



PLANNING COMMITTEE

2.00 PM - TUESDAY, 7 MARCH 2017

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on the 14 February 2017 (*Pages 5 - 10*)
3. To Request Site Visit(s) from the Applications Presented

Report of the Head of Planning

Section A - Matters for Decision

Planning Application Recommended for Approval

4. Application No: P2016/1099 - Change of use from Office (Use Class A2) to day nursery (Use Class D1). 84 Margam Road, Taibach, Port Talbot. SA13 2BW (*Pages 11 - 18*)

Planning Applications Recommended for Refusal

5. Application No: P2013/0212 - Proposed surface coal mining (opencast coal development) and associated reclamation of abandoned opencast coal site. Fforch Egel Farm, Gwrhyd Road, Swansea. SA9 2SE (*Pages 19 - 54*)
6. Application No: P2009/1129 - Proposed coal recovery, washing and reclamation of colliery shale tips. Cefn Coed Tips, Near Crynant, Neath. (*Pages 55 - 80*)

Section B - Matters for Information

7. Delegated Applications Determined Between 6 February and 27 February 2017 *(Pages 81 - 94)*
8. Appeals Determined between the 6 February 2017 and the 27 February 2017 *(Pages 95 - 96)*
9. Appeals Received between the 6 February 2017 and the 27 February 2017 *(Pages 97 - 98)*
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

Tuesday, 27 February 2017

Committee Membership:

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

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

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

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

Requesting to Speak at Planning Committee

The public have a right to attend the meeting and address the Committee in accordance with the [Council's approved procedure](#) which is available at www.npt.gov.uk/planning.

If you would like to speak at Planning Committee on an application reported to this Committee you must:

- Contact Democratic Services in writing at : Civic Centre, Port Talbot SA13 1PJ, preferably by email: democratic.services@npt.gov.uk.
- Ensure your request to speak is made no later than two working days prior to the meeting date (by 2 pm on the preceding Friday based on a usual Tuesday meeting),
- Clearly indicate the item number or application number on which you wish to speak and confirm whether you are supporting or objecting to the application.
- Give your name and address (which will be publicly available unless there are particular reasons for confidentiality)

Please note that only one person is able to speak for each 'category' (objector; supporter; applicant/agent; Town/Community Council for each application. Full details are available in the [Council's approved procedure](#).

In addition, if an objector registers to speak, the Applicant/Agent will be notified by the Council.

Should you wish to discuss any aspect of public speaking, please contact the Democratic Services Team on 01639 763713.

Commenting on planning applications which are to be reported to Committee

Should you wish to submit representations on an application presented to this Planning Committee, please note that these must be received by the Planning department no later than 2.00p.m. on the Friday before Committee (based on the usual Tuesday meeting). If the meeting is not on a Tuesday, these should be received no later than 2.00pm on the penultimate working day immediately preceding the Planning Committee.

Please note that representations received in accordance with the Council's protocol are summarised and, where necessary, commented upon in the form of an Amendment Sheet, which is circulated to Members of the Planning Committee by email on the evening before Committee, and re-distributed prior to the commencement of the meeting.

PLANNING COMMITTEE

(COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE)

Members Present:

14 February 2017

Chairperson: Councillor R.G.Jones

Vice Chairperson: Councillor E.E.Jones

Councillors: D.W.Davies, Mrs.R.Davies, D.Keogh,
C.Morgan, Mrs.S.Paddison, R.Thomas and
Mrs.L.G.Williams

Officers In Attendance: Mrs.N.Pearce, S.Ball, I.Davies, S. Jenkins,
H.Towns and Mrs.J.Woodman-Ralph

1. **MINUTES OF THE PREVIOUS MEETING HELD ON 31 JANUARY 2017**

RESOLVED: That the Minutes of the Planning Committee held on the 31 January 2017 as circulated, be confirmed as a true record.

2. **APPLICATION NO: P2016/0639**

Officers made a presentation to the Planning Committee on this Application as detailed in the circulated report.

RESOLVED: That in accordance with Officers recommendations Application P2016/0639 be approved with conditions as detailed in the circulated report.

3. **APPLICATION NO: P2016/1051**

Officers made a presentation to the Planning Committee on this Application as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol Mrs.C.Jenkins (on behalf of Objectors) and Mr.R.Bowen (Agent) addressed the Planning Committee.

At the meeting, the Chairperson agreed that Cllr.R.James, Local Ward Member address the Committee.

RESOLVED: That in accordance with Officers recommendations Application No. P2016/1051 be refused as detailed in the circulated report.

4. **DELEGATED APPLICATIONS DETERMINED BETWEEN 25 JANUARY 2017 AND 5 FEBRUARY 2017**

Members received a list of Planning Applications which had been determined between the 25 January and 5 February 2017, as detailed in the circulated report.

RESOLVED: That the report be noted.

5. **APPEALS DETERMINED BETWEEN THE 25 JANUARY AND 5 FEBRUARY 2017**

RESOLVED: That the following Appeals determined be noted, as detailed in the circulated report.

Appeal Ref: A2016/0012

Retention and completion of detached outbuilding – 60 Neath Road, Resolven, Neath. SA11 4AH.

Decision:

Appeal Dismissed

6. **APPEALS RECEIVED BETWEEN THE 25 JANUARY AND THE 5 FEBRUARY 2017**

RESOLVED: That the following Appeals received, as detailed in the circulated report, be noted.

Appeal Ref: A2017/0003 – Detached two storey dwelling with off street car parking (outline with all matters reserved) – land at 9 New Road, Trebanos, Pontardawe

7. **URGENT ITEM**

Because of the need to deal now with the matter contained in Minute No 8 below, the Chairman agreed that this could be raised at today's meeting as an urgent item, pursuant to Section 100 B (4) (b) of the Local Government Act 1972.

Reason

Due to the time element.

8. **APPLICATION NO: P2016/0078**

(Note: Three amendment sheets in relation to P2016/0078 were circulated prior to the meeting, on which the Chair confirmed that version 3 was for consideration at today's meeting. The Chair allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairperson had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

Officers made a presentation to the Planning Committee on this Application as detailed in the circulated urgent report.

RESOLVED: That in accordance with Officers recommendations Application No. P2016/0078 be approved with conditions as detailed in the circulated urgent report, and also subject to the

amended conditions as detailed in the circulated amendment sheet Version 3 as follows:

(12) At all other times outside of the hours specified in condition 11 above the noise levels arising from the operations at the site shall not exceed 42 dBLAeq (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.

(23) Prior to any clearance of scrub/trees the vegetation shall be checked for dormouse nests by a suitably trained and licensed ecologist and notwithstanding these checks but having regard to their findings, a comprehensive mitigation scheme shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the agreed details.

Reason:

In the interest of nature conservation.

(26) Prior to any clearance of scrub/trees, works of restoration or the construction of the outfall channel, and notwithstanding the details submitted in relation to the Reasonable Avoidance Measures for Great Created Newt, a mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation shall be undertaken in full accordance with the approved details.

Reason:

To protect against the possibility of Great Crested Newts being harmed.

CHAIRPERSON

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/1099	<u>DATE:</u> 15/01/2017
PROPOSAL:	Change of use from office (Use Class A2) to day nursery (Use Class D1).
LOCATION:	84 Margam Road, Taibach, Port Talbot SA13 2BW
APPLICANT:	Miss Lisa Carter
TYPE:	Change of Use
WARD:	Taibach

BACKGROUND

Members are advised that Cllr John Rogers requested on 20/01/17 that the application be determined via Planning Committee due to concerns over the availability of on-street car parking issues and highway safety.

SITE AND CONTEXT

The application site is located at 84 Margam Road, Taibach, Port Talbot.

The application site comprises a two-storey semi-detached property currently occupied as an office (Use Class A2).

The site is bounded by a residential dwelling to the north, Margam Road (A48) to the east, a mixed use property with commercial office on the ground-floor and flat above to the south, and a rear access lane to the west. There is an existing parking yard (covered) to the rear of the property accessed via the rear lane.

It is also noted that there are a number of existing commercial properties in the general vicinity of the application site such as a chip-shop, general store and office.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the Change of Use from Office (Use Class A2) to Day Nursery (Use Class D1). It should be noted that no external alterations are proposed to the property.

The proposal will provide a pre-school and toddler room, together with kitchen and W/C at ground-floor, together with baby rooms and office at first-floor.

The developer has indicated that the rear parking area would be unaltered by the proposed development.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2005/0510 Change of use – ground floor shop to dwelling and alterations to canopy at front of property Approved 08/07/05
- P2007/1456 Change of use from Class C3 dwelling to Class A2 office Approved 05/12/07

CONSULTATIONS

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

REPRESENTATIONS

The neighbouring properties were consulted on 20/01/17.

A site notice was also displayed on 20/01/17.

In response, to date no representations have been received.

REPORT

National Planning Policy

- [Planning Policy Wales](#)

Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP20** Transport Network

Topic based Policies:

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

- [Parking Standards](#)
- [Affordable Housing](#)

EIA and AA Screening

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

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Local Development Plan (LDP), the principle of the change of use at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

Impact on Visual Amenity

By virtue of the fact that no external alterations are proposed to the building, which already has a commercial use, it is considered that the change of use would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

Having regard to its proposed use for up to 19 children, the main issue to consider in terms of the impact upon the adjoining areas concerns potential noise and disturbance from the use and traffic movements to and from the site.

As referred to earlier, the adjacent (attached) property (no. 82) is in use as a dwelling, with the property to the south (no. 86) having a mixed use with commercial office on the ground-floor and flat above. The existing property has a lawful A2 use (financial and professional services), which means that there would be a certain level activity at the property from visiting members of the public, while the premises is also located on a busy main road where noise levels from traffic and associated activities are experienced.

Within this context, whilst it is acknowledged that the proposed use could generate noise from children within and outside the building (the applicant has indicated there would be a maximum of 19 children) and/or parents dropping off etc., it is considered that these would not be to unacceptable levels, especially given the existing lawful commercial use of the premises and likely background noise levels from Margam Road (A48). It is also noted that, although hours have not been supplied, the nursery would be expected to be closed in the evening (and can be conditioned to that effect).

