3 Shed Rear Elevation
- Plot 1 North East Elevation
- Plot 1 North West Elevation
- Plot 1 Garage

- Tree Survey
- Preliminary Ecological Appraisal
- PJJ surveys Topographical Survey
- Plot 2 Ground Floor Plan
- Plot 2 First Floor Plan
- Plot 2 Second Floor Plan
- Plot 2 North West Elevation
- Plot 2 North East Elevation
- Plot 2 South West Elevation
- Plot 2 South East Elevation
- Plot 2 Section A-A
- Plot 3 First Floor Plan
- Plot 3 Second Floor Plan
- Plot 3 North East Elevation
- Plot 3 North West Elevation
- Plot 3 South East Elevation
- Plot 3 South West Elevation

#### Reason

In the interest of clarity

(3) No development shall take place, including any works of demolition 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:

- i. the parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials

iii. Storage of plant and materials used in constructing the development

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

v. wheel washing facilities

vi. Measures to control the emission of dust and dirt during construction.

vii. A strategy to control and prevent the flow of surface water and ground water during the construction works.

Reason

In the interest of highway safety

(4) No development shall commence on the construction of any dwelling hereby approved (including works of site clearance) until such time as the entrance to the site has been improved and a 2.4 metre by 43 metre visibility splay has been provided / achieved in accordance with a scheme which shall first have been submitted to and approved in writing by the LPA. The approved visibility splays shall thereafter be retained in perpetuity.

Reason

in the interest of highway safety

(5) Prior to first occupation of any dwelling the shared drive shall be surfaced in accordance with the drawing titled Entrance Driveway to a maximum gradient of 1 in 25 for the first 10 metres and retained as such thereafter.

Reason

In the interest of highway safety

(6) Prior to occupation of any dwelling three parking spaces shall be provided within the curtilage of each dwelling, and such spaces shall be retained as such thereafter.

Reason

In the interest of highway safety

(7) Any gate erected over the shared drive shall be set back a minimum distance of 6.0 metres from back edge of footway

Reason

In the interest of highway safety

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

Reason

In the interest of the visual amenity of the area.

(9) Notwithstanding the provisions 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 garages or outbuildings shall be erected (other than those expressly authorised by this permission).

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 garages or outbuildings having regard to the particular layout and design of the estate.

(10) Notwithstanding the provisions 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), 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.

(11) Notwithstanding the provisions 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 doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

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

(12) Prior to work commencing on constructing the shared drive, a drainage strategy shall be submitted to and approved in writing with the Local Planning Authority detailing proposals to allow the discharge of surface water at a greenfield rate. The approved strategy shall then be implemented on site and retained thereafter.

Reason

in the interest of land drainage

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

Reason

in the interest of land drainage

(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

In the interest of land drainage

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

Reason

In the interest of land drainage

(16) Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

Reason

In the interest of land drainage

(17) Soakaways must be designed, constructed and located in accordance with the requirements and criteria contained within the Building Regulations. This will ensure no nuisance is created to any lower lying, vulnerable land or the public highway. If ground conditions should prove to be unsatisfactory for a soakaway drainage then the applicant must provide alternative suitable proposals for dealing with surface water run-off.

Reason

In the interest of land drainage

(18) Prior to commencement of work on site, full details including structural calculations relating to all retaining structures associated with this development shall be submitted for the written approval of the Local Planning Authority. This detail hereby approved shall then be implemented on site prior to occupation and retained as such thereafter.

Reason

In in the interest of residential amenity and highway and pedestrian safety.

(19) Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (as amended for Wales)(or any revoking and re-enacting that Order with or without modification), no fences, gates or walls 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.

(20) Himalayan Balsam will be controlled on site by implementing section 7.0a of the Preliminary Ecological Appraisal dated April 2015.

Reason

In the interest of ecology

(21) Prior to the commencement of any development a further check and consideration for the presence of badgers within or immediately adjacent to the site shall be undertaken by a suitably qualified ecologist. If a badger sett is discovered within 30m of any development works on site appropriate mitigation measures shall be submitted and approved by the Authority and a licence obtained from Welsh Government. All mitigation shall be implemented as approved.

Reason

In the interest of ecology

(22) Notwithstanding the plans hereby approved, prior to the occupation of each of the plots, the roof lights to be positioned within the south eastern roof slopes shall be finished with obscured glass. The roof lights shall then be retained as such thereafter.

Reason

In the interest of residential amenity.

(23) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

In the interests of visual amenity.

(24) The landscaping scheme required by condition (23) above shall include a comprehensive scheme of woodland tree planting for the parcel of land in front of plot 3 - hatched in orange on Plan 'relationship between new and existing properties' - and shall

include indication of all spread and species of trees to be planted, and the approved woodland planting scheme within this area shall thereafter be retained in full accordance with the approved scheme.

#### Reason

In order to integrate the development into the surrounding woodland, and mitigate the impact of the residential development on local character and amenity.

(25) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

#### Reason

In the interest 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.

The proposed development would not have an unacceptable detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse effect upon highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1, ENV17, H3 and H4 of the Neath Port Talbot Unitary Development Plan.





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

### **Planning Applications Recommended For Refusal**

<b><u>APPLICATION NO:</u> P2015/0694</b>	<b><u>DATE:</u> 02/11/2015</b>
<b>PROPOSAL:</b>	Demolition of existing golf driving range and redevelopment of the site for up to 35 dwellings and associated infrastructure (Outline with all matters reserved)(Amended edged red boundary plan, revised planning statement, design and access statement Received 2/11/15)
<b>LOCATION:</b>	Lakeside Golf Driving Range , Water Street, Margam , Port Talbot SA13 2PA
<b>APPLICANT:</b>	Messrs Whittall, Arter & James
<b>TYPE:</b>	Outline
<b>WARD:</b>	Margam

### **BACKGROUND INFORMATION**

This application is reported to Committee at the request of the local ward Member, Cllr Rob Jones, to ensure that all material considerations are properly assessed as part of the determination process and to ensure that proper regard is given to a recent letter from Carl Sergeant AM which encourages more house building.

#### **Planning History:**

#### **Adjoining Site:**

94/9632 – Phase 2 9 Hole extension to golf course and 10 residential plots – Refused 9/1/95

95/9974 – Phase II -9 Hole extension to existing golf course and enabling development of 10 residential plots – Approved 21/8/96

97/0153 – Reserved matters application regarding ground levels of proposed residential development (10 dwellings) plus drainage details – Withdrawn 18/7/03

01/0402 – Fencing to pumping station enclosure (regularising height of perimeter fence) – Approved 29/5/01

02/0749 – Variation of Condition No 3 of planning consent P97/0011 with regard to extension of time limit for submission of reserved matters for residential development (Outline) – Approved 16/8/02

**Application Site:**

03/0001 – Proposed construction of 39 residential units – Withdrawn

03/1009 – Construction of 33 residential dwellings – Withdrawn

05/0476 – Mixed use development, comprising of residential, neighbourhood retail/café and public transport infrastructure- Refused 22/9/05 and subsequently dismissed on Appeal 15/6/06

**Publicity and Responses if applicable:**

The application was advertised on site and in the press as a departure to the development plan and as a major development. Nine individual properties were also notified. In response, to date 24 letters of objection have been received, which can be summarised as follows:

1. The property could be offered for sale.
2. Return the site to agricultural land.
3. The driving range could be re-opened providing the correct investment and management was put in place.
4. The site is allocated as a GreenBelt which is well known and stated in previous planning applications.
5. The site is allocated as a Green Wedge.
6. The Transport Statement is incorrect with no reference to the nearby Kenfig Industrial Estate.
7. A bus stop 0.8 miles away and lack of pathways do not provide a safe route for pedestrians. Water Street has no provision to encourage walking as it has no pathways, cycling as the road is very busy, fast moving and quite narrow in places or public transport as there is no provision for this.
8. The proposal will increase not decrease private car use.
9. A 250% increase in density represents poor design contrary to the advice contained in the TANs. There are approximately 32 houses on approximately 13 acres. The application site proposed 35 houses on approximately 6 acres.
10. The proposed public open space especially the waterbody at the northern end on the site is constricted.

11. There is no retail, leisure or health services nearby that can be accessed without the need for a motor vehicle.
12. Increase in noise.
13. Loss of privacy.
14. Increase in traffic.
15. Overbearing
16. Out of scale
17. Out of character when compared to existing developments within the vicinity.
18. Impact on highway safety.
19. Why have the roads and pavements been included in the developers boundary and encroaching into the gardens of the houses?
20. The illustrative plan shows houses opening onto St David's Park which is very narrow.
21. Only a few residents have received letters notifying them of the application.
22. How has the applicant been allowed to submit this application within 10 years of the previous application which was refused on appeal?
23. If maintaining the site is an issue it could be returned to agricultural use.
24. No regard within the design has been made to our aging population.
25. There is no infrastructure in place for this extra development.
26. Devaluation of property.
27. Why was permission given for Phase 2 St David's Park given the problems with the Golf Driving Range.
28. Permanent loss of a sporting facility which is not surplus to requirements.
29. The site falls within a flood risk area with a highly vulnerable classification and should not be allowed. Also the area could flood from the local stream to the east.
30. The submitted Ecological Appraisal recommends further survey work, the proposal should be until these surveys are done.
31. Loss of mature trees.
32. Detrimental impact on flora and fauna.
33. The proposal removes the potential for long term employment of people.
34. The affordable housing requirement for the area is based in Port Talbot and areas around the centre rather than somewhere that has poor transportation links.

35. The provision of off street road parking for each house and garden will be small.
36. The Applicant states that ongoing discussions have taken place between the operator, Council and local residents. Were they just a chosen few?
37. Increase in traffic.
38. The density of the development should be reduced to 20.
39. The upgrading of the road is welcomed, however they should have been brought up to adoptable standard a long time ago.
40. This site was rejected as an alternative site.

**Natural Resources Wales:** No objection subject to the imposition of conditions requiring the provision of a protective buffer between any development and the watercourse and the pond in the area, a Landscape and Environment Management Plan and a Construction and Environmental Management Plan.