Similarly, the proposed use will potentially increase traffic movements back and forth to the site, notably in morning and afternoon pickup and dropoffs, however given its location any increased noise from traffic movement would not be unacceptable or harmful to the amenity of the area.

In respect of other impacts, it is noted that no external alterations are proposed to the property, with no additional side windows or extensions proposed. As such, it is considered that the proposed change of use

would not create any unacceptable overlooking or other impacts on nearby residential properties over and above that currently experienced.

Accordingly, the change of use to a nursery is not considered to have a demonstrable level of harm in terms of noise on nearby residents.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the property benefits from 3 existing parking spaces to the rear yard area, accessed via the rear lane. They are currently enclosed with large rear gates and covered.

The Head of Engineering and Transport (Highways Section) has assessed the application and offers no objection subject to conditions. These relate to the retention of 3 parking spaces to the rear yard area and amending the rear access gates so they do not open out onto the adopted rear lane.

As part of their assessment, the Highways Officer has also noted that the public highway to the front and opposite the application site are governed by various traffic orders (including bus stop) as well as a controlled crossing point. However, they consider that there is still scope to provide adequate on-street parking in close proximity to the site for the drop-off and pick-up of the proposed nursery's clients/customers.

In respect of the parking area to the rear, it is noted that they are covered with a canopy and enclosed with large metal gates (which open out onto the rear lane). These appear to have been in place for approximately 2-3 years and would have required planning permission. However, there does not appear to be any such planning permission in place. Furthermore, due to the restricted width of the gates, it is considered that manoeuvrability of the two outer spaces would be restricted if the central space was occupied. In order to overcome this, a condition is therefore recommended stating that the existing wall and gate on the rear boundary plus canopy have to be removed prior to first beneficial use of the nursery. This will ensure that the three spaces are independently accessible and will ensure that 3 spaces are provided and retained, in the interest of highway and pedestrian safety.

Having regard to the above, and while noting the concerns expressed by Councillor Rogers over the availability of on-street car parking issues and consequent impacts on highway safety, it is concluded that the

proposal would not have an unacceptable impact upon highway or pedestrian safety.

CONCLUSION

The decision to recommend 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 Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed change of use would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no unacceptable impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION Approval with Conditions

CONDITIONS

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

Reason

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

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

Location Plan (GD.84MR.05)

Block Plan (GD.84MR.06)

Existing Elevations (GD.84MR.02)

Proposed Elevations (GD.84MR.04)

Existing Floor Plans (GD.84MR.01)

Proposed Floor Plans (GD.84MR.03)

Site Plan - Parking Arrangements (GD.84MR.07)

Reason

In the interests of clarity.

Action Conditions

(3) Notwithstanding the submitted details on Drawing GD.84MR.07, prior to the first beneficial use commencing, the existing gates and wall to the rear boundary of the property and existing canopy shall be removed from the site, and retained as such thereafter including the three off-street car parking spaces.

Reason

In the interest of highway and pedestrian safety to allow the three spaces to be accessed independently, and to remove the existing gates which open out over the public highway.

Regulatory Conditions

(4) The premises shall be used for a Day Nursery only and for no other purpose

including any other purpose in class D1 of the schedule to the Town and Country

Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason

In order that other changes of use can be assessed in the interests of amenity and highway safety.

(5) The use hereby permitted shall not be open to customers outside the following times:

08.00am to 19.00pm.

Reason

In the interest of the amenities of the area.

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2013/0212	<u>DATE:</u> 06/03/2013
PROPOSAL:	Proposed surface coal mining (opencast coal development) and associated reclamation of abandoned opencast coal site
LOCATION:	Fforch Egel Farm , Gwrhyd Road, Swansea SA9 2SE
APPLICANT:	Ward Bros Plant Hire Ltd
TYPE:	Minerals
WARD:	Cwmllynfell

BACKGROUND

This application was reported to the Planning and Development Control Committee on 1st April 2014 when it was resolved that the application be approved subject to the conditions listed in the report and a Section 106 Agreement covering the following:

- a £30,000 contribution towards highway maintenance for the road from the site down to Cwmllynfell, and
- the contribution of 12p per tonne of coal produced for community benefits (although not a material planning consideration), and
- the extension of the aftercare period for woodland areas from 5 years to 10 years.

Officers have sought to engage with the applicants since that time in an attempt to progress the Section 106 Agreement. No progress has been made. In addition, there have been a number of significant material changes in circumstances since the previous Committee resolution. The application is therefore being reported back to the Committee with a revised recommendation.

SITE AND CONTEXT

The application site is situated on the upper reaches of the Gwrhyd mountain at a location approximately 1.5km south west of the village of Rhiwfawr 3km north west of Ystalyfera, 2.5km south west of Cwmllynfell and 5km north of Pontardawe.

The site consists of approximately 23 hectares of land with some 6.2 hectares currently being used as improved upland grazing as part of Fforch Egel Farm which is considered no better than grade 4, under the Agricultural Land Classification. A further 2.3 hectares is composed of a planted conifer plantation in commercial ownership for forestry, some 5 hectares of common land and some 9.1 hectares of derelict un-restored opencast development which has remained largely in the same condition since being abandoned in the mid 1960's. The site is commonly known as the former "Yates" opencast site.

Some 100 metres to the east is the recently restored Parc Level opencast which is in its final year of aftercare. Fforch Egel Farmhouse lies 170 metres to the south of the application boundary and Troed Rhiw Felen Farmhouse (formerly known as Brynmelyn Farm) some 430 metres to the east of the application boundary. Blaenegel Fawr lies some 750 metres to the southwest and Rhyd Yr Egel approximately 900 metres in the same direction.

Gwrhyd Chapel lies some 700 metres to the south east and adjacent to the Gwrhyd mountain road. Pen Y Waun and Pen Y Waun Uchaf are derelict and unoccupied farm houses to the North West. Footpath 67 lies approximately 80 metres to the south west of the site boundary at its closest point, footpaths 69 and 70 some 200 metres to the south of the site, and footpaths 69 and 68 160 metres to the east.

A 33kv power line crosses the southern part of the site and may need to be diverted subject to discussions with Western Power Distribution.

DESCRIPTION OF DEVELOPMENT

The proposal constitutes a phased development of opencast working for the extraction of the Rhondda No. 1 coal seam and at the same time undertaking earth works and back filling to restore an abandoned opencast area that has remained in a derelict condition for some 50 years.

Following a modification of the programme of works and method of working during the application process it is now anticipated that some 91,000 tonnes of coal could be extracted over a period of 4 years, with an output of some 620 tonnes per week.

Initial development would involve the creation of a site compound adjacent to the existing access road to Fforch Egel Farm along with the fencing of site boundaries where required. Surface water ditches and provisions for water treatment would be installed prior to an initial soil stripping exercise within the initial extraction area at the southernmost point of the coal extraction area. Soil and subsoil would be stripped and stored for restoration purposes and stored in separate storage mounds. Progressing in a north easterly direction the first phase would deposit the overburden that lies above the coal seam into the southernmost area of the un-restored opencast. Coaling and further overburden removal would continue for a period of some 18 months within this initial coal extraction area, with sequential soil and subsoil recovery undertaken and the resources conserved within specified storage areas. When sufficient void space has been created, backfilling of the working void would be undertaken from the progressing area of coal extraction.

Three distinct coaling areas have been identified as follows:

The southern coaling area (Initial box cut and cuts 1 to 5) will be coaling in a north easterly direction. The middle section (Cuts 6 to 8) will be coaling in an easterly direction. These phases would take approximately 30 months to complete coaling. The final northern phase (Cuts 13 to 9) will start coaling at cut 13 which is located at the eastern limit of the site and will be progressively coaling in a westerly direction forming a final void at cut 9. The final void is located at the closest position to the overburden that is required to restore it and this is sourced from a part of the old abandoned opencast development. This third phase would take a further 18 months to complete. The total project time is 48 months.

Coal will be screened on site through a dry screen grid to segregate larger sizes of coal. Coal would be stored temporarily on the purpose built site compound and at levels of approximately 3 metres above ground level and then transported from the site along the existing track that joins the Gwrhyd Mountain from Fforch Egel Farm.

Transportation of coal is proposed in 20 tonne capacity 8 wheeled lorries that would turn left at the access point with the public highway and travel northwards towards Cwmllynfell and the A4068 via Coedffaldau. On the basis of the anticipated output, up to 7 lorries would depart from the site on a normal working weekday.

The proposed hours of operation are 07.00 to 19.00 hours Monday to Fridays and 07.00 to 13.00 hours on Saturdays. No operations or transportation are proposed outside these days and hours. The site would not operate on Bank holidays.

The development would provide employment to some 19 people along with added employment to service industries and haulage contractors.

The operations include the progressive restoration of the opencast working and reclamation of the former Yates opencast area over the coaling period. It is anticipated, taking account of the method of working sequence and coaling output, that approximately 50% of the site will have been restored to restoration contour levels within 24 months of the commencement of the site. The progressive replacement of soils, subsoils and soil forming material would be dictated to some degree by weather conditions and the programmed distribution of such organic resources. Final restoration after the end of coaling could take some 4-12 months depending on climatic conditions for final soil distribution and other engineering and drainage works.

The proposed restoration strategy plans include the following features of after-use:

- Improved grassland for agricultural use combining the reclamation of previous improved grassland areas to the east of the access track to Fforch Egel Farm, and a further 4 hectares on the restored opencast area making a total of 13.3 hectares. The areas would be segregated into enclosures by hedgerow reconstruction and planting and farmed for the purposes of Fforch Egel Farm
- The creation of 3.1 hectares of marshy grassland, which would include purple moor grass and rush pastures
- The creation of 2.7 hectares of acidic grassland on common land
- The creation of some 1.3 hectares of gorse and scrub heathland
- Approximately 1.3 hectares of upland woodland composed mainly of oak
- An inland sandstone pavement and rock scree to aid biodiversity and ecological diversification covering some 1 hectares
- The creation of ponds and wetlands as part of the final drainage pattern of the restored site

The site would be the subject of aftercare for 5 years but an extended aftercare period of 10 years for woodland areas can be secured under a legal agreement.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P77/05 Making of two entries on outcrop of coal seam part of Ordinance sheet SN7310 – Refused 4th June 1977
- P82/036 Backfilling of disused opencast mine – Withdrawn 8th September 1983
- P88/0253 Proposed site for local colliery waste rubble tipping to restore land to agricultural proposes – Approved 5th September 1988
- P91/0642 Proposed excavation followed by restoration to agricultural use – Approved 2nd March 1992.

CONSULTATIONS

Western Power Distribution – Identify a 33 kV overhead electricity line across the southern area of the site that will need to be temporarily diverted around the working area.

The Coal Authority – Have no objections to the proposals and encourages and support the proposals citing that the scheme is an environmentally, socially acceptable and sustainable operation and the general need for coal resources.

Air Quality Section – No objections and consider the provisions of the submitted dust action plan to be adequate.

HM Inspectorate of Mines and Quarries – No objections or comments to make.

Cwmllynfell Community Council – Object on highway grounds and ask that the planning authority takes into account and assesses planning permissions in force and those applications awaiting determination which have an impact on the highway particularly towards Bryn Road, Cwmllynfell.

Powys County Council – No formal response (however verbal comments received from Powys County Council Highways consider that level of output up to 7 lorries per day was acceptable).

Ystradgynlais Town Council – Have concerns regarding the proposed haul route onto the A4068 and the potential detrimental impact that could occur through the use of Rhiwfawr Road at Bridge Street/Heol Twrch/Bethel Road roundabout.

Head of Engineering and Transport (Highways) – on the understanding that a Transport Plan will be submitted and that a sum of money will be provided for highway maintenance and repairs has no objections subject to conditions

Head of Engineering and Transport (Drainage) – no objections subject to conditions

The Countryside Section – Confirms that there are no footpaths affected by the development but note that Footpaths 67 lies to the west, 68 to the east and 70 to the south of the site boundary.

Neath Port Talbot Badger Group – No response.

Welsh Government Department for Natural Resources and Food – Confirm that agricultural is an appropriate after-use for those areas identified in the application.

Glamorgan Gwent Archaeological Trust – No objections subject a scheme being required for a watching brief.

West Glamorgan Commoners Association – No response.

Natural Resources Wales – No objections subject to conditions

Biodiversity Unit – No objections subject to conditions (consider that the survey information is now out of date and should be updated)

Head of Business Strategy and Public Protection (Noise) – No objections subject to conditions

Abertawe Bro Morgannwg University Health Board – State that based on the information and details of the operation and mitigation measures there is no evidence to suggest that the proposed development will cause any significant health effects to isolated receptors or the local communities but recommend conditions are adopted and sufficient for suppression and monitoring of dust and monitoring of noise to prove projected levels.

REPRESENTATIONS

Four neighbouring properties were consulted on 7th March 2013

The application was first advertised in the press and site notices were placed at the site, the access point and along the route of the public highway through to Cwmllynfell in March 2013. Further information received in December 2013 and January 2014 was also subject to publicity and further consultations by press advertisement and the postings of notices on 15th February 2014 and 22nd January 2014 respectively.

In response one letter has been received from the adjacent landowner of commercial forestry indicating that the plantation should be protected. An online comment from an adjacent property also draws attention to the fact that the residential property previously unoccupied was being renovated and likely to be occupied prior to mining starting and that this should be taken into account in the assessment of the proposal with issues of noise, dust and water supplies being raised.

REPORT

Planning Policies

National Policy and Guidance

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

A Resilient Wales: is a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

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.

[Planning Policy Wales \(PPW\)](#) 9th Edition (November 2016) 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.

Chapter 14 of PPW sets out the Welsh Government's land use planning policies for mineral extraction and related development. Paragraph 14.1.1 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”

PPW 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.

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

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

Paragraph 14.8.4 of PPW specifies requirements that all opencast development proposals should meet, otherwise they should not be approved. These are:

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

- Land will be restored to a high standard and to a beneficial and suitable after use.

The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act by applying the principles of sustainable development to the management of Wales' natural resources.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

The Environment Act enhances the current NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

This new duty under Section 6 of the Environment Act came into force in May 2016 and replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must merely have regard to conserving biodiversity.

Overarching National Policy Statement for Energy EN-1 is part of an evolving national energy strategy in response to changing circumstances in domestic and global energy markets. They set out to address long term energy challenges of security of supply, whilst acknowledging the implications of climate change. Whilst emphasis is on the development of renewable supplies, the Government recognised that coal will play an important and continuing role in meeting national energy requirements. However, the Governments policy has changed since that time with the announcement that all coal fired power generating stations would close by 2025.

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. Following the Coal Summit in 2015 Welsh Government indicated that MTAN2 would be revised to reflect current circumstances but despite holding a consultation event no changes have as yet been forthcoming.

Technical Advice Note 5: Nature Conservation and Planning was published in September 2009. The TAN provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by Local Planning Authorities. These include the key principles of planning for nature conservation; advice about the preparation and review of Local Development Plans; nature conservation in development control procedures; conservation of internationally and nationally designated sites and habitats as well as local sites; and conservation of protected and priority species.

Technical Advice Note 23 Economic Development (February 2014): Provides guidance on planning economic development at a strategic level, working with neighbouring authorities and relevant stakeholders; identifying and assessing economic development proposals and establishing an evidence basis to help prepare economic development policies for LDP's, it also indicates that economic development should be given greater weight as a material planning consideration although this should not be at the expense of environmental and social impacts.

Local Policy

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP4** Infrastructure
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy EN2** Special Landscape Areas
- **Policy SP15** Biodiversity and Geodiversity
- **Policy EN7** Important Natural Features

- **Policy SP16** Environmental Protection
- **Policy EN8** Pollution and Land Stability
- **Policy SP17** Minerals
- **Policy M2** Surface Coal Operations
- **Policy M4** Criteria for the Assessment of Mineral Development
- **Policy SP20** Transport Network
- **Policy TR2** Design and Access of New Development

Supplementary Planning Guidance:

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Pollution](#)

Environmental Impact Assessment

The application is accompanied by an Environmental Statement. Environmental Impact Assessment applies to certain developments and is a means of drawing together in a systematic way an assessment of the likely significant environmental effects of the development. The Environmental Statement accompanied by the application is a series of documents describing the site and its surroundings, a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects, along with chapters on health impacts planning policy and overall conclusions.

Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the impact on ecology and biodiversity, the impact on the amenities of neighbouring residents and the impact on highway safety when balanced against the need for coal and socio-economic considerations.

Impact on Landscape Character and Visual Amenity

The methodology used within the assessment is based on the Landscape Institute of Environmental Management and Assessment provided under the *“Guidelines for Landscape and Visual Assessment*

(2002) (GLVIA). Planning Policy Wales (PPW) notes the attention to landscape issues is a key part of planning sustainability.

The Landscape assessment has utilised LANDMAP, a study produced in 2004 by the Countryside Council for Wales and advocated by PPW. The site is located within LANDMAP Character Area 28 – Slopes of Cefn Gwrhyd and Cwm Egel. The five aspects of landscape are classified as visual and sensory, geological, habitat, historic and cultural.

The site is located on the western side of a number of hills that form part of the upland areas known as the Gwrhyd Mountain and is relatively remote from the settlements of the area. The site is composed of in part upland grazing areas, peripheral woodland and scattered trees within hedgerows and an unrestored opencast development. Common land forms part of the site area to the north and commercial woodland plantation to the west. Small peripheral water courses drain into the Fforch Egel Stream to the south and west. The site falls within the Mynydd Y Garth Special Landscape Area as defined in Policy EN2 of the LDP.

Identifying the five features of landscape under LANDMAP, the proposed operations and the mitigation proposed, the assessment has identified the significance of the impacts on the Geological, Historic and Cultural Landscapes as of a low scale, with a neutral level of significance although their value as landscapes are considered as high.

The impact on visual and sensory and landscape habitats which are also of a high value, is considered to be slight adverse but the adoption of progressive restoration, grass seeding of mounds and the restoration of an abandoned opencast mine brings the proposal to a neutral level of impact and significance. In respect of Landscape habitats, a slight adverse effect is mitigated by the introduction of biodiversity and the restoration of an un-restored opencast development.

The Zone of Visual Influence (ZVI) is the area from which views of the development are possible, however from distances greater than 2km from the development it will merely form a small component of the landscape and is unlikely to have a significant visual impact.

The ZVI has been defined on the basis of visibility of the main components of the site i.e. the storage mounds and the mining void and ZVI indicates a general area within which views of the site may be

possible but does not mean that it will be seen from all locations within it with topography and vegetation providing localised screening.

The ZVI identifies some limited residential properties to the south and west. Views from main settlements such as Rhiwfawr and Cwmllynfell are not possible because of topography that lies between the site and the villages. There will be some views on a partial and interrupted form from footpaths that lie to the south of the site. In terms of residential receptors there are no direct views of the site from Fforch Egel Farm (the landowner/occupiers residence) although views of the peripheral soils mounds may be possible on the horizon to the north of that property. Similarly there are no direct views from Bryn Melyn farm (Troed Rhiw Felen) to the east of the development due to topography. The Gwrhyd Chapel will have restricted views of part of the development although at distances of greater than 600 metres away.

There will be views of the site from the Gwrhyd Road again some 600 metres from the site and from isolated farmhouses to the south and west. These are at significant distances of at least 600 metres and more. There would be limited long range views from the Ystalyfera ridgeline to the east some 2km away although only limited range in the overall view.

Using criteria for the sensitivity of receptors and the magnitude of change and the significance of the visual impact, the ES considers the visual impact in relation to nearest settlements negligible and low in relation to other areas of the site. Only in relation to Gwrhyd Chapel and Gwrhyd Road does the magnitude and sensitivity impact approach a medium level of effect. Similarly the impact on the nearest footpaths are considered to be of a medium effect and sensitivity. Overall the significance of the impact is considered low because of the temporary nature and phasing of the proposals coupled with the limited views available.

Natural Resources Wales (NRW) have confirmed that they agree with the assessment and that the residual and cumulative impacts of the development are minimised by the site location and proposed methods of working and progressive restoration.