**Glamorgan Gwent Archaeological Trust:** No objection subject to a condition requiring the implementation of a programme of archaeological work.

**The Coal Authority:** No objection subject to the imposition of a condition requiring site investigation works prior to commencement of development.

**Welsh Water:** No objection subject to the imposition of a condition restricting the occupation of dwellings until a hydraulic modelling assessment has been undertaken and the necessary improvements have taken place.

**The Head of Engineering and Transport (Highways):** No objection subject to conditions requiring the provision of a right hand turn lane, improvements to the existing access, visibility splays, provision of a footway linking the site to Eglwys Nunydd, Construction Method Statement and a number of conditions relating to the internal layout of the scheme.

**The Head of Engineering and Transport (Drainage):** No objection subject to conditions.

**Biodiversity Officer:** No objection subject to the imposition of a condition requiring the submission of a Landscape and Environmental Management Plan together with the requirement that Protected Species Report is repeated if work does not commence within 2 years.

**Land Contamination Officer:** No objection to the proposed development, however the desk study report highlights that further investigative work is required. As such, conditions in relation to contaminated land are required.

**The Arboricultural Officer:** Confirms that the submitted tree survey is an accurate description of the trees and confirms those trees which are of value and should be retained. A condition is recommended requiring trees to be protected prior to any works commencing on site.

**The Head of Environmental Health and Trading Standards (Noise):** No objection subject to the imposition of a condition requiring the submission of an Environmental Noise Assessment to accompany any subsequent reserved matters application.

**South Wales Crime Prevention Officer:** No objection subject to detailed comments in respect of security, lighting, vehicle parking areas, landscaping and planting, site layout and boundary identification.

**Parks and Neighbourhood Services:** Advises that on site Public Open Space is defined within the application, assuming this meets the standards, no off site contribution will be required.

**Play Officer:** Advises that the proposed site lies well outside the buffer areas for the existing local or neighbourhood provision. Therefore, there are no existing play facilities within a distance that children living in the development would be able to access. Recommends that improved pedestrian linkages from the site are essential if children are to have adequate and appropriate play provision and on-site provision be included as part of the development.

**Education Department:** No reply, therefore no observations to make.

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

The site is broadly rectangular in shape and predominantly flat in profile and has an area of approximately 2.8ha. It is located to the east of Water Street and to the south of St David's Park a development of large detached properties set around a series of cul-de-sacs. Most of the site is taken up by a golf driving range facility, with a hard surfaced parking area adjacent to Water Street and a single storey, low mono pitched roofed building which housed the driving bays and ancillary facilities. The grassed driving range area, which is enclosed extends eastwards. A private track runs along the site's southern boundary providing access to a single dwelling, Cwrt Bychan House located to the south east. A watercourse known as Tu Du Brook runs alongside the north-eastern and eastern boundaries. A hedgerow is present along the southern boundary. Agricultural land lies to the east and south of the site. The residential development of Eglwys Nunydd lies to the north of St Davids Park. To the western side of Water Street is Lakeside Golf Course beyond this the M4 motorway.

The application site is accessed from St David's Park via Water Street (B4283).

## **Brief description of proposal:**

Outline planning permission is sought for up to 35 dwellings. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In line with the requirements of outline planning applications, the applicant has submitted an indicative layout and scale parameters. This illustrates the provision of dwellings served by two access points leading off St David's Park with each dwelling providing off street parking with a number of dwellings opposite No's 19, 20, 23 and 27 St David's Park having access directly off the existing estate road. An area approximately 0.47 hectares and located adjacent to the eastern boundary of the site denotes the proposed provision of Public Open Space which would serve the development. The illustrative plan indicates the layout and provision of Open Space to facilitate this would require the removal of an existing tree line, however the layout does make provision for the retention of the existing hedgerow along the south and eastern boundary to be retained. Whilst the illustrative plan indicates that the dwellings are medium to large in scale and are sited



within large gardens, they are smaller than those within the adjacent St Davids Park development.

The indicative scale parameters provided in support of this application are:

#### Detached and Semi Detached dwellings

Minimum height: 7m

Maximum height: 10.5m

Minimum width: 6m

Maximum width 14.5m

Minimum depth: 8m

Maximum depth: 14m

#### Garages

Minimum/Maximum height: 4m

Minimum width: 3.2m

Maximum width 6m

Minimum depth: 6.2m

Maximum depth: 6.5m

#### **EIA and AA Screening:**

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

## **Material Considerations:**

The main issues to be considered in the determination of this application is the principle of the proposed development at this location having regard to the national planning policy guidance and prevailing and emerging development plan policies, as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; the highway and pedestrian safety of the existing road network; the effect upon the biodiversity quality of the application site, drainage, flooding, pollution and archaeology together with other issues raised by consultees.

## **Policy Context:**

### National Planning Policy:

Planning Policy Wales (Edition 7, July 2014).

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2014)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)

### Local Planning Policy:

#### Adopted Unitary Development Plan (UDP)

The existing Development Plan comprises the Neath Port Talbot County Borough Council Unitary Development Plan (UDP) which was adopted in March 2008 and covers the period 2001-2016. The Development Plan is the primary document for consideration of land use planning in the County Borough, within which the following Policies are of relevance: -

Policy ENV1      Development in the Countryside

Policy ENV2(B)    Green Wedges

Policy ENV5      Nature Conservation

Policy ENV11	Proposals in areas of flood risk
Policy ENV13	Brownfield, Derelict and Wasteland
Policy ENV14	Unstable Land
Policy ENV16	Contaminated land
Policy ENV17	Design
Policy GC1	New buildings/Structures and Changes of Use
Policy H2	Housing Density
Policy H4	Affordable housing
Policy IE1	Existing Infrastructure
Policy IE4	Private Sewage Treatment Facilities
Policy RO1	Protection of recreation, Sports Facilities and Open Spaces
Policy RO3	Provision of Open Space to serve New Residential developments
Policy T1	Location, layout and accessibility of new proposals
Policy T12	Footpaths, Cycleways and Bridleways
Policy IE3	Main Sewage Treatment

### Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan (2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30<sup>th</sup> September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2<sup>nd</sup> December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the Council is now in the process of finalising the LDP with a meeting of Council scheduled for 27<sup>th</sup> January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The relevant Policies within the emerging LDP are as follows: -

- Strategic Policy SP 3 –Sustainable Communities
- Strategic Policy SP7 –Housing Requirement
- Policy SC1 – Settlement Limits
- Policy SP4- Infrastructure
- Strategic Policy SP10- Open Space
- Policy OS 1 – Open Space Provision
- Strategic Policy SP14 – The Countryside and the Undeveloped Coast
- Policy EN3/5 – Green Wedges Margam
- Strategic Policy SP16 –Environmental Protection
- Policy EN8 – Pollution and Land Stability
- Strategic Policy SP17- Minerals
- Policy M2- Surface Coal Operations
- Strategic Policy SP20 –Transport Network
- Policy TR2 – Design and Access of New Development
- Strategic Policy SP21 – Built Environment and Historic Heritage
- Policy BE1 –Design
- Strategic Policy SP8 – Affordable Housing
- Policy AH1 – Affordable Housing
- Strategic Policy SP 15 – Biodiversity and Geodiversity
- Strategic Policy SP7 –Housing Requirement

#### Supplementary Planning Guidance

- Affordable Housing
- Biodiversity
- Residential development and open space provision
- Developer Contributions

#### Housing Density

Policy H2 of the UDP specifically refers to housing density, stating 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 this particular case, the application seeks permission for up to 35 dwelling units on an area of 2 hectares, which equates to a gross density of 17.5 dwellings per hectare. This does not meet 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, with a density that conflicts with the criteria within Policy H2.*

The above is replicated in Policy BE1 (8a) of the emerging Local Development Plan which states that *‘normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area’* will be required.

***Principle of Development:***

The application site lies outside the defined settlement limits and is designated as an area of Green Wedge under Policy ENV2 (v). Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is contrary to Policy ENV1 of the UDP and Policy SC1 of the emerging LDP.

This is supported by national guidance with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

*‘In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in the development plans or from other areas allocated for development, must be strictly controlled.’*

Policy ENV2 of the UDP states that:

*‘Green Wedges are identified to protect the setting of built-up areas and prevent urban coalescence between settlements. Within these areas inappropriate development will not be permitted except in very exceptional circumstances. Apart from those forms of development which are specifically defined as appropriate, any other development*

*which would prejudice the openness of the Green Wedge will be considered as inappropriate development and will not be permitted.'*

A green wedge designation and protection policy is also included within the emerging LDP in the form of Policy EN3. This policy designates five separate green wedges one of which extends across the application site, and also seeks to prevent the coalescence of settlements and to protect the setting of urban areas. The policy clearly states that there will be a presumption against inappropriate development within the designated green wedges.

These policies affirm that the construction of new buildings in a Green wedge is inappropriate unless there is an agricultural or forestry need, and only in exceptional circumstances will inappropriate development be permitted. As the proposal does not comply with any of these exceptions it is clear that the proposal contravenes these policies.

Similarly, the proposal would not be supported by the advice in Technical Advice Note 6- Planning for Sustainable Rural Communities. In PPW Para 4.9.1 advises that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. It also acknowledges that not all previously developed land is suitable for development by virtue amongst others things of its location. It should be noted that the Planning Inspector in respect of a previous appeal for 27 houses on this site concluded that 'the guidance indicates that where the footprint of a building only occupies a proportion of a site the remainder of which is open land, the whole of the site should not normally be developed to the boundary of the curtilage.....In the light of this I do not regard the previously developed land status of the golf driving range as a convincing argument in favour of the level of development proposed on the site.'

In respect of the claimed sustainability benefits of the proposal, these must be weighed against the implications of an additional 35 dwellings at this location. There is currently no public transport serving the adjacent residential developments, with the nearest located approximately 0.75 miles away, which means that both existing and proposed residents would be heavily reliant on private means of transport which is compounded by poor pedestrian linkages. In addition there are no community facilities or local services nearby except for the Golf course and associated restaurant.

It is considered that both the adopted Unitary Development Plan and the Emerging Local Development Plan are consistent with national guidance in relation to settlement strategy. Para 4.7.4 of PPW states:-

*“Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the **need to travel and increasing accessibility by modes other than the private car**. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling.”*

Given the fairly remote location of this site at some distance from the necessary facilities and public transport linkages referred to above it is considered that the site is not located in a sustainable location as such future residents would be largely dependent on the private car for access to shops, employment, leisure, education, etc. contrary to national guidance which states at paragraph 4.7.7 of PPW:-

*“For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.”*

Whilst it is acknowledged that the site is falling into disrepair which in turn is adversely affecting visual amenity, there are other mechanisms available to address this issue including enforcement action under both the Planning and Environmental Health legislation. It is also acknowledged that there is an existing lawful use operating at the site, which can continue to operate on condition that it complies with all the relevant legislation including those relating to Health and Safety.

Whilst these are material to the lawful status of the site they are not considered to be sufficient to override the arguments relating to sustainability and countryside protection. Furthermore it is considered that if permission were granted for residential development on this unsustainable and inappropriate located site it would set an undesirable precedent that would seriously undermine the local and national objectives to safeguard the countryside for its own sake. Accordingly, the proposed residential development would represent a departure to the Development Plan, and it is therefore pertinent that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “ where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. “.Such material considerations are addressed later in this report.

### **Housing Need:**

The 2014 Joint Housing Land Availability Study (Published in May 2015) identified a shortfall in the 5 year land supply whereby the Council could only demonstrate the availability of a 2.5 year supply. The reason associated with such a low land supply was associated with the fact that the adopted UDP was coming towards the end of its plan period and as such those sites which were allocated within the plan and which were readily available for development had already been developed. Whilst this was a concern for some time, the emerging LDP sought to address this problem by allocating further land to ensure that a supply is made available to provide an additional 7800 new properties over the life time of the plan (until 2016). This housing need and the associated allocations to meet that need have been assessed as part of a detailed Examination in Public (EIP). The Council is now in receipt of the Inspectors report into that EIP which is legally binding upon the Council. The Inspectors are satisfied that the projected housing need together with the strategy and policies to deliver that need are robust. It is therefore considered that there is no justification to approve housing developments which are contrary to either the existing UDP or the emerging LDP on the basis of insufficient land supply.



## Visual Amenity:

With regards to the character of the existing area, the St. David's Park development was granted planning permission as part of a package to support the provision of a public golf course including the Driving Range. The existing development was designed at a very low density of 6 dwellings per hectare, the dwellings being large detached properties set well within wide fronted sites. The layout is such that open views of the mature landscape backdrop appear between the dwellings. This helps to create an open character to the development limiting its impact upon the surrounding rural area.

The supporting documentation suggests in Para 5.75 that **'the site can support appropriate residential development without any significant impacts on landscape character and visual amenity.'** Whilst it is acknowledged that PPW does accept that extensions to existing small groups of dwellings in the countryside may be acceptable, this is dependent on the character of the surroundings and the number of such groups in the area. Indeed, national guidance at paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. In addition PPW states at paragraph 4.6.4:-

*"The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source."*

As already noted PPW accepts that new house building in the countryside should be strictly controlled and paragraph 9.3.1 requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

The supporting Design and Access Statement notes at paragraph 6.2:-

*'The development will:*

- *Respect local character;*
- *Create a successful relationship between public and private space;*
- *Promote quality, choice and variety.*

*The development will draw on the character of the local area and will also create a place that has familiar elements to aid legibility.'*

This is not accepted. In contrast it is considered that the scale of the development, comparative to the existing houses, is such that it will represent a considerable intensification and consolidation of housing in this rural location. Rather than be viewed as merely part of the backdrop to the existing houses, it is considered that they will represent a significant intrusion into the landscape and serve to urbanise the area to the detriment of the existing rural character.

Whilst it is accepted that there is a substantial mature hedgerow along the southern boundary of the site which would go some way in screening the proposed development, this limited screening alone does not negate the openness, character and appearance of the site and its relationship to the existing built development.

This view was supported by the Planning Inspector when considering a previous appeal where it was concluded that 'In light of my findings as to the existing character, appearance and predominant openness of the appeal site and its relationship to the existing housing, I consider that the effect of the proposal would be to increase radically the developed character of the appeal site and significantly increase the impact of built development in this rural location, to the detriment of the character and appearance of the countryside.'

This open character and appearance is unchanged since the previous appeal whilst the density of proposed development has increased under the current application. It is therefore considered that the proposal would give rise to a sporadic form of development to the detriment of the character and appearance of the rural area, contrary to national and Local Plan objectives to restrict new residential development outside designated settlement areas.

### **Residential Amenity:**

The illustrative plan which accompanies the application demonstrates that a minimum of 21 metres between the existing dwellings (19,20,23,24 and 27 St David's Park) to the north and a minimum of 30 metres between the development and properties to the north east will be maintained. There is one further existing property located to the south on the opposite side of the access track which is known as Cwrtbychan House and is sited in excess of 38 metres from the nearest proposed dwelling. These distances are sufficient to ensure that the site can be developed in a manner which would ensure that there would be no unacceptable overbearance or overshadowing impacts.

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities and basic living conditions of neighbouring dwellings if designed and laid out suitably. Such detail would be considered at a reserved matters stage should outline planning permission be granted.

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

A Transport Statement accompanies the application the contents of which have been assessed by The Head of Engineering and Transport (Highways) who has considered the increase in vehicular traffic associated with up to 35 additional dwellings. It is concluded that the impact of the proposed development can be accommodated within the existing and proposed highway network and that the proposed development will not significantly worsen the free flow of traffic on Water Street to warrant refusal of the application. As a result there is no objection to this development on highway and pedestrian safety grounds subject to the imposition of a number of conditions which include the provision of a right hand turn lane, improvements to the existing access serving St David's Park, provision of a footpath linking the site to Eglwys Nunydd and submission of a Construction Method Statement together with a series of conditions in respect of parking requirements, drive lengths and gradients, bin storage, pedestrian vision splays and road surfacing.

### **Flooding:**

In respect of flood consequences, the site is partially identified by the Development Advice Map as being within Zone C2. Accordingly, the applicant has submitted a Flood Consequences Assessment (FCA) to

accompany the application which has been reviewed by NRW who has offered no objections providing there are no alterations to ground levels in the northern part of the site which is deemed to be at flood risk from the Tu Du Brook. The area at risk of flooding is however identified for use as Public Open Space and as such no proposed dwellings as indicated on the illustrative plan will be affected nor will there be an impact upon 3<sup>rd</sup> party land.

It is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

### **Pollution:**

The Land Contamination Officer and NRW have raised no objections to the proposal having regard to the submitted desk top study subject to the imposition of conditions in respect of a remediation strategy, submission of verification report, long term monitoring and maintenance plan, unexpected contamination and Construction and Environmental Management Plan detailing the pollution prevention measures. However, the submitted desk study has not identified the need to carry out a risk assessment for ground gas associated with the coal seams and this should be addressed.

### **Coal Mining:**

The application site falls within the defined Development High Risk Area. The Coal Authority concurs with the recommendations outlined in the submitted Desk Study Report, that coal mining legacy poses a risk to the proposed development and that intrusive investigation works should be carried out prior to development. The Coal Authority considers that the content and conclusions meet the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposal subject to the imposition of a condition to secure the necessary intrusive site investigations and any remedial works required.

### **Drainage:**

The surface water strategy proposes to outfall the developments run off into the river running alongside the eastern boundary of the site. It is intended to retain the existing sewage pumping station (north west of

the site) and remove the private sewage pumping station (north east of the site) as it is deemed 'not fit for purpose'.

Welsh Water has confirmed that no problems are envisaged with the Waste Water Treatment works for the treatment of domestic discharges from the site and that a water supply can be made available to serve the development. In respect of foul sewerage they have confirmed that the existing drainage infrastructure is only sufficient to accommodate the foul for the first 10 dwellings only, following which the developer will have to secure funding to carry out the necessary improvements for the remaining 25 dwellings. As a consequence, Welsh Water recommends the imposition of a condition requiring a hydraulic modelling assessment to identify any required improvements to the sewerage system.

NRW recommends that a sustainable drainage system is utilised and a suitably worded condition be imposed to secure the details of the scheme. The Authority's own Drainage Engineer raises no objection to the proposal subject to an additional condition requiring a survey of the existing road drainage system.

The proposed development is in outline with all matters of detail reserved for subsequent approval. In any case it is unusual to have full details of how foul and surface water drainage will be dealt with at outline stage. The Council's Drainage Engineer, Welsh Water and NRW have reviewed the submitted details, none of whom raise objection in principle but all suggest appropriately worded conditions should the application be approved to ensure full details are provided to allow adequate assessment and implementation of foul and water drainage and flood avoidance.

### **Archaeology:**

The supporting information in the form of an Archaeological Desk Based Assessment has been considered Glamorgan Gwent Archaeological Trust (GGAT) advises that due to the known archaeological features nearby at Eglwys Nunydd there remains a possibility that such features may exist within the site. To mitigate the impact on the archaeological resource and that appropriate work is undertaken to lessen this impact GGAT recommends the imposition of a condition ensuring archaeological investigations are carried out.

**Noise:**

In view of the proximity of the M4 to the site together with Water Street, it is important to consider the impact of the noise generated by traffic on any future occupiers of the development. This issue is reinforced in PPW and Para10 of TAN 11 (Noise) which emphasises that regard must be had to transport-related noise generating activities and the possible incompatibilities of proposals for new noise sensitive development should be taken into consideration and account taken of the level of current noise exposure and possible future increase when determining planning applications. The proposal has been assessed by the Authority's Environmental Health Officer who has confirmed that traffic noise from the M4 is clearly audible even under unfavourable noise conditions. In addition, HGV and other vehicle movements on Water Street (B4283) also impact on the application site. However, he concludes that it is unlikely that environmental noise levels would be so high as to preclude residential development of the site. Consequently, he raises no objection to the proposal subject to the imposition of a condition requiring an Environmental Noise Assessment be undertaken for both internal and external residential amenity areas as part of a reserved matters application.