The area has been the subject of previous mining in the last 25 years with small mine development and the operation and restoration of the Parc Level Colliery to the east of the site. The proposed operations are limited in extent and significantly secluded from main settlements, albeit

views from the Gwrhyd Road and properties to the south and west will be marginally affected as will the view for users of public rights of way.

The site has a limited visual envelope with parts of it contained within the undulating landform and hillsides of the area and it is considered that the proposed operations will not inflict any adverse harm on landscape and visual amenity to an extent that would warrant a refusal, particularly on the basis of the short term and temporary nature of the operations and the scope to progressively restore areas of the site after an initial period of 30 months operation.

Having regard to the existing condition of the site, the temporary duration of the operations and progressive restoration (which is fundamental to the working capacity of the site) and the longer term benefits of restoring an unrestored opencast development to beneficial land use it is considered that the overall benefits outweigh the level of impact on landscape and visual interests to the extent that the proposal is not considered to be in conflict with Policy SP14, EN2, SP17 and M4 of the Local Development Plan.

Ecology and Biodiversity

The Environmental Statement includes an assessment on ecology and biodiversity of the site and its surroundings including Phase 1 habitat surveys, baseline surveys for protected species and an assessment of likely impacts and mitigation measures proposed. Surveys were updated in May 2013 but these are now out of date.

Part 1 Section 6(1) of the Environment(Wales) Act 2016 states that a public authority must seek to maintain and enhance biodiversity in the exercise of its functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. When the previous resolution was made by the Committee the duty was merely to have regard to biodiversity. Therefore, the bar has been raised.

The results of the habitat surveys, surveys of individual species, and the assessment of any impacts on this ecological resource were considered in 2014. At that time the overall assessment concluded that the impacts on local habitats and species was limited and whilst there are habitats of local importance and species which are protected either on the site or adjacent to the site, there was no overriding reason to withhold consent

on ecological grounds, subject to a scheme for the translocation of reptiles and the provision of various habitats within the restoration. However, almost 3 years later that may no longer be the case. Without up to date surveys the Authority cannot be certain that the development will maintain and enhance biodiversity and promote the resilience of ecosystems as required by the Environment Act.

The authority could request up to date surveys in order to seek to address the requirement of the Environment Act however as the applicants have not progressed the Section 106 Agreement since April 2014 and not responded to requests to discuss the Financial Bond required on this site it is considered unlikely that they will supply additional ecological survey information at this time.

As there is insufficient up to date information available to ensure compliance with the biodiversity duty in the Environment Act the Authority cannot adequately assess the proposal for compliance with Policies SP1, SP15, EN7, SP17, or M4 of the LDP or any other legislation or statute.

Impact on Residential Amenity

Buffer Zones

Paragraph 29 or MTAN2 states that coal working will generally not be acceptable within 500 metres of settlements or within International or National Designations of Environmental or Cultural importance. This is echoed in Policy M2 of the LDP.

The site boundary is not located within 500 metres of any settlement limit, the closest area being Rhiwfawr, some 1.5 km from the site. The proposal is also not within a designated environmental or cultural area and therefore does not conflict with MTAN2 or Policy M2 of the LDP

Noise

The noise assessment undertaken in the E.S. has established background levels for the nearest noise sensitive properties and made noise level predictions based on the proposed plant activity and methods of working.

Average ambient noise levels at the site and at Brynmelyn Farm (Troed Rhiw Felen) were 34.5dBA (LA90). Average ambient noise levels at Gwrhyd Road were 35dBA (LA90).

Paragraph 173 of MTAN2 requires that Mineral Planning Authorities (MPAs) establish a noise limit at sensitive locations of background [LA90] plus 10dB LAeq or 55dB LAeq 1 hr (free field), whichever is the lesser, during normal working hours (07.00-19.00 hrs Monday to Friday excluding Bank Holidays). For all other times MTAN2 states that operational noise should not exceed 42dB LAeq 1 hr (free field) at sensitive locations.

Other operations aside to normal mining such as soil stripping, storage water treatment construction and bund creation are normally associated with higher levels of noise and MTAN2 recognises this.

MTAN2 indicates that such short term operations should be limited normally to the hours 10.00 and 16.00 Mondays to Fridays excluding Public Holidays and the maximum limits to be no greater than 67dBA LAeq 1 hour free field at the nearest noise sensitive properties and that such operations are limited to 8 weeks of any calendar year.

Predictions for five locations have been made indicating that normal operations would result in the following worst case noise levels.

Fforch Egel Farm	-	48dBA (+14dB above background)
Bryn Melyn Farm (Troed Rhiw Felen)	-	45dBA (+10.5dB above background)
Gwrhyd Chapel	-	46dBA (+11dB above background)
Nearest footpath No 67	-	55dBA (+11dB above background)

Whilst predictions have been made for the nearest community in Rhiwfawr it is predicted that operations would be below ambient and unlikely to be perceptible. With regard to short term operations as defined above, it is considered that these would all be achievable within the limits recommended in MTAN 2 and therefore no conflict arises in this regard subject to restrictions on such working in line with MTAN 2 advice.

For normal operations, the noise assessment above identifies that Fforch Egel Farm could be subject to levels of +14dBA above background for normal operations although this would only occur for a limited period. It is also highly pertinent that the owner of the Farm is an interested party to the development and no representations having been received from the landowner. Within this context the noise levels are considered acceptable on that property as it is not regarded as a sensitive property.

Marginal predicted worst case exceedances at other locations of approximately 1dBA above the '10dBA above background levels' cannot be considered to be so significant as to warrant refusal in this case. Topography and site practice and limits on hours of working are capable of making operations acceptable in noise terms for normal operations. Specific measures can be implemented including control over overburden handling, the positioning of machinery behind bunds, and maintaining haul roads to a high standard which will minimise the noise. A Noise Action Plan submitted with the application sets out the mitigation measures and monitoring proposals for noise associated with the development and it is considered that this sets out a reasonable and acceptable structure to maintain control and review any noise impacts associated with the development

With regard to these predictions it should also be recognised that ambient background levels are particularly low and to achieve absolute MTAN 2 criteria is challenging. Fforch Egel Farm and the associated land for this development is in a fairly remote location from other sources of noise with exception of agricultural practices and relatively low levels of traffic along Gwrhyd mountain road. In respect to all site operations it is considered that the site can be controlled by conditions to protect the amenity of the area in terms of noise.

The level of noise generated by the coal traffic generated from the proposal is not considered to be significant given the number of lorries and hours of movements that can be controlled.

There are elevated levels for the footpaths that are located to the south and west of the site however these would be transient along a short section of the routes and are not considered to be significant.

Operations are limited to day time hours 07.00 to 19.00 hours and therefore the criteria of 42dBA does not need to be considered in terms of normal operations.

For the reasons set out above the proposal is not considered to be in conflict with Policies SP2, EN8, SP17 or M4 of the LDP.

Blasting

The application indicates that the overburden associated with the coal measures at this location does not require blasting to loosen the rock. Most of the Parc Level opencast nearby was worked without blasting although there were harder horizons encountered. Nevertheless, in the context of the proposal if blasting was required the developer would need to make a separate application to the Authority and demonstrate that blasting could be undertaken without adverse impacts on the environment and local amenity.

Nuisance Dust

Dust can be generated by a number of activities on mineral sites and opencast developments in particular have a potential to do so from soil stripping, overburden excavation and handling, vehicular movements and processing of coal.

The ES has considered the guidance in MTAN2 – Coal which notes that residents can be affected up to 1km from a source.

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

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

The site is remote from main residential settlements such as Rhiwfawr and Cwmllynfell to the north although two occupied farm holdings are within 500 metres of the site boundary.

Fforch Egel lies to the south approximately 200 metres from the site boundary. This property is owned by an interested landowner in the proposed development. Troed Rhiw Felen Farm (formerly known as Brynmelyn Farm) lies approximately 470 metres east from the nearest point of coal extraction. The majority of the operation would be at least 500 metres from the dwelling although the access track heading to the Gwrhyd Mountain road would be approximately 55 metres from the property at one single point.

Further occupied properties lie some 900 metres to the south west and generally not in the direction of prevailing south westerly winds.

Larger dust particles settle relatively quickly from the source and normally within 100 metres. The nuisance effect of dust is difficult to quantify and is sometimes influenced by the observation of dust arising from operations whereas the actual effect outside the site boundary may be much less than is perceived. Nevertheless there is a need to reduce such effects to an absolute minimum.

It is recognised that climate and weather influences the nature and potential for dust emission to arise from mineral surface operations. Prevailing winds are generally south westerly and would direct dust emissions towards Rhiwfawr. However residential settlements are at least 1.5km from the site boundary and properties and the population are unlikely to be affected by operations even in the most extreme weather conditions.

In addition rainfall is a factor that is likely to influence the degree of deposition of dust outside the site boundary. The area is likely to have significant rainfall periods and events although there is always a requirement to prevent any impacts when weather conditions are drier. Soil stripping operations can be a potential source of complaint as these activities have to occur in dry periods of weather in order to avoid destroying the soil structure.

Dust can be a source of complaint as a visual impact on surfaces. There are no UK Statutory Standards recommended for dust deposition rates however MTAN 2 suggests that for high-contrast dust such as coal, conditions should be set at a maximum of 80mg/m²/day (as a

weekly average) or as a combination of 100% AAC (actual area coverage) across a single 45° sector over a 7 day period or the dust effect or discolouration is greater than 25% for a single sector within the same period. It is unclear if the limit of 80mg/m²/day relates to all dust or just the coal component.

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

The ES recognises the need to undertake an adequate level of mitigation procedures to limit dust emissions from the site and these have been set out in a Dust Action Plan which includes site management and monitoring techniques, specified methods of working, the use of dust suppression equipment and spraying techniques and review and action should problems or complaints arise. These include controls on the access track to the public highway.

The Dust Action Plan provides an adequate document of controls that can be enforced through a condition and whilst there are likely to be a certain level of dust emissions, these are not likely to have an influence on the amenity of the nearest residents and such impacts can be adequately controlled and mitigated for to comply with modern standards and expectations and is therefore not in conflict with Policies SP2, SP16, EN8, SP17 and M4 of the Local Development Plan.