**Ecology:**

Technical Advice Note 5: Nature Conservation and Planning states that:

Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological system; small scale opportunities for habitat creation and enhancement can be significant and can build into major contributions over time.

In addition it states that the development control process is a critical stage in delivering the protection and enhancement of nature conservation by PPW. The following can help to achieve these objectives:

- Adopting the five point approach to decision-making- information, avoidance, mitigation, compensation and new benefits;
- Ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;
- Securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- Carrying out effective enforcement;
- Identifying ways to build nature conservation into the design of the development.

TAN 5 confirms that through the use of conditions, the delivery of a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects as possible, including:

- The submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition;
- The maintenance of landscape planting for a five year period, or longer, where the need for this can be justified;
- Habitat enhancement;
- The restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement.

The Authority's Biodiversity Unit has considered the submitted desk study and Phase 1 Habitat Survey and advised that a condition requiring the submission of a Landscape and Environmental Management Plan be imposed. This requirement is endorsed by NRW who also supports the recommendations in respect of the protection of habitats during construction and retention as part of the development. In addition, they also recommend that a condition is imposed on any consent requiring a suitably protective buffer restricting built development including lighting and formal landscaping is incorporated between any development and the watercourse. As Japanese Knotweed is present on the site it is

further suggested that a condition is imposed requiring a detailed method statement for its removal or long term management/eradication.

Having regard to the above, it is considered that the ecological impact of the development has been adequately considered within the submitted information. Through the imposition of conditions, the impacts of the development both during and post construction and ongoing future management and monitoring can be mitigated so that any adverse impacts can be dealt with.

In respect of arboricultural issues, there are a number of trees within or adjoining the site which have screening value. As such, a tree survey has been conducted and submitted in support of the planning application. The Authority's Arboricultural Officer has inspected the tree report and is generally happy with its findings subject to a condition ensuring the protection of the trees during construction; it is considered that the development can be accommodated without having a harmful impact on the surrounding trees.

The development is therefore considered to accord with Policy ENV5 of the Unitary Development Plan.

### **Section 106 Planning Obligations:**

The Council's approved Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to an outline planning application for the development of the site for up to 35 residential units. Although this report outlines the justification for the refusal of the development, it is



still necessary to examine what planning obligations would be required if the application were acceptable in all other respects. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary.

The required contributions would include:-

### Public Open Space (POS)

Policy RO3 of the UDP states that proposals for the creation of new dwellings shall make provision for areas of open space within the site. This policy is based upon the National Playing Fields Association (NPFA) standards for open space provision. This includes provision for outdoor playing space at a minimum ratio of 2.4 hectares per 1000 population which comprises:

- 1.6 hectares per 1000 population for outdoor sport, of which at least 1.2 hectares should be for pitch sports, and
- 0.8 hectares per 1000 population for children's play space.
- The adopted standard also includes provision for informal space at a ratio of : 0.4 hectares per 1000 population for informal open space.

Where it is impractical to provide open space and/or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off-site contribution payments.

Furthermore, the LDP Background Paper on open space identifies an existing deficiency of children's play facilities in the ward that would be exacerbated by the increase in population arising from the proposed development.

This requirement is reinforced in policies SP10-Open Space and OS1-Open Space Provision of the emerging Local Development Plan.

The 'Open Space and Indoor Leisure' Topic paper, produced in support of the emerging Local Development Plan, identifies that only Onllwyn, Coedfranc West and Coedfranc Central have sufficient children's play,

with all other wards deficient. Accordingly, there is a need for the development to contribute towards addressing such deficiency.

The Authority's Play Officer advises that the proposed development sits well outside the buffer areas for existing local and neighbourhood provision and there are no play facilities available that children living on the development could access. The submitted illustrative plan includes an area of open space approximately 0.5 hectares in area which accords with the recommendation of the Play Officer for the preferred provision of onsite open space provision.

### Housing:

With regards to the issue of affordable housing, as this application relates to outline permission for more than 5 units, the developer will be required to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and also the adopted Supplementary Planning Guidance. However, Policy AH1 of the LDP requires that all new housing developments within the Port Talbot spatial area requires 25% affordable housing should be sought. As this application seeks outline planning permission, a suitably worded condition, if permission were granted, would be imposed on the application requiring the provision for affordable housing to be agreed at reserved matters stage.

The applicant has estimated that the costs associated with the planning obligations amount to approximately £1.49 million. Should planning permission be granted such obligations will be secured in the form of a S106 legal agreement.

The applicant has submitted a statement in support of the development at this location which identify a number of benefits which they consider are sufficient to justify approving this development contrary to the development plan. As stated earlier in this report, Section 38 of the Planning and Compulsory Purchase Act 2004 require proposals to be considered having regard to the Development Plan unless material considerations dictate otherwise. The applicant considers the following material considerations to be of sufficient weight to justify departing from both the UDP and the emerging LDP. These individual considerations together with the assessment of the considerations are as follows:

**The applicant argues in favour of the development on the basis that it will result in the provision of up to 35 homes, comprising a**

**range of dwelling sizes and types which will contribute to the housing supply in NPT;**

The provision of a variety of housing types on sustainable sites has been considered in the adopted UDP and the emerging LDP. Whilst this site was considered as a candidate site within the LDP process it was discounted as it was not sustainably located and did not accord with the Council's settlement strategy. Whilst it is acknowledged that the Welsh Government is pushing for additional housing provision, this topic was assessed and debated at length within the recent Examination in Public for the LDP. Welsh Government officers were in attendance at the hearings associated with housing need and supply and also submitted documents associated with this topic. The Council is now in receipt of the Planning Inspectors report into the emerging LDP. This report amongst other things considers the population projections and the associated housing need for the County Borough. The Inspectors report confirms that the level of housing proposed within the emerging plan is sufficient and as such there is no justification at this stage to approve a housing development contrary to our adopted and emerging policies.

***The development will make a significant affordable housing contribution in line with policy and will help to meet the affordable housing need in NPT as a whole;***

The Applicant has indicated that an affordable housing contribution would be made in the form of a commuted sum rather than on site provision. This contribution would amount to 25% of the number of units at 60% of the market value of the units, in line with the emerging LDP policy and the adopted Supplementary Planning Guidance. Whilst it is acknowledged that the proposal would contribute to the provision of affordable housing within the County Borough to meet an identified need this does not outweigh the harm caused to the character and appearance of the area and the unsustainable location of the site.

***The development will be located on a partially brownfield site which can help to reduce the need to release suitable sites for residential development;***

This issue has been addressed earlier in the report where it is argued that the site is largely open in aspect and there is no justification to redevelop the site in this rural location.

***The development will provide significant improvements to the road and associated infrastructure within St David's Park including lighting and bringing the road up to adoptable standards;***

The potential benefits that would result from the existing St David's Park Road being completed would be welcomed by the existing residents. However, it is considered that this would not outweigh the harm that would be caused to the rural character and appearance of the surrounding area.

***The proposal will result in the redevelopment of a site which could otherwise become derelict and undesirable in appearance to a more compatible use with the neighbouring dwellings;***

Whilst it is acknowledged that the application site may become further derelict in the future should the owner choose not to invest in its maintenance and potentially that this could impact on the amenity of neighbouring residents and the visual amenity of the surrounding countryside, it is not considered that this is significant justification to warrant overriding development plan policies which seek to protect the countryside. Furthermore there are provisions within the environmental health and planning legislation which can be enforced to ensure that owners of land and property maintain their land and property.

***The development will result in a strengthened settlement edge, which will be delivered without eroding the qualities or role of the Green Wedge;***

The application site is clearly located outside the settlement limits and as such does not lie adjacent to any defined settlement as identified in either the UDP or the emerging LDP. As a result this proposal cannot strengthen a settlement edge at this location when one does not exist.

***The development will result in a high quality on-site public open space.***

As indicated earlier in this report, adopted and emerging development plan policies require the provision of open space to serve residential developments of a certain size. The provision of such open space on this site is not therefore different to any other site where such provision is required. It will not therefore result in a benefit which wouldn't be expected on other similar sized sites. The provision of public open

space does not therefore outweigh the identified harm which would be caused by the development.

***Significant economic benefits, including construction jobs, indirect and induced jobs, tax receipts and an annual expenditure by residents.***

Whilst socio economic benefits are a material consideration in the determination of an application, short term benefits associated with the construction of this development do not override the identified harm caused to the character and appearance of the site.

**Other Issues**

A number of objections raised by local residents have been addressed within the above appraisal. The remaining outstanding issues are addressed below:

1. It is suggested that the site is offered for sale rather than developed for residential purposes. However decisions regarding the potential future use of the site is a matter for the applicant;
2. In regard to concerns over noise and disturbance associated with the construction phase of development, all construction works are likely to result in a degree of noise and disturbance to adjacent properties. However, these disturbances are temporary and a condition requiring the provision of a detailed Construction Environmental Management Plan should ensure that such noise, dust and disturbance are kept to a minimum. If in exceptional circumstances levels of noise and disturbance exceed normal levels and constitute a nuisance then these circumstances are governed by Environmental Health Nuisance Regulations. Whilst it is acknowledged that the introduction of residential development at this location has the potential to increase noise levels by virtue of an increase in vehicular movements it is considered that this would not be sufficient to warrant a refusal on these grounds. A view which is endorsed by the Environmental Health Officer who has raised no objection to the proposal;
3. There are no Tree Preservation Orders (TPO) on the trees within the application site or land directly adjoining it, nor are the trees of sufficient merit to justify protection through a TPO.

4. Devaluation of property is not a material planning consideration in the determination of this application;
5. Turning to the concern that not all properties have been consulted, it should be noted that nine individual properties have been notified and the proposal has been advertised both in the press and by means of site notices. The statutory requirements only require those properties which adjoin the application site to be notified or for the application to be advertised on site. Both forms of advertisement have been completed in respect of this application which is over and above that required statutorily.
6. Whilst it is acknowledged that the application has been submitted within 10 years of a previous refusal and dismissed appeal, there is no provision within the legislation to prevent the submission and subsequent assessment of this application on its individual merits;
7. The application for Phase 2 of St David's Park was determined on its individual merits having regard to the prevailing development plan policies and material considerations at that time.
8. Whilst it is acknowledged that the proposal will result in the loss of a sporting facility, this is a private driving range and is not covered by the criteria contained within either Policy R01 within the UDP or policy OS2 within the emerging LDP.
9. With regards to concerns over flooding. The applicants have submitted a Flood Consequences Assessment, which has been considered by NRW, who has raised no objection to the proposed development in relation to increased risk of flood or impacts upon third party land;
10. In relation to concerns over car parking and the size of garden areas, the application seeks outline planning permission with all matters reserved for determination at a later date via separate reserved matters applications. This includes details of the proposed layout of the development including car parking provision. The submitted illustrative plan demonstrates that the site is large enough to accommodate up to 35 dwellings on site together with the associated car parking and private amenity space;

**Conclusion:**

Having regard to Policies ENV1, ENV2, GC1, ENV5, ENV11, ENV13, ENV14, ENV16, ENV17, H2, H4, IE1, IE3, IE4, RO1, RO3, T1 and T12 of the Neath Port Talbot Unitary Development Plan and Policies SP3, SP7, SC1, SP10, OS1, SP14, EN3/5, SP16, EN8, SP17, M2, SP20, TR2, SP21, BE1, SP8, AH1 SP15 and SP7 of the emerging Local Development Plan; and national guidance contained in Planning Policy Wales, TANs 2, 5, 6, 11, 12, 15, 16 and 18 it is considered that the proposal represents an unjustifiable and unsustainable form of residential development located outside the defined settlement, which would have a detrimental impact upon the character and appearance of the surrounding area . It would also amount to inappropriate development which would prejudice the openness of the Green Wedge, for which there are no material considerations which outweigh the harm caused.

The decision to recommend refusal of 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.

**RECOMMENDATION: Refusal on the following grounds**

- (1) By reason of the site's rural location and the absence of adequate links to sustainable modes of transport, future occupiers of the proposed development would be overly reliant on the private car to access basic day to day services. The proposal would therefore represent an unsustainable form of development that would be contrary to the objectives of National Policy and guidance contained within Planning Policy Wales, Technical Advice Note 6 – Planning for Sustainable Rural Communities and TAN 18-Transport together with local planning policy objectives as defined by Policies GC1 and T1 of the Neath Port Talbot Unitary Development Plan and Policies SP3 and TR2 of the emerging Local Development Plan.
- (2) By reason of the site's rural location, the lack of a clear physical relationship to an established settlement and the absence of an agricultural/forestry/ rural enterprise need, the proposal represents an unjustified form of residential development in the countryside that would detract from the openness of the Green Wedge and the character and appearance of the surrounding rural landscape. The

development is therefore contrary to the countryside protection objectives of national planning policy and guidance as contained within Planning Policy Wales, TAN 6- Planning for Sustainable Rural Communities and TAN 12- Design in addition to failing to comply with local policies ENV1 and ENV2 of the Neath Port Talbot Unitary Development Plan and Policies SP14 and EN3/5 of the emerging Local Development Plan.





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## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

#### a) Planning Appeals

**Appeal Ref:** A2015/0006      **Planning Ref:** P2014/1020

**PINS Ref:** APP/Y/6930/A/15/3121633

**Applicant:** Mr T Shaw

**Proposal:** One dwelling (outline with details of access to be determined)

**Site Address:** 33 Orchard Street, Pontardawe, Swansea

**Decision Date:** 3<sup>rd</sup> November 2015

**Decision Code:** Dismissed

The appeal concerned an outline application with details of access to be determined. The main issue in the determination of this appeal was the effect of the proposed additional dwelling on local parking arrangements with particular reference to both pedestrian and highway safety.

The Inspector noted that the parcel of land is currently used as a garden area at No 33 Orchard Street with the front portion of the site currently used as off street parking for the donor property. The provision of two off-street parking spaces to serve the proposed dwelling would be sufficient to avoid any adverse effects on pedestrian and highway safety. However, such an arrangement would displace the existing car parking area to the side of No.33, leaving the occupiers of that property with only a single parallel parking space.

The Inspector considered that this parking space, even though it is considered to be an unacceptable parking space to the Council's Highway Section is a historic parking space for the donor property and the Inspector would therefore consider that this would be suitable to provide one parking space for the donor property.

He noted that Orchard Street and Fuller Street is restricted in width, with no pedestrian footway and even though there is a nearby public car park, the area suffers from significant levels of indiscriminate parking, including potential to further restrict the width of the carriageway and thereby impede the free flow of traffic as well as provide significant potential for conflict between pedestrians and vehicles. In this regard, and bearing in mind that No.33 is located on the corner with Fuller Street with no scope to accommodate safe on-street parking, he considered such off-street parking arrangements to be critical to the safe and efficient use of the highway.

Within this context, he was satisfied that despite its sustainable location, the reduction in parking spaces at No.33 would increase pressure for on-street parking within the vicinity. With a reduced level of off-street parking, he stated that it is inevitable that at least a proportion of any additional demand would look to on-street parking in the first instance, thereby increasing potential for conflict between vehicles and pedestrians and generally exacerbating the concerns outlined above.

He therefore concluded that the proposal would result in increased levels of indiscriminate parking, to the detriment of both pedestrian and highway safety. As such, it would conflict with Policy T1 of the Neath Port Talbot Unitary Development Plan.

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**Appeal Ref:** A2015/0008      **Planning Ref:** P2014/0742

**PINS Ref:** APP/Y6930/A/15/3067602

**Applicant:** Mrs Susan Bowden (for Mr Stuart Bryce)

**Proposal:** Detached dwelling and photo voltaic array

**Site Address:** Site of Glyndwr Bungalow, Tynewydd, Seven Sisters, Neath, SA10 9BP

**Appeal Method:** Written representations

**Decision Date:** 20/10/15

**Decision Code:** Allowed

This was an appeal against a number of conditions imposed on the above grant of planning permission. The main issue therefore concerned whether all of the conditions were necessary.

The disputed conditions covered a range of matters, and the Inspector considered them either individually or as related groups of conditions as appropriate.

Condition 3 required the treatment and eradication of any Japanese Knotweed. The Inspector concluded that it is important that any Japanese Knotweed on the land is eradicated before new development is built and the appeal was unsuccessful in regard to this condition.

Condition 4 required details of the proposed photovoltaic array to be approved by the council. The Inspector concluded this condition was necessary and appropriate. The appeal was unsuccessful on this condition.

Conditions 5-8 and 34-35 covered various measures to protect trees on the site in the interest of good husbandry of the trees and visual amenity. The Inspector concluded that this issue was better covered by a single condition. The appeal succeeded on these conditions.

Conditions 12-14, 16 and 18-22 aimed to ensure satisfactory drainage of the site, protect the integrity of the public sewerage system, prevent pollution and prevent water draining on to the public highway and affecting highway safety. The inspector concluded that these conditions should be replaced by only 2 conditions including a sustainable drainage scheme and that that no surface water shall be allowed to connect to the public sewerage system. The appeal succeeded on these conditions.

Condition 26 required the first floor bedroom window on the east elevation to be obscure glazed and any opening vent to be top-hinged and at least 1.7 metres above the floor level of that room. The Inspector considered the distance, angled view and intermediate vegetation to render any harm to amenity to be moderate and acceptable. Thus the Inspector concluded that the condition was unnecessary. The appeal of this condition was successful.

Condition 28 dealt with interference with watercourses on the site and was considered to duplicate Condition 15 such that it was unnecessary and should be deleted. The appeal succeeded on these grounds.

Condition 29 required details of floor and ground levels to be submitted for approval, including cross sections through the site, in order to ensure visual amenity. The Inspector concluded that the information submitted with the application was sufficient and the condition should be replaced by a condition requiring compliance with the application plans. The appeal succeeded on this condition.

Conditions 30-33 withdrew a range of permitted development rights. The Inspector concluded that the conditions are unnecessary at this site and should be deleted. The appeal also succeeded on these conditions.

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

### DELEGATED APPLICATIONS

DETERMINED BETWEEN 2 NOVEMBER AND 15 DECEMBER 2015

1	App No. P2014/0426	Type Full Plans
Proposal	Single storey storage/garage building.	
Location	40 Cilmaengwyn Road, Cilmaengwyn, Pontardawe, Swansea SA8 4QL	
Decision	Approval with Conditions	
Ward	Godre'rgraig	

2	App No. P2015/0110	Type Full Plans
Proposal	Engineering works to facilitate highway improvements, including improved junction arrangements with A474 plus road / track widening, in order to facilitate access for construction vehicles in association with the construction of 2 no. wind turbines proposed under planning application reference P2014/0402	
Location	Mynydd Y Gwrhyd, North Of Pontardawe, East Of Cwmgors	
Decision	Approval with Conditions	
Ward	Pontardawe	

3	App No. P2015/0271	Type LawfulDev.Cert-Exist
Proposal	Certificate of lawful development (existing) for area of covered decking, porch and utility room.	
Location	Naid Y Carw Farm, Road From Goytre To Bryn, Bryn, Port Talbot, SA13 2SH	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryn & Cwmavon	

4	App No. P2015/0374	Type Householder
Proposal	Single storey rear extension.	
Location	31 New Road, Neath Abbey, Neath SA10 7NH	
Decision	Approval with Conditions	
Ward	Dyffryn	

5	App No. P2015/0513	Type Full Plans
Proposal	Standby electricity generating plant (20MW) plus associated works. (Amendment to application - P2014/0246)	
Location	Ex Gas Works Site, Land west of Afan Way, Port Talbot SA12 6HQ	
Decision	Approval with Conditions	
Ward	Sandfields East	

6	App No. P2015/0521	Type Outline
Proposal	Detached dwelling (Outline with all matters reserved)	
Location	Land Adjacent To, 3 Garbett Place, Crynant, Neath, SA10 8PQ	
Decision	Approval with Conditions	
Ward	Crynant	

7	App No. P2015/0539	Type Vary Condition
Proposal	Variation of Condition 1 of Planning Permission P2011/0243 (Approved on the 27/07/2011) to allow for the Anemometry Mast to be retained for a further period of 48 months.	
Location	Land southeast of Ynysgeinon Farm, Ystalyfera	
Decision	Approval with Conditions	
Ward	Rhos	