Fine Particulates

Fine particulates are tiny airborne particles that come from different sources including vehicles, industry and mining.

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

PM₁₀ data from DEFRA show that the 2016 average PM₁₀ concentrations in the area occupied by the site are 11.77ug/m³, 29.25% of the annual average NAQS objective of 40ug/m³. The NAQS daily

mean objective is 50ug/m³ which should not be exceeded more than 35 times per year. The threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small. Surface related mining operations are associated with very small increases in mean concentration of PM₁₀ particles (2ug/m³) and on that basis the concentration would still be well below half the mean threshold. It also needs to be recognised in this case that the level of plant use and associated activities are on a much smaller scale to the larger opencast coal developments of the area.

The mapped level for PM_{2.5} is 8.39ug/m³ (2016 data), 33.56% of the NAQS average annual objective of 25ug/m³. NO₂ levels are 6.24ug/m³, 15.6% of the annual mean NAQS objective of 40ug/m³ and 3.12% of the 1 hour mean of 200ug/m³, which should not be exceeded more than 18 times per year.

The ES suggests that it is improbable that site specific background levels would show breaches to the AQS standards however indicate that a suitable monitoring can be undertaken during the operational phase. This can be conditioned.

The Dust Action Plan submitted with the application includes a comprehensive set of mitigation methods using recognised suppression techniques and monitoring by way of deposit gauges and sticky pads. Whilst PM₁₀ levels are unlikely to be affected locally an initial period of monitoring and review would be appropriate under a scheme.

In overall terms the operations are unlikely to cause an unacceptable impact on the nearest residents or local population to warrant a refusal of the proposal and subject to conditions and the implementation of the Dust Action Plan it is considered that the proposal is not in conflict with Policies SP2, SP16, EN8, SP17 and M4 of the LDP.

Health Impact Assessment

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 impact 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."

According to MTAN2 the scale of the assessment will depend on the timescales, the resources available and the complexity of the project. Best practice guidance on the HIA process was published in 2004 – "Improving Health and Reducing Inequalities: A practical guide to health assessment (Welsh Health Impact Assessment Support Unit)."

The environment, income, employment, education, the organisation of transport design and condition of houses, crime, and the social and physical condition of local neighbourhoods all contribute to good or poor health. Health impact assessment considers how a proposal might affect these determinants in order to assess the likely impact on the health of different groups in the population.

A HIA has been included in the ES, and concentrates on the key issues that would relate to opencast development at Fforch Egel. The HIA identifies the potential impacts on air quality through fine particulates (PM₁₀'s) and nitrogen oxides (NO_x), other environmental impacts of the development both negative and positive with the proposed mitigation put forward within the environmental assessment.

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

In commenting on the Newcastle study, the Committee on the Medical Effects of Air Pollutants (COMEAP), agreed with the findings of the report adding that “from what is known of the long-term effects of coal mining on the health of coal miners, it is most unlikely that open cast sites would have any long-term effects on the health of local communities”.

The impact of noise, nuisance dust and fine particulates is discussed above. The HIA does not consider that the operational activity would contribute or increase PM₁₀ levels to an extent that would be significant to the local population. Nuisance dust and noise can be controlled to acceptable levels. Taking account of the relative contribution made by far higher levels of traffic it is considered contribution to NOx levels are considered to be negligible. All other environmental impacts set out in the ES are also considered in the HIA which concludes no significant impact on the health and well-being of the local population, subject to the mitigation measures proposed being in place.

The Abertawe Bro Morgannwg University Health Board conclude that there is no evidence to suggest that the proposed development will cause any significant adverse health effects to isolated receptors or local communities although recommend appropriate conditions are adopted to confirm the level of impact in terms of dust, air quality and noise and that the site is subject to an appropriate Environmental Management System.

It is considered an appropriate level of assessment has been undertaken for health and taking account of all known criteria and issues it is considered that this small scale development and duration of operation does not justify refusing the application on matters in relation to health subject to conditions and therefore there is no conflict with Policies SP2 or EN8 of the LDP.

Parking and Access Requirements and Impact on Highway Safety

The site is located on a hilltop plateau served solely by an unclassified road that links Cwmllynfell and Rhiwfawr to the north and Rhydyfro to the south. There are no opportunities for alternative modes for the transportation of coal other than by HGV lorries. The proposal seeks to utilise this road for mineral transportation from the access point of the track with the public highway in a northerly direction towards Rhiwfawr, Coedffaldau and Cwmllynfell. Private individuals such as employees or

visitors are likely to utilise both routes although most are likely to utilise the route to Cwmllynfell. Following an amendment to the method of working at the site for the coaling project it is proposed to undertake up to 7 HGV trips (14 movements) per week day Monday to Friday carrying coal in 20 tonne capacity lorries. Further trips would be undertaken on Saturdays however that number is not defined in the application.

The number of cars/vehicles, service vehicles, and visitors could add up to some 24 trips per day, based on projected employment levels.

The access track to the site that leads from the public highway is also utilised as an access point for Fforch Egel Farm and has good visibility in both directions. Therefore the access junction with the public highway has no material constraints on what is a route that has a low level of traffic.

The proposed route chosen for coal transportation has a variable width of between 4 to 5 metres, and leads from the access point northwards towards Rhiwfawr, although not leading into the central part of the village. As it approaches Rhiwfawr the unclassified land descends down to Coedffaldau where it is relatively steep and in parts winding before meandering through Coedffaldau and onto Bryn Road in Cwmllynfell before accessing the A4068 opposite Cwmllynfell Library. The route passes the Cwmllynfell Primary School some 100 metres from this junction. This route is around 1.8 km in length and has some 8 passing places along the way, of differing size and suitability. The road is in a poor condition in parts.

Members should note that the authority refused Opencast Coal development at the former Parc Level Opencast coal site in 2000 and the Gwrhyd Building Stone Quarry in 1999 partly on highway grounds and the nature of the public highway along this route. Both refusals were granted on appeal by the Welsh Government although had restricted movements and timescales.

In the case of the Parc Level Colliery permission 9 loaded vehicles not exceeding 20 tonnes were permitted Mondays to Fridays and 5 such vehicles on Saturdays. Whilst the approval was for a relatively short period of 7 months subsequent approvals with the same level of coal transportation were granted in 2005 and 2007. Coaling at Parc Level substantially ceased in 2009.

The Gwrhyd Building Stone Quarry has also been granted a further consent in 2010 movements limited to the following:

Vehicles utilised for the haulage of quarried products from the site shall not exceed the following combination of carrying capacities and number of vehicular movements;

- a. No more than 7 heavy goods vehicles with a carrying capacity not exceeding 15 tonnes shall depart from the site in any working day.
- b. No more than 2 heavy goods vehicles with a carrying capacity not exceeding 21 tonnes shall depart from the site in any 7 day period.
- c. No more than 5 vehicles with a carrying capacity not exceeding 3 tonnes and carrying quarry products shall depart from the site in any one day and up to a maximum of 15 in any 7 day period.

Recognising that the route is limited in its capacity in terms of size and number of HGV's, the most restricted length of highway is concentrated in particular to an area known as "Tyle Roc", Coedffaldau, and the approach towards the western limits of the village of Rhiwfawr which are steep and winding. This is an approximate length of 500 metres although other lengths of the route are marginally constrained but with passing places.

The Head of Engineering and Transport (Highways) has taken account of the proposed level of output and the nature and level of existing use of the unclassified road down from the site to Coedffaldau, and Bryn Road through to Cwmllynfell. Consideration has also been given to the alternative route towards Rhydyfro but this is deemed to be unsuitable and inadequate. The developer is also willing to comply with a Coal Transport Plan to be submitted as a scheme which would identify methods of controlling the route of coal carrying vehicles and their management and conduct along the public highway before accessing the A4068 at Cwmllynfell.

The applicant, whilst claiming that the route is adequate for the level of transportation proposed, has agreed to provide a sum of money for the maintenance of the highway and improvements to passing places where practical. This amounts to £30,000 on the grant of any consent. Subject to this payment being made under the terms of a Legal Agreement the Head of Engineering and Transport (Highways) had no

objections subject to appropriate conditions. Even with highway improvements it was noted in the April 2014 Committee Report that it was a finely balanced issue.

However, the applicants have not progressed the Legal Agreement and there is no certainty that the contribution to the required highway maintenance will be made. Without highway improvements being made the nature and scale of the proposed HGV traffic is considered to be unacceptable in terms of highway safety. The proposal therefore conflicts with Policies SP4, M4, SP20 and TR2 of the LDP.

Water Supply, Water Quality and Quantity, Land Drainage and Flooding

Mineral workings will have the potential to affect the water environment by changes to the quantity and quality of surface or ground water resources.

The Environmental Statement has undertaken a water features survey and an assessment of the hydrology and hydrogeology of the site and surrounding area. The site occupies the western side of an isolated knoll which tilts to the south west and near to the head of the River Egel.

To the north west and south west land rises towards Penllerfedwen and Mynydd Uchaf ridge. The ridge forms the watershed for flows to the River Egel from the west. To the south east the land rises towards Cefn Gwrhyd ridge and forms the water divide between the Cwm Du catchment to the east and the River Egel to the west.

Two separate tributaries form the headwaters of the river and drain high ground around the site area and surrounding land.

Water Supplies

The site would be developed within the Upper Coal measures and the Rhondda Bed mudstone which has intermittent and occasional sandstone beds and the target coal seam is the Rhondda No. 1. Whilst there are other properties at varying distances of more than 800 metres that obtain natural water supplies from the ground, two supplies at Ffordd Egel Farm and Troed Rhiw Felen Farm have required specific assessment. Site investigation demonstrates an absence of groundwater in the coal measure strata to the base of the target coal seam. It is considered unlikely that there will be a requirement to

dewater or obstruct groundwater during any of the operations proposed. On the basis of the investigation site excavations are therefore not expected to have any impact on the groundwater catchment or groundwater resource of the area. On the basis of the available evidence the proposed development will remain above the aquifer that provides water supply to the Fforch Egel Farm and Troed Rhiw Felen Farm and these should remain unaffected.