8	App No. P2015/0610	Type Full Plans
Proposal	Change of use from Highway depot to scaffolding business with ancillary offices plus detached portal frame storage building for scaffolding equipment (Class B8)	
Location	Ynysygerwyn Depot, B4242 From Aberdulais To Abergarwed, Aberdulais, Neath, SA10 8HL	
Decision	Approval with Conditions	
Ward	Aberdulais	

9	App No. P2015/0618	Type Full Plans
Proposal	Retention and completion of two detached buildings for storage and offices in connection with roofing contractors business, plus retention of and completion of engineering works to embankment.	
Location	Unit 9 Quar Road, Neath, SA11 1AE	
Decision	Approval with Conditions	
Ward	Neath East	



10	App No. P2015/0619	Type Full Plans
Proposal	Detached residential dwelling.	
Location	97 Pen Yr Alltwen, Alltwen, Pontardawe, Swansea, SA8 3EA	
Decision	Approval with Conditions	
Ward	Rhos	

11	App No. P2015/0623	Type Full Plans
Proposal	Detached split level dwelling, with associated access and off street parking (Amended plans received 11.11.15).	
Location	Land at Compass Row, Pontardawe, SA8 4LS	
Decision	Approval with Conditions	
Ward	Pontardawe	

12	App No. P2015/0624	Type Full Plans
Proposal	Engineering works including ditches and mounds together with installation of kissing and equestrian gate and construction of culvert	
Location	Mynydd y Gwrhyd, North of Pontardawe	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

13	App No. P2015/0649	Type Reserved Matters
Proposal	Reserved Matters approval for Buildings 13, 14, 17 & 18 including 469 residential student bed spaces and associated works including public realm works and temporary car parking. (Outline Planning Permission P2010/0222)	
Location	Swansea Bay Campus, Fabian Way, Jersey Marine, Neath	
Decision	Approval with Conditions	
Ward	Coedffranc West	

14	App No. P2015/0650	Type Householder
Proposal	Side conservatory extension.	
Location	Chellodene, 11 Waun Daniel, Rhos Pontardawe, Swansea, SA8 3HR	
Decision	Approval with no Conditions	
Ward	Rhos	

15	App No. P2015/0661	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2012/0806 (Approved on the 15/07/2013) to vary the wording of condition 24 (Treatment of Japanese Knotweed)		
Location Land At, Graig Newydd, Godre'r Graig, Swansea		
Decision Approval with Conditions		
Ward Godre'rgrraig		

16	App No. P2015/0703	Type Discharge of Cond.
Proposal Details pursuant to Condition 19 (Landscaping) of Planning Permission P2014/1109 (Approved on the 02/03/2015)		
Location Land At Evans Road, Melin, Neath, SA11 2DB		
Decision Approval with Conditions		
Ward Neath East		

17	App No. P2015/0714	Type Discharge of Cond.
Proposal Details pursuant to condition 18 (refuse collection strategy) of planning permission P2012/0171 (Approved on the 4/10/13)		
Location Land Rear Of, 102 Crymlyn Road, Skewen, Neath, SA10 6DT		
Decision Approval with no Conditions		
Ward Coedffranc West		

18	App No. P2015/0715	Type Discharge of Cond.
Proposal Details pursuant to condition 31 (means of enclosure to plots 8, 9, 14, 15, 18, 22, 24, 25, 26, 28 and 29) of planning permission P2012/0171 (Approved on the 4/10/13)		
Location Land rear of, 102 Crymlyn Road, Skewen, Neath, SA10 6DT		
Decision Approval with no Conditions		
Ward Coedffranc West		

19	App No. P2015/0716	Type Householder
Proposal Retention of detached outbuilding		
Location 5 Heol Wenallt, Cwmgwrach, Neath, SA11 5PS		
Decision Approval with Conditions		
Ward Blaengwrach		

20	App No. P2015/0738	Type Full Plans
Proposal	Two detached dwellings (Outline with all matters reserved).	
Location	Land Between 30 & 22, Ynysmeudwy Road, Pontardawe, SA8 4QD	
Decision	Approval with Conditions	
Ward	Pontardawe	

21	App No. P2015/0779	Type Full Plans
Proposal	Change of use of retail unit (use class A1) to hot food takeaway (use class A3), new shopfront, security shutters to front elevation and extraction flue to rear.	
Location	Unit 6 Commercial Buildings, Talbot Road, Port Talbot, SA13 1DR	
Decision	Approval with Conditions	
Ward	Port Talbot	

22	App No. P2015/0780	Type Householder
Proposal	Retention and completion of single storey outbuilding	
Location	2 Fairway Drive, Rhydyfro, Pontardawe, SA8 4NT	
Decision	Approval with Conditions	
Ward	Pontardawe	

23	App No. P2015/0786	Type Householder
Proposal	Single storey garage to rear of dwelling	
Location	61 Leonard Street, Neath, SA11 3HW	
Decision	Approval with Conditions	
Ward	Neath North	

24	App No. P2015/0787	Type Householder
Proposal	Retention and completion of a single storey side/rear extension and hard surfacing of driveway.	
Location	1 New Road, Cilfrew, Neath, SA10 8LL	
Decision	Approval with no Conditions	
Ward	Aberdulais	

25	App No. P2015/0794	Type Householder
Proposal	Construction of two storey rear extension and lower ground floor extension to the front elevation.	
Location	Min Y Mynydd, Lane From Gwrhyd Road To Min Y Mynydd, Rhiwfawr, Swansea, SA9 2RP	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

26	App No. P2015/0801	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 18 (Traffic Regulation Order Scheme of Planning Permission P2014/0104 granted on 27/08/2014)		
Location Former Briton Ferry School, Heol Ynysymaerdy, Briton Ferry, Neath, SA11 2TL		
Decision Approval with no Conditions		
Ward Briton Ferry East		

27	App No. P2015/0834	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 9 (Construction Method Statement) of Planning Permission P2012/0638 allowed at appeal on the 8th July 2015		
Location Land At Mynydd Brombil, Brombil Farm, Margam, Port Talbot		
Decision Approval with no Conditions		
Ward Margam		

28	App No. P2015/0835	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 12 (Surface water drainage system) of Planning Permission P2012/0638 allowed at appeal on the 8th July 2015		
Location Land At Mynydd Brombil, Brombil Farm, Margam, Port Talbot		
Decision Approval with no Conditions		
Ward Margam		

29	App No. P2015/0837	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 11 (Traffic Management Plan) of Planning Permission P2012/0638 allowed at appeal on the 8th July 2015		
Location Land At Mynydd Brombil, Brombil Farm, Margam, Port Talbot		
Decision Approval with no Conditions		
Ward Margam		

30	App No. P2015/0839	Type Full Plans
Proposal Change of use of first floor rear wing from storage area to 2 self contained flats. External alterations to comprise on the Villiers Street (front elevation) the installation of 5 juliet balconies to the first floor. Removal of external staircase and removal, realignment and installation of 3 no windows to the first floor rear elevation. Installation of window and juliet balcony to the gable elevation and removal and replacement of two existing windows on the rear of the main building.		
Location Ferguson House, Bethel Street, Briton Ferry, Neath, SA11 2HQ		
Decision Approval with Conditions		
Ward Briton Ferry East		

31	App No. P2015/0840	Type Advertisement
Proposal Two illuminated fascia signs		
Location Francos Fish Bar, The Princess Margaret Way, Sandfields, Port Talbot, SA12 6QW		
Decision Advert Approved with Std Cond		
Ward Sandfields West		

32	App No. P2015/0841	Type Householder
Proposal First floor side extension and single storey rear extension		
Location Bryn Eyr, Eaglesbush Valley, Neath, SA11 2AN		
Decision Approval with Conditions		
Ward Neath South		

33	App No. P2015/0843	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 7 (track construction scheme) in respect of P2015/0221 granted on 13/7/15		
Location Land Adjacent To Llynfi Afan Windfarm (Formerly Called Mynydd Y Gelli), Near Abergwynfi, Port Talbot		
Decision Approval with no Conditions		
Ward Gwynfi		

34	App No. P2015/0847	Type Householder
Proposal First floor rear extension		
Location 6 Heol Y Felin, Cwmgwrach, Neath. SA11 5TB		
Decision Approval with Conditions		
Ward Blaengwrach		

35	App No. P2015/0862	Type Full Plans
Proposal	One Detached split level dwelling with associated off street car parking	
Location	Land To The Rear Of, 18 Siding Terrace, Skewen, Neath, SA10 6RE	
Decision	Approval with Conditions	
Ward	Coedffranc North	

36	App No. P2015/0869	Type Full Plans
Proposal	Installation of balconies to front elevation	
Location	Ferguson House, Bethel Street, Briton Ferry, Neath, SA11 2HQ	
Decision	Refusal	
Ward	Briton Ferry East	

37	App No. P2015/0871	Type Full Plans
Proposal	External alterations including creation of new access doors to front elevation, ramped access with handrails, and external bin storage area.	
Location	42 Burrows Road, Skewen, Neath, SA10 6AB	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

38	App No. P2015/0872	Type Full Plans
Proposal	Construction of temporary building for use by the Flying Start Group	
Location	Blaengwrach Primary School, Heol Wenallt, Cwmgwrach, Neath, SA11 5PP	
Decision	Approval with Conditions	
Ward	Blaengwrach	

39	App No. P2015/0873	Type Prior Notif. Demol.
Proposal	Application for prior notification under part 31 of the Town and Country Planning General Development Order 1995 to demolish a detached dwelling	
Location	56 Cwrt Y Carw, Coed Hirwaun, Port Talbot, SA13 2TS	
Decision	Approval with no Conditions	
Ward	Margam	

40	App No. P2015/0877	Type Outline
Proposal	Detached dwelling and garage (Outline with all matters reserved) (Mining Risk Assessment received 01.12.15)	
Location	Maes-Yr-Haf, Ty Newydd, Seven Sisters, Neath, SA10 9BP	
Decision	Approval with Conditions	
Ward	Seven Sisters	