Nevertheless, monitoring and management of these supplies are proposed. In the unlikely event of an adverse impact occurring and demonstrated it is stated that there would be a potential to provide a replacement borehole supply.

Water Quality and Quantity, Land Drainage and Flooding

A Hydrogeological assessment has been undertaken and supplementary information submitted to support the design of a surface water management scheme. The scheme provides minimum design criteria for surface attenuation and treatment facilities to prevent any adverse impact on watercourses, flood risk and water quality.

Cut off drains, water attenuation ponds and settlement lagoons and the design requirements for these based on topography, rainfall events has been calculated. The results reasonably suggest that the site can be designed to prevent any adverse effect on the water environment in terms of quantity and quality subject to further submission of detailed design. Natural Resources Wales and the Authority's Drainage Officer are satisfied that adequate provisions can be provided to prevent any adverse impact during the operational phase and following restoration.

The proposal does not therefore conflict with Policies SP16, EN8, SP17 and M4 of the Local Development Plan.

Historic Environment

The supporting information submitted notes the potential for the discovery of unknown archaeological features and finds as well as detailing the known resource. GGAT advised that it is unlikely that any archaeological features of any major significance will be revealed but request that an archaeological watching brief is undertaken during ground disturbance. A condition can be included to that effect.

Land Stability and Ground Contamination

The site constitutes a relatively small opencast development, whereupon excavations will be undertaken in original grounds down to the Rhondda No.1 coal seam. Backfilling of the former opencast development provides a suitable location to dispose of an initial amount of overburden. There are no identifiable or significant issues in topographical terms that would suggest there are issues in terms of land stability or overburden storage that would pose any significant threat in terms of land stability or ground contamination.

Soils and Agricultural Land

The application has undertaken an assessment to quantify the amount of topsoil, subsoil and soil forming material that could be conserved and retained for the restoration of the site. This includes reasonable quality topsoil for the area found on the existing upland grazing areas associated with Fforch Egel Farm. Nonetheless, the agricultural land is no more than grade 4 Agricultural Land.

A comprehensive assessment has been undertaken on the likely resources, their planned redistribution and utilisation in the restoration strategy which includes in this case an additional area of the former opencast area being reclaimed for agricultural use. This is considered as an acceptable strategy given the need to reclaim and enhance the viability of Fforch Egel Farm following the completion of the scheme as an upland grazing farm and Welsh Government has indicated that agriculture is an appropriate after-use of part of the site.

Public Rights of Way

Footpaths 67, 68, 69 and 70 lie to the south, east and west of the application site. Footpath 68 lies some 160 metres from the eastern boundary and follows a course along the small valley of the River Egel. Footpaths 69 and 70 take a route close to the Fforch Egel Farmhouse. They join with Footpath 67 some 80 metres to the west of the site boundary at its closest point.

It is considered that whilst there would be some effect on the users of these routes, the overall impact would be localised and short lived and is not considered to be so significant as to warrant any refusal on the impacts on the use of public rights of way.

Restoration and Aftercare

The progressive restoration of the site and its reclamation to land uses has been set out in the restoration strategy and plan. The strategy has been amended during the course of the application, taking account of the natural resources available, the nature of the derelict land associated with part of the development area and other objectives in achieving some ecological biodiversity and the restoration of common land to grazing requirements. This results in an additional 4.6 hectares of agricultural land to add to the existing 6.3 hectares originally found at Fforch Egel.

Marshy grassland and acidic grassland on the common would be restored to the same area of 2.4 and 2.6 hectares respectively. Other areas of marshy grassland (0.7 hectares), oak woodland (1.3 hectares), heath scrub (1.3 hectares) and other marginal land would be restored to ecological biodiversity objectives such as a sandstone feature, new ponds/wetlands and ditches.

The potential of the site to deliver progressive restoration and its ultimate reclamation has been evaluated and following amendments to the method of working it is now considered that a structure can be put into place where the recovery of coal and the reclamation of an abandoned opencast site of some 9.1 hectares in area can be suitably restored to a beneficial use.

One of the very principles of MPPW is that all coal developments must be reclaimed to a sustainable and beneficial afteruse, and also by achieving a high standard of restoration. This is echoed in Policy M4 of the LDP.

Paragraph 282 of MTAN2 states in reinitiating land following opencast working the opportunity exists to improve the local environment, embrace landscape and biodiversity and make provision for public access. Following the reassessment of the restoration scheme it is considered that the reclamation of the site can be achieved with a balance struck in this case of enhancing and sustaining the farm holding of Fforch Egel Farm and also introducing biodiversity enhancement in certain areas. The Biodiversity Unit of the Authority has no objection to the proposal, subject to the biodiversity requirements being delivered within the scheme. This now appears reasonable and practical.

It is therefore considered that the restoration scheme set out as a strategy, but subject to the submission of further details under conditions, is appropriate and adequate for it not to be in conflict with national policy or Policy M4 of the Local Development Plan.

Restoration and Aftercare Bonds and Financial Guarantees

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

The applicant readily acknowledges the need for a financial guarantee as part of this development and a condition enforceable under Section 51 of the West Glamorgan Act 1987 can be adopted to secure a restoration and aftercare bond before any commencement of development. However, despite repeated attempts to engage with the applicant to discuss the level of bond necessary in this case, the issue is no further forward than it was in April 2014. The final figure for this bond has not therefore been agreed but the approximate sum is likely to be in excess of £1 million. The applicants have not indicated that they are in a position to provide a Bond of that amount.

There are also question marks over the viability and deliverability of the scheme as discussed below making it absolutely essential that the Bond is in place prior to any commencement of development.

Cumulative Impact

The site is located in a fairly secluded and remote area of the countryside. However, the immediate area has not been without mineral activity. Some 20-30 years ago the immediate area had a few small mines on the same hillside which included the former Parc Level Colliery, some 500 metres to the east. All such small mines have been closed for at least 20 years.

More recently the Parc Level Opencast development was worked between 2002 until 2010 and has been restored and is in aftercare.

Approximately 1.0 km to the south east is the Gwrhyd Building stone quarry which has also been operating for some 12 years and has a further period of planning consent until 30 September 2025.

Approximately 2.5 km to the north of the site is the East Pit East Revised OCCS which is still operating, although this site and the building stone quarry are not inter-visible.

Coal transportation routes for the former Parc Level opencast site and the Gwrhyd Building stone quarry share the same route that leads to Coedffaldau (west of the main part of Rhiwfawr Village) and towards Cwmllynfell and the A4068. Further to the south is the major quarry at Cwm Nant Lleici Quarry which has a separate and dedicated access road that leads to Ystalyfera.

In local terms the general area the further development at Fforch Egel Farm would not have a demonstrable effect on the locality in terms of cumulative impact.

Socio-Economic Benefits

A Social Impact Assessment (SIA) was submitted as part of the Environmental Statement which has considered the negative and positive aspects of the development.

The site will be a relatively short lived operation which was, and still is to a degree, a traditional mining area. The economic wealth of the area has also historically been formed on coal mining activity that has reduced substantially in recent decades.

Negative aspects are some limited effects on the quality of life of the residential population given the remote nature of the site. Impacts on recreation use, the use of Gwrhyd Chapel and Gwrhyd Road is also considered to be low or negligible. Impacts from coal transport are significant. There would be some effect on amenity, visual impact and on local biodiversity.

Positive aspects include economic benefits from employing some 19 people for a minimum of four years with other set up and service industries being required. The former "Yates site", an old opencast development that has been in a poor and derelict and unrestored condition would be reclaimed to a positive and beneficial use.

Need for Coal

The coal produced at this site is intended for power generation, industrial and domestic markets. The coal demand in Wales over recent years has been dominated by two principal markets at Aberthaw and TATA Steel (Port Talbot) with some 70% utilised for power generation and 30% for blast furnace use. There is also a relatively small domestic coal market. However, the demand from Aberthaw for Welsh Coal has effectively ceased, resulting in significant changes to the coal industry in Wales. Celtic Energy Limited has cut production and other operators have also had to change their plans.

Therefore, 70% of the demand has disappeared since this application was first considered by the Committee. On top of that, world coal prices have been in the doldrums for some years, with no real prospect of recovery in the short term.

The recoverable ratio of coal to overburden is calculated to be in excess of 22:1 at this site. Such a ratio was only marginally economic in April 2014 but given the current market conditions surface mining is uneconomic at such a ratio. As an example, Celtic Energy have permanently closed Selar Opencast Coal site where similar ratios exist.

It is therefore considered that there is no need for the coal from this site in the short term

CONCLUSION

The decision to refuse 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 Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Paragraph 14.8.4 of PPW specifies requirements that all opencast development proposals should meet, otherwise they should not be approved. These are:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;

- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the dis-benefits of likely impacts to justify the grant of planning permission;

There are tangible benefits in land use terms with the reclamation of a fairly large unrestored opencast site. However, the site is not especially visible within the local environment and does not have a significant visual impact. The applicants have taken so long to progress the Section 106 Agreement that the ecological surveys are now out dated and with the advent of the Environment (Wales) Act 2016 the bar has been raised in terms of the biodiversity duty. The Authority cannot therefore be certain of meeting that duty without updated information. In the absence of additional information the Authority must take the view that the impact on ecology and biodiversity is uncertain and therefore the proposal conflicts with policy in that regard. It cannot therefore be said that the proposal is environmentally acceptable.

That being the case, the Authority must consider whether there are local or community benefits that clearly outweigh the dis-benefits.

There are potential socio-economic benefits from employment at the site. However, this potential needs to be tempered by the very poor state of world coal prices, shrinking coal markets and the high coal to overburden ratio's at this site which call its viability into question.

Improvement and maintenance of the poor condition of the road from the site to the village of Cwmllynfell would have tipped the balance in terms of the acceptability of the road to cater for limited additional HGV traffic but would have also been a benefit to the local community. However, this has not been progressed within a reasonable time period. Without the improvements to the road the application is unacceptable in highway safety terms.

The benefits of the scheme do not outweigh the uncertain impact on biodiversity or the impact on highway safety and on balance the scheme is unacceptable in its current form.