41	App No. P2015/0880	Type Householder
Proposal	Creation of vehicular access and hardstanding	
Location	87 Neath Road, Rhos Pontardawe, Swansea, SA8 3EH	
Decision	Approval with Conditions	
Ward	Rhos	

42	App No. P2015/0882	Type Householder
Proposal	Part two storey, part single storey side and rear extension.	
Location	14 Tyn Y Cae, Alltwen, Pontardawe, Swansea, SA8 3DL	
Decision	Approval with Conditions	
Ward	Alltwen	

43	App No. P2015/0885	Type Change of Use
Proposal	Change of use from music studio (Class Sui Generis) to a bicycle shop (Class A1)	
Location	The Telephone Exchange, Depot Road, Cwmafan, Port Talbot, SA12 9DF	
Decision	Approved with 5yr expiry only	
Ward	Bryn & Cwmavon	

44	App No. P2015/0886	Type Outline
Proposal	Two detached residential dwellings (Outline with all matters reserved)	
Location	Land Off, Lewis Avenue, Cwmllynfell, SA9 2GR	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

45	App No. P2015/0892	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission N1993/0482 (Approved on the 16/12/1993) to vary the wording of condition 1 for No. 21 only to allow the provision of two car parking spaces forward of the building line		
Location 21 Maes Y Meillion, Waunceirch, Neath, SA10 7RA		
Decision Approval with Conditions		
Ward Bryncoch South		

46	App No. P2015/0894	Type Full Plans
Proposal Two storey side extension plus external alterations to existing club house including 2 No. external fire escape staircases, glazed enclosure to balcony area, wooden cladding plus LPG tank and bin storage enclosure.		
Location Bryncoch Sports Club, Tyllwyd Road, Bryncoch, Neath, SA10 7DQ		
Decision Approval with Conditions		
Ward Bryncoch North		

47	App No. P2015/0928	Type Householder
Proposal Single storey rear extension.		
Location 28 New Road, Gellinudd Pontardawe, Swansea, SA8 3DY		
Decision Approval with no Conditions		
Ward Rhos		

48	App No. P2015/0930	Type Householder
Proposal Single storey rear extension, velux roof lights, raised patio and steps		
Location 46 Heathfield Avenue, Glynneath, Neath, SA11 5AB		
Decision Approval with Conditions		
Ward Glynneath		

49	App No. P2015/0971	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2012/0219 (Approved on the 01/05/2012) to allow for a change to the design and size of the balcony.		
Location Fernleigh, School Road, Jersey Marine, Neath, SA10 6JE		
Decision Approval with no Conditions		
Ward Coedffranc West		



50	App No. P2015/0976	Type LawfulDev.Cert-Prop.
Proposal Dormer extension to rear roof slope and Velux windows to front roof plane - Certificate of Lawful Development Proposed		
Location 16 Grange Street, Port Talbot, SA13 1EN		
Decision Issue Lawful Dev.Cert.		
Ward Port Talbot		

51	App No. P2015/1053	Type PriorNotif.Agric.Bld
Proposal Prior notification of agricultural storage building.		
Location Hafod Wennol Farm, Lane From Baran Road To Hafod Wennol Farm, Rhydyfro, Pontardawe, Swansea, SA8 4RU		
Decision Prior Approval Not Required		
Ward Pontardawe		

52	App No. P2015/1060	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawfulness for proposed single storey rear extension		
Location 70 The Meadows, Cimla, Neath, SA11 3XF		
Decision Issue Lawful Dev.Cert.		
Ward Cimla		

53	App No. P2015/1070	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 2 (external materials) of planning permission P2015/0876 (Approved on the 23-Oct-2015)		
Location 7 Kenway Avenue, Cimla, Neath, SA11 3TU		
Decision Approval with no Conditions		
Ward Neath South		

54	App No. P2015/0895	Type Discharge of Cond.
Proposal Details pursuant to condition 11 (Construction Management Plan) of Planning Permission P2014/1208 (Approved on the 23-July-2015)		
Location Sandvik Osprey Limited, Milland Road, Neath, SA11 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

55	App No. P2015/0896	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2013/0865 (Approved on the 19/11/2013) to remove conditions 27,28 & 29 in respect of Code for Sustainable Homes.		
Location Rockfield, Longford Road, Longford, Neath, SA10 7HQ		
Decision Approval with no Conditions		
Ward Dyffryn		

56	App No. P2015/0897	Type Discharge of Cond.
Proposal Details pursuant to condition 9 (Landscaping scheme) of Planning Permission P2014/1155 (Approved on the 22-June-2015)		
Location Sandvik Osprey Limited, Milland Road, Neath, SA11 1NJ		
Decision Approval with Conditions		
Ward Neath East		

57	App No. P2015/0904	Type Householder
Proposal Retention and completion of a detached garage		
Location 36 Heathfield Avenue, Glynneath, Neath, SA11 5AB		
Decision Approval with Conditions		
Ward Glynneath		

58	App No. P2015/0906	Type Change of Use
Proposal Change of use from bed and breakfast accommodation (Class C1) to one residential dwelling (Class C3)		
Location 4 Efail Fach, Pontrhydyfen, Port Talbot, SA12 9TY		
Decision Approved with 5yr expiry only		
Ward Pelenna		

59	App No. P2015/0908	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 20 (retaining wall details, materials and calculations of planning permission 2012/1116 (Approved on the 12/05/14)		
Location Graig Yr Awel And Industrial Unit, Lane From Lon Hir To Glyndole Farm, Gellinudd, Pontardawe, SA8 3DE		
Decision Approval with no Conditions		
Ward Alltwen		

60	App No. P2015/0912	Type Change of Use
Proposal	Change of use from post office (Class A1) to residential dwelling (Class C3)	
Location	Post Office, 41 High Street, Glynneath, Neath, SA11 5BS	
Decision	Approved with 5yr expiry only	
Ward	Glynneath	

61	App No. P2015/0914	Type Full Plans
Proposal	Two storey extension to provide additional retail (use Class A1) floor space at ground floor and associated offices and facilities at first floor.	
Location	Baglan Service Station, 38-40 Swan Road, Baglan, Port Talbot, SA12 8LA	
Decision	Approval with Conditions	
Ward	Baglan	

62	App No. P2015/0920	Type App under TPO
Proposal	Reduce canopy by 2-2.5m of 1 No. Birch Tree (TPO: T208)	
Location	Land To The Front Of, Heol Y Nant, Off Derwen Road, Alltwen, Pontardawe, SA8 3AY	
Decision	Approval with Conditions	
Ward	Alltwen	

63	App No. P2015/0924	Type Householder
Proposal	Alterations to roof including pitch height to match into existing ridgeline plus rear dormer extension	
Location	Ynys Wen Farm, Garth Road, Pontardawe, Swansea, SA8 4ST	
Decision	Approval with Conditions	
Ward	Pontardawe	

64	App No. P2015/0932	Type Advertisement
Proposal	One externally illuminated fascia sign	
Location	3 Windsor Road, Neath, SA11 1LN	
Decision	Approval with no Conditions	
Ward	Neath North	

65	App No. P2015/0935	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2014/1070 (Approved on the 27/01/15 ) to provide velux roof lights to roof of rear extension.	
Location	116 Cimla Road, Cimla, Neath, SA11 3UD	
Decision	Approval with no Conditions	
Ward	Neath South	

66	App No. P2015/0937	Type Householder
Proposal	Conversion of garage to living accommodation to include blocking of garage door to cill level and insertion of window to front elevation	
Location	44 Ynys-Y-Wern, Cwmavon, Port Talbot, SA12 9DQ	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

67	App No. P2015/0939	Type Discharge of Cond.
Proposal	Details to be agreed in association with conditions 5 (Survey of Public Highway), 7 (Means of Connection to Electrical Grid), 8 (Landscaping Scheme), 11 (Contact Details in Association with the Transport Assessment.) and 18 (Surface Water Drainage Scheme) of application P2015/0210 granted on 05/05/15.	
Location	Pantymoch Farm, Penycae, Port Talbot, SA13 2UT	
Decision	Approval with no Conditions	
Ward	Port Talbot	

68	App No. P2015/0940	Type Discharge of Cond.
Proposal	Details pursuant to Condition 2 (Materials) of Planning Permission P2015/0307 (Approved on the 06-Aug-2015)	
Location	Nant Y Melyn Farm, Cwmgors, Near Pontardawe, SA18 1DR	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

69	App No. P2015/0941	Type Full Plans
Proposal Retention of recladding of external elevations of building, replacement roof with increase in height of 0.18m and blocking up of 6 roller shutter doors to the front and rear elevations.		
Location Unit 13, Seaway Parade Industrial Estate, Baglan, Port Talbot, SA12 7BR		
Decision Approval with no Conditions		
Ward Baglan		

70	App No. P2015/0942	Type Discharge of Cond.
Proposal Details pursuant to condition 5 (surface water drainage) and condition 10 (comprehensive drainage scheme) of Planning Permission P2014/1208 (Approved on the 23-July-2015)		
Location Sandvik Osprey Limited, Milland Road, Neath, SA11 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

71	App No. P2015/0943	Type Neigh.Auth/Nat.Park
Proposal Consultation from Rhondda Cynon Taf County Borough Council: Variation of Condition 2 of Application 15/0372 to change the route the site is to be accessed, as shown in the Traffic Management Plan.		
Location Bwllfa Farm, Nant-Y-Gwyddon Road, Gelli, Pentre, CF41 7NY		
Decision No Objections		
Ward Outside Borough		

72	App No. P2015/0944	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Conditions 7 (Colour of turbines and transformer) 16 (Traffic Management) 23 (Aviation) 25 (Visibility splays) 27 (drainage strategy) 28 (Maintenance of watercourses) 32 (electro-magnetic signals) of Planning Permission P2014/0402 (Approved on the 02/09/2015)		
Location Mynydd Y Gwrhyd, North Of Pontardawe, East Of Cwmgors		
Decision Approval with no Conditions		
Ward Gwaun-Cae-Gurwen		