RECOMMENDATION: Refusal

(1) In the absence of a legal agreement providing for a financial contribution for the maintenance of the highway and improvements to passing places on the unclassified road leading northwards from the site access road to the village of Cwmllynfell, the nature and scale of the HGV traffic generated by the development would have an unacceptable impact on highway safety. The proposal therefore conflicts with Policies SP4, M4, SP20 and TR2 of the LDP.

(2) In the absence of sufficient up-to-date biodiversity survey information, it is considered that the applicant has failed to demonstrate that the proposal maintains and enhances biodiversity and contributes to the resilience of eco-systems. The proposal is therefore contrary to Policies SP1, SP15, EN7, SP17 and M4 of the Neath Port Talbot County Borough Council Local Development Plan.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2009/1129	<u>DATE:</u> 15/12/2009
PROPOSAL:	Proposed coal recovery, washing and reclamation of colliery shale tips
LOCATION:	Cefn Coed Tips, Near Crynant , Neath
APPLICANT:	Amcoal Ltd
TYPE:	Minerals
WARD:	Crynant

BACKGROUND

This application was previously reported to Committee on 31st August 2010 where it was resolved to grant planning permission, subject to conditions, upon the signing of a Section 106 Agreement relating to

- a financial contribution from the developer of a minimum of £39,000 for the replacement of the highway culvert located adjacent to the access point and
- the extension of the aftercare period from 5 years to 10 years.

Discussions were ongoing until September 2014 in relation to the Section 106 Agreement and the Restoration Guarantee Bond but there has been no contact from the developer since that time. It is considered highly unlikely that the Section 106 Agreement or the Restoration Guarantee Bond will be forthcoming given the current economic climate in the coal industry. The application is therefore being re-presented to Committee.

SITE AND CONTEXT

The application site comprises approximately 19.62 hectares of land with the majority (55%) of the area comprising two former spoil tips associated with the former Cefn Coed and Blaenant Collieries. The planning application site includes land along the valley side immediately to the east of the former Blaenant Colliery on the eastern bank of the Afon Dulais, approximately 1 kilometre to the south of Crynant and 3 kilometres north east of Aberdulais. The A4109 delineates the western boundary of the site with the two disused Colliery Tips (Tip Nos. 340 and 341) occupying sites on the middle slopes of the valley's eastern

slope, overlooking the former Blaenant Colliery site. Tip 340 was tipped as a conical tip but ceased in 1949 due to a major movement in the tip structure. It covers an area of approximately 5.8 hectares and has an approximate volume of 898,000 cubic metres. Tip 341 covers an area of approximately 4.9 hectares and has an approximate volume of 383,000 cubic metres.

The current access to the site is via the old disused tramway which runs for approximately 0.5 kilometres to the east of the A4109 and up to the top of the tips.

The two tips are bordered by trees on each side along the adjacent field boundaries which also contain areas of marshy grassland. Higher up the slope the scrub woodland has developed along the side of the track. Tip 340 (the Northern Tip) has had remedial reshaping work undertaken in the 1980's and has stable slopes. Tip 341 (the Southern Tip) has not been reshaped and has steep slopes with signs of slippage in places with woodland on the western sided spur. Tip 341 and the western and northern margins of Tip 340 are covered by a Tree Preservation Order made by the Council on 10th July 2012. This replaced a previous TPO made on 28th October 2010.

To the east of Tip 340 and up to the eastern boundary there is marshy grassland with developing scrub and areas of bracken. There is a dry stone wall along the eastern boundary adjacent to Tip 340 and along the northern boundary adjacent to Tip 340 there is a deep cut stream with mature woodland running alongside.

The access corridor to the A4109 will be improved and widened at its lower end to provide a suitable escape lane. This is required because of the existing gradient of the access track. The access road will then turn left into an adjacent field immediately south and adjacent to the A4019. This new access is required to provide an acceptable access point with adequate visibility.

Abernant Farm lies some 180 metres north west of the site boundary and is the closest property to the proposed development. Cefn Coed Cottages are approximately 500 metres to the northwest of the site boundary along with the Cefn Coed Colliery Museum. Llwynfelish Farm lies on the opposite side of the A4019, some 350 metres to the south west. All other properties lie at least 700 metres from any part of the main operational areas of the site.

The disused former surface of the Cefn Coed / Blaenant Colliery lies immediately to the west of the A4109 which runs in a general south west direction towards Aberdulais and a north east direction towards Crynant.

DESCRIPTION OF DEVELOPMENT

It is proposed to work the Cefn Coed tips to recover some 8-15% of the volume lying within the tips. It is predicted that this would generate approximately 300,000 tonnes of high quality anthracite of low sulphur content coal over a four year period although this estimate may be ambitious.

This would amount to 1,420 tonnes being removed each week or 71 lorry loads. Based on a 5.5 day week this would equate to 13 lorry loads per day. Additionally, there will be staff and maintenance vehicles. It was proposed that the lorries would travel from the site along the A4109 towards Aberdulais and then join the A465 heading south towards the M4 and Aberthaw. However, given the operational changes at Aberthaw it is unlikely that any coal from the site would be utilised for power generation. Potential markets are therefore uncertain.

The total period of operation would last approximately five years, comprising 0.25 years for site preparation; four years coal recovery; and 0.75 years for restoration, followed by a minimum period of five years of managed aftercare.

It is intended to work the tip in a south to north direction with Tip 341 (the Plateau Tip or Southern Tip) being processed first and Tip 340 (the re-profiled "Mclane Tip" or Northern Tip) second, with areas of phased cut and fill operations. The southern part of Tip 341 will be processed in the first year with tipping taking place to the west of the tip and in the valley between the two tips to provide finished profiles. In the second year the remainder of Tip 341 will be excavated with tipping taking place back on the area excavated in year one to provide finished profiles. In year three the northern part of Tip 340 will be excavated and tipping will occur in the area excavated in year two. In the fourth year the remainder of Tip 340 will be excavated with temporary tipping in the area immediately to the north east of Tip 340. The area of Tip 341 excavated in the previous year will be backfilled and profiled to finished levels and the material temporarily tipped to the north east of Tip 341 will be moved back on to the remainder of the tip to finished levels.

The two tips are currently at different heights with Tip 340 having a maximum height of approximately 200 metres Above Ordnance Datum (AOD) and Tip 341 has a maximum height of 181 metres AOD. The proposed profile will be an integrated form, with a maximum height of approximately 191.15 metres AOD.

It is proposed to regrade the finished profiles to gradients of 1 in 3 and a top tier of around 1 in 6. The tipped washed material would be rolled and consolidated in 1 metre layers. Associated land drains would be constructed to take drainage away from the tip and other drainage to provide permanent or semi-permanent features and ponds.

The extracted colliery tip material would be processed on site by a barrel washing plant with a closed circuit effluent treatment. The tip material would be transported to the washery area by dump trucks which would also return washed discard to the area designated for each phase for re-profiling after coal has been separated through the washing process. The closed circuit water recovery system operates with a multi-roll filter press extracting the majority of the water from the discarded material. This de-watering will produce a relatively dry filter-cake from the slurry and will assist preparation of the finished land form. Coal produced by the washing process will be screened on site and the waste discard deposits will be compacted to maximise stability.

The scheme is anticipated to employ approximately 30 people. In addition, there will be a requirement for contract labour for works such as reinstatement of land, fencing, drainage work etc. Working hours would be 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturdays. Coal hauling would be carried out between 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays. Maintenance would need to be carried out between 0700 to 2200 Mondays to Saturdays. There would be no working on Sundays or Public Holidays.

Office, weighbridge and wheel wash facilities and a coal loading area will be located to the north and east of the coal washery area. The weighbridge would be made up of a surface mounted weighbridge with a "controls and weighbridge" man being accommodated in the adjoining office portacabin. The wheel wash would be a fully automated unit that would wash the entire under carriage wheels and body of the truck.

It is anticipated that the following plant will be required to excavate, transport and place material within the site during the operational period:

- 1 x diesel excavator;
- 2 x diesel front end loaders;
- 1 x diesel track dozer;
- 3 x 30 tonnes capacity diesel dump trucks; and
- 1 x 10 tonne dozer hauled roller

Additional plant such as graders and water bowsers would be used for road construction, maintenance and dust suppression as required. All plant would be fitted with modern noise suppression equipment to meet current codes of practice and all plant would be serviced, as far as practicable, on site. Transportation of coal into road lorries will be by front loading shovel.

During the operational period a range of measures will be employed to reduce dust, noise and drainage impacts.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1989/0692 Removal of Colliery Shale – Approved
31/1/91 (permission not implemented)

CONSULTATIONS

Former Countryside Council for Wales – No objections subject to conditions

Former Environment Agency – No objections subject to conditions

Glamorgan Gwent Archaeological Trust – No objections and do not consider any disturbance is likely of any archaeological resource

Abertawe Bro Morgannwg University Health Board – No objections subject to controls to suppress dust

The Coal Authority - indicated the presence of a mine entry adjacent to the site. Proposed operational activities have been amended to take account of the mine entry.

Western Power Distribution – identify apparatus crossing part of the access road

DCWW – no observations received

RSPB – no observations received

Crynant Community Council – has raised concern with regard to drainage, access and highway conditions, and biodiversity issues.

The Biodiversity Unit - refers to the loss of BAP habitats and object to this loss and the development. They suggest suitable mitigation requirements in the event of consent being granted

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

Head of Engineering and Transport (Drainage) – No objections subject to conditions and the provision of an improvement to specific road culverts.

The Air Quality Section – No objections subject to conditions and monitoring requirements

Head of Business, Environmental Health and Trading Standards (Noise) – No objections subject to conditions

REPRESENTATIONS

The application was first advertised in the press in January 2010 and Notices posted on site. Following the submission of further information the addendum to the Environmental Statement was advertised in July 2010.

Eight properties in the vicinity of the application site were notified of the proposal.

A letter has been received from the landowner of part of the site as well as a letter from his solicitors advising that he had not received any

plans in relation to the development and had insufficient information. He therefore objected to the application and had given no consent for the proposal to be undertaken on his land.