73	App No. P2015/0945	Type Advertisement
Proposal	Erection of 3No acrylic illuminated free-standing advertisement structures and 3No box signs	
Location	Tesco Express Supermarket, Park Avenue, Glynneath, Neath, SA11 5EW	
Decision	Approval with Conditions	
Ward	Glynneath	

74	App No. P2015/0948	Type Change of Use
Proposal	Change of use of part of first floor office (B1 use class) to Osteopathic clinic (Use Class D1)	
Location	5A Water Street Business Centre, Water Street, Port Talbot, SA12 6LF	
Decision	Approval with Conditions	
Ward	Aberavon	

75	App No. P2015/0949	Type Vary Condition
Proposal	Variation of Condition 3 (opening hours of restaurant and take-away) of application P2014/0459 granted on 03/09/15.	
Location	Francos Fish Bar, The Princess Margaret Way, Sandfields, Port Talbot, SA12 6QW	
Decision	Approval with Conditions	
Ward	Sandfields West	

76	App No. P2015/0950	Type Householder
Proposal	Single storey side extension, solar panels, chimney flue and raised patio.	
Location	8 Afan Valley Close, Cimla, Neath, SA11 3AJ	
Decision	Approval with Conditions	
Ward	Cimla	

77	App No. P2015/0951	Type Full Plans
Proposal	Single storey side extension to provide lobby and sheltered courtyard.	
Location	Castle Leisure Club, Briton Ferry Road, Neath, SA11 1AS	
Decision	Approval with Conditions	
Ward	Neath East	

78	App No. P2015/0953	Type Householder
Proposal	Single storey rear extension.	
Location	105 Main Road, Bryncoch, Neath, SA10 7TL	
Decision	Approval with Conditions	
Ward	Bryncoch North	

79	App No. P2015/0956	Type Discharge of Cond.
Proposal	Details pursuant to discharge condition 16 (Verification of remediation) of Planning Permission P2013/0904 (Approved on the 13/11/13) & Details pursuant to discharge condition 21 (details of design and finishes of bollards) of Planning Permission P2013/0904 (Approved on the 13/11/13)	
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	

80	App No. P2015/0962	Type Householder
Proposal	Single storey side and rear extension including access steps	
Location	31 Cefn Gelli, Cwmgwrach, Neath, SA11 5PE	
Decision	Approval with Conditions	
Ward	Blaengwrach	

81	App No. P2015/0963	Type Householder
Proposal	First floor side extension including first floor side window	
Location	69 Fernlea Park, Bryncoch, Neath, SA10 7SX	
Decision	Approval with Conditions	
Ward	Bryncoch South	

82	App No. P2015/0964	Type Householder
Proposal	Single storey rear extension	
Location	68 Pentre Afan, Aberavon, Port Talbot, SA12 7RN	
Decision	Approval with Conditions	
Ward	Aberavon	

83	App No. P2015/0977	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Condition 2 (Land contamination assessment) of Planning Permission P2015/0420 (Approved on the 30/07/15)		
Location Playing Fields Accessed Opposite 6 Brick Row, Seven Sisters, Neath, SA10 9DL		
Decision Approval with no Conditions		
Ward Seven Sisters		

84	App No. P2015/0979	Type Full Plans
Proposal Alterations to shopfront.		
Location 55 Wind Street, Neath, SA11 3EN		
Decision Approval with Conditions		
Ward Neath North		

85	App No. P2015/0981	Type Householder
Proposal Single storey rear extension and access steps.		
Location 24 Ford Road, Velindre, Port Talbot, SA13 1YT		
Decision Approval with Conditions		
Ward Port Talbot		

86	App No. P2015/0983	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2013/0104 to vary construction of dormers.		
Location Land To The Rear Of, 58 Cardonnel Road, Skewen, Neath, SA10 6BS		
Decision Approval with no Conditions		
Ward Coedffranc Central		

87	App No. P2015/0984	Type Householder
Proposal Single storey rear extension		
Location 18 Cefn Gelli, Cwmgwrach, Neath, SA11 5PE		
Decision Approval with Conditions		
Ward Blaengwrach		

88	App No. P2015/0985	Type Advertisement
Proposal Projecting sign		
Location 55 Wind Street, Neath, SA11 3EN		
Decision Approval with Conditions		
Ward Neath North		



89	App No. P2015/0986	Type Advertisement
Proposal	2 Number External aluminium signs	
Location	Aberavon Leisure And Fitness Centre, Aberavon Seafront, Port Talbot, SA12 6QP	
Decision	Advert Approved with Std Cond	
Ward	Sandfields East	

90	App No. P2015/0987	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2014/1060 to remove door to side elevation.	
Location	26 New Road, Gellinudd Pontardawe, Swansea, SA8 3DY	
Decision	Approval with no Conditions	
Ward	Rhos	

91	App No. P2015/0988	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - amended roof design (Certificate of Lawful Development Proposed)	
Location	138 Western Avenue, Sandfields, Port Talbot, SA12 7NG	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

92	App No. P2015/0989	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	39 Clos Ysbyty, Cimla, Neath, SA11 3PH	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

93	App No. P2015/0990	Type App under TPO
Proposal	Removal of 4 lower branches and crown lift to 7m of 1 No. Sycamore (T32) Removal of deadwood to 1 No. Oak (T31) Removal of 1 lower branch and deadwood to 1 No. Ash (T30) Removal of epicormic growth to approx. 7m, reduce 2/3 lower branches growing towards house by 2m of 1 No Oak (T29) TPO 280.	
Location	3 Princess Drive, Waunceirch, Neath, SA10 7PZ	
Decision	Approval with Conditions	
Ward	Bryncoch South	

94	App No. P2015/0993	Type Householder
Proposal	Retention and completion of detached outbuilding.	
Location	22 Baldwins Crescent, Crymlyn Burrows, Swansea, SA1 8QE	
Decision	Approval with Conditions	
Ward	Coedffranc West	

95	App No. P2015/0995	Type Householder
Proposal	Improvement works to allow safe pedestrian access to dwelling comprising of hardstanding, pillars and steps within front garden	
Location	Tydraw Cottage, 11 Pen Y Cae Road, Port Talbot, SA13 2EP	
Decision	Approval with Conditions	
Ward	Port Talbot	

96	App No. P2015/0999	Type Householder
Proposal	Detached garage	
Location	8 Ynysfawr Avenue, Resolven, Neath, SA11 4LT	
Decision	Approved with 5yr expiry only	
Ward	Resolven	

97	App No. P2015/1003	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	9 Wheatley Road, Neath, SA11 2BL	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

98	App No. P2015/1007	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 1, 2 & 3 (Drainage strategy, management and maintenance) of Planning Permission P2014/0278 (Approved on the 15/04/14)	
Location	Land Adjacent To, 14 Llwynhen Road, Cwmgors, Ammanford, SA18 1RG	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

99	App No. P2015/1010	Type Lawful Dev. Cert-Prop.
Proposal	Single storey side extension - Lawful Development Certificate Proposed	
Location	76 Pellau Road, Margam, Port Talbot, SA13 2LF	
Decision	Issue Lawful Dev. Cert.	
Ward	Taibach	

100	App No. P2015/1013	Type Householder
Proposal	Detached garage and workshop.	
Location	59 Dulais Road, Seven Sisters, Neath, SA10 9ER	
Decision	Approval with Conditions	
Ward	Seven Sisters	

101	App No. P2015/1014	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2014/0980 to remove dormers to front elevation, and the change to blue pennant stone as an external material.	
Location	113 Neath Road, Rhos Pontardawe, Swansea, SA8 3EH	
Decision	Approval with Conditions	
Ward	Rhos	

102	App No. P2015/1015	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (external materials) of application P2014/1128 granted on 05/02/2015	
Location	Cae Garw Gypsy And Traveller Site, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

103	App No. P2015/1019	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (Car park construction details) of application P2015/0547 granted on 06/10/15.	
Location	NPT Homes, Brunel Way, Baglan Energy Park, Neath, SA11 2FP	
Decision	Approval with no Conditions	
Ward	Briton Ferry West	

104	App No. P2015/1021	Type Householder
Proposal	Replace garage door with window to facilitate a garage conversion.	
Location	18 Rowan Tree Close, Bryncoch, Neath, SA10 7SJ	
Decision	Approval with Conditions	
Ward	Bryncoch South	

105	App No. P2015/1026	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 13 (Final Certificate for Code for Sustainable Homes) of application P2013/0857 granted on 27/11/2013.	
Location	1 Tudor Grove, Taibach, Port Talbot, SA13 2ST	
Decision	Approval with no Conditions	
Ward	Margam	

106	App No. P2015/1032	Type Non Material Amendment (S96A)
Proposal	Non-material Amendment to Planning Permission P2014/0243 to vary wording of condition 13 to allow front parking courtyard surface water drainage to connect to the public sewerage system.	
Location	Port Talbot Parkway Railway Station, Cramic Way, Ort Talbot, SA13 1RU	
Decision	Approval with Conditions	
Ward	Port Talbot	

107	App No. P2015/1036	Type Lawful Dev. Cert-Prop.
Proposal	Certificate of Lawful Development (proposed) to convert integral garage into living accommodation.	
Location	8 Llwyn Y Bryn, Skewen, Neath, SA10 6DZ	
Decision	Issue Lawful Dev. Cert.	
Ward	Coedfranc West	

108	App No. P2015/1040	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 2 (External Materials) and Condition 9 (Structural Calculations) of Planning Permission P2015/0101 granted on 23/4/15.	
Location	27 Wenallt Road, Tonna, Neath, SA11 3HZ	
Decision	Approval with no Conditions	
Ward	Tonna	

109	App No. P2015/1047	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2015/0594 (Approved on the 28/10/15) to alter the external materials specified by condition 2.		
Location Harebell Barn Gelli Onen Uchaf Farm, Gellionen Road, Trebanos, Pontardawe, Swansea, SA8 4RN		
Decision Approval with Conditions		
Ward Trebanos		

110	App No. P2015/1071	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 2 (external materials) of P2010/0918 granted on 13/12/10		
Location Plot 8, Nant Y Clais Court, Cwmafan, Port Talbot		
Decision Approval with no Conditions		
Ward Bryn & Cwmavon		

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