REPORT

Planning Policies

National Policy and Guidance

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

A Resilient Wales: is a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).

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.

[Planning Policy Wales \(PPW\)](#) 9th Edition (November 2016) 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.

Chapter 14 of PPW sets out the Welsh Government's land use planning policies for mineral extraction and related development. Paragraph 14.1.1 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”

PPW 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.

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

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

Paragraph 14.8.4 of PPW specifies requirements that all opencast development proposals should meet, otherwise they should not be approved. These are:

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

The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act by applying the principles of sustainable development to the management of Wales' natural resources.

The Act puts the ecosystem approach into statute through a set of Sustainable Management of Natural Resources (SMNR) principles, which are based on the 12 principles (Ecosystem Approach principles) contained in the UN Convention on Biological Diversity (CBD).

The Environment Act enhances the former NERC Act duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

This new duty under Section 6 of the Environment Act came into force in May 2016 and replaces the biodiversity duty in the Natural Environment and Rural Communities Act 2006 (referred to as the NERC Act) which required that public authorities must merely have regard to conserving biodiversity.

Overarching National Policy Statement for Energy EN-1 is part of an evolving national energy strategy in response to changing circumstances in domestic and global energy markets. They set out to address long term energy challenges of security of supply, whilst acknowledging the implications of climate change. Whilst emphasis is on the development of renewable supplies, the Government recognised that coal will play an important and continuing role in meeting national energy requirements. However, the Government's policy has changed since that time with the announcement that all coal fired power generating stations would close by 2025.

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. Following the Coal Summit in 2015 Welsh Government indicated that MTAN2 would be revised to reflect current circumstances but despite holding a consultation event no changes have as yet been forthcoming.

Technical Advice Note 5: Nature Conservation and Planning was published in September 2009. The TAN provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by Local Planning Authorities. These include the key principles of planning for nature conservation; advice about the preparation and review of Local Development Plans; nature conservation in development control procedures; conservation of internationally and nationally designated sites and habitats as well as local sites; and conservation of protected and priority species.

Local Policy

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy EN2** Special Landscape Areas
- **Policy SP15** Biodiversity and Geodiversity
- **Policy EN7** Important Natural Features
- **Policy SP16** Environmental Protection
- **Policy EN8** Pollution and Land Stability
- **Policy SP17** Minerals
- **Policy M4** Criteria for the Assessment of Mineral Development
- **Policy SP20** Transport Network
- **Policy TR2** Design and Access of New Development

Supplementary Planning Guidance:

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Pollution](#)

Environmental Impact Assessment

The application is accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Wales and England) Regulation 1999. The Regulations set out procedures from 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 and proposed mitigation and residual effects along with chapters on health impacts, planning policy and overall conclusions. Additional information has also been supplied during the processing of the application to supplement this information and partially modify the proposed development.

Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the impact on ecology and biodiversity, the impact on surface water drainage and flooding, the amenities of neighbouring residents and highway safety.

Landscape, Visual Impact and Amenity

The Environmental Statement includes an assessment of the landscape and visual impacts of the development within recognised methodologies and landscape assessment criteria such as LANDMAP and visual appraisal techniques. The main features that will impact on the area would be the removal of existing scrubland and semi mature trees associated with the existing tips and adjacent areas and the phased removal, temporary storage and reduction of the tips' height and configuration. The restoration of the site would also bring forward longer term changes.

The predicted effect on the landscape is defined by the viewpoints that are available of the site. Generally, the effect of the proposed works on landscape character diminishes with distance from the site and almost all the views will be restricted to the west due to topography and vegetation. These views are medium to long distance.

The impact on overall landscape will either be very localised or at a significant distance from isolated areas in the main. The characteristics of the site will change for a temporary period, however, the restoration and aftercare strategy will provide a reasonable outcome in landscape terms.

Local residents or isolated properties and public highways and Public Rights of Way do not have any views of the site. Views from long distance viewpoints such as Rhos Common Road to the north of Crynant and to the south from Mount Pleasant in Tonna are minor and moderate adverse respectively.

Operations will be very small scale in the general view and whilst some activity will be perceptible, the range and scale will be small. Views from the higher slopes above Cadoxton and the Neath Golf Course also have a moderate adverse impact but distance will also mitigate the overall impact of the temporary works.

Views on a closer and local scale are possible from the western side of the Dulais Valley from the access point to Tirlan Farm and the minor unclassified road between Cilfrew and Crynant. There are open views of the tips from a distance of around 1 km. Whilst such views will be prominent, the areas are sparsely populated and the public highway is utilised on a relatively low level. The overall impact is considered moderate adverse.

Operational activities will be fleeting in the view from the A4109 and will generally be screened by vegetation, although the access point operations will be clearly visible and will prove to have a moderately adverse impact on a local level.

The landscape and visual characteristics of the area will be affected for a temporary period. Although the site falls within the Dulais Valley Special Landscape Area, there are no prominent and overbearing landscape and visual impacts of major importance that justify the refusal of planning consent. Progressive restoration and reconfiguration of the tips and a comprehensive habitat reclamation scheme will provide benefits in the longer term by modifying the tips to a more acceptable and stable form with manageable slopes and areas.

It is therefore considered that the proposal does not conflict with Policy SP14, EN2, SP17 and M4 of the Local Development Plan in terms of landscape and visual amenity criteria.

Cultural Heritage

Archaeological appraisal of the site indicates there are no known sites of archaeological interest within the proposed development area. The route of a disused tramway between the A4109 and the tip constitutes the only remaining industrial relic other than the tips themselves.

Glamorgan Gwent Archaeological Trust advises that on the basis of the appraisal there is no requirement for any appropriate archaeological investigatory works during the development. The Cefn Coed Colliery Museum is located approximately 500 metres from the site boundary, however, the proposed temporary operations are not considered to be detrimental to this facility and will not affect the setting of this Grade II listed building.

Ecology and Biodiversity

There are no statutory designated sites or areas inside or within 3km of the proposed development. The general mosaic areas of the spoil tips, adjacent marshy grassland, semi improved acidic grassland to the west, and semi natural woodland constitute the main areas of vegetation within the site.

Phase 1 habitat surveys carried out in 2008 and 2009 have identified habitats that are identified in the UK and NPT Biodiversity Action Plans. These include marshy grassland areas (some 1.8 hectares) to the east of the main tip area infested in parts with bracken, and poorly defined marshy grassland areas to the west (approximately 1.0 hectares) below the main tip features. These areas are considered by the applicants to be in a relatively poor condition. Peripheral semi natural broadleaf woodland areas colonise the northern boundary of the site and the lower reaches of the tips. Areas of approximately 5 hectares surround the site with some 1.75 hectares of semi natural woodland on top of Tip 341, the southern tip. Bare ground with sporadic vegetation and colonised bryophyte areas colonise the remaining parts of the tips. Minor streams and water courses arise below the tips and to the north of the site and form the main drainage features of the area.

To mitigate the impacts of the development on BAP habitats, segregation and management techniques have been put forward in a landscape management plan. The retention of peripheral woodland and the control of surface water arrangements have been proposed.

The open mosaic habitats found on the spoil tips constitute a loss that would be of moderate significance, however the loss of all other areas are considered of minor negative significance in the context of the whole development. Proposals contained in a comprehensive restoration and aftercare scheme seek to recover and restore the landscape and ecological features that existed prior to the tipping of colliery shale. The main mitigation areas include 2.7 hectares of marshy grassland which virtually equates to the projected loss of 2.8 hectares that exists presently. However, the success of reproducing marshy grassland at this site is uncertain.

Breeding bird, bat surveys and other mammal investigations conclude that the operational site does not contain any European protected species or bird species or other mammals that require particular protection or consideration.

Pre-felling checks of the peripheral woodland associated with the development would be undertaken for the presence of any nesting or breeding birds and any recolonization by bats. Continuous monitoring and management within the landscape management plan would be undertaken under the guidance of an Ecological Clerk of Works.

The Biodiversity Unit has recommended that this development does not proceed as it will result in the loss of Biodiversity Action Plan and Priority habitats – purple moor grass and rush pasture, previously developed land of biodiversity interest, woodland, streams, and hedges.

The mitigation and management proposals put forward by the applicant included extending the aftercare period from the statutory five years, to ten years in the light of the quality of the habitats on the site. This can only be done within a Section 106 Agreement hence the recommendation of approval in the 31st August 2010 Committee Report was subject to the signing of a Section 106 Agreement.

In the Committee Report in August 2010 it was indicated that this extension of the aftercare period would contribute to a significant and robust methodology to prevent any unnecessary and overbearing impacts on the protected areas within the site. It was noted that the development will inflict damage and loss to habitats considered to be of local and UK importance in terms of biodiversity. However, taking due consideration of the benefits of the development, including mitigation to compensate for LBAP habitats and the improvement in landscape and long term ecological proposals, it was considered that the development should not be resisted on the grounds of the impacts on local ecology. Moreover, there was an opportunity to modify the landscape and landform of the colliery tips to create longer term beneficial conditions and habitats to introduce a more diverse level of flora and fauna to the benefit of local diversity.

However, it appears unlikely that the Section 106 Agreement will be completed as the other landowner will also be required to sign it. The other landowner has objected to the scheme and in the last six years there has been no agreement between the applicant and the other landowner. The aftercare period cannot therefore be extended beyond 5 years and the applicants mitigation and management plan cannot be fully implemented. Therefore, additional weight has to be afforded to the objection on biodiversity grounds and the Authorities duty under the Environment Act 2016. The aftercare strategy cannot be delivered and

therefore the proposal conflicts with Policies SP1, SP15, EN6, EN7, SP17, or M4 of the LDP as well as the key principle established in MPPW of achieving high standard of restoration and beneficial after-use and the Authorities duties to maintain and enhance biodiversity.

Water Environment

An assessment of the hydrogeology of the site and its immediate environs has been undertaken which concludes that the site will result in very slight impacts on the hydrogeological environment and is a minor consideration in respect of this project.

In contrast, surface hydrology and drainage is of critical importance in relation to the impacts of the development on water quality and the drainage features within and surrounding the site.

The washing of colliery shale tips has the potential to generate some considerable surface water contamination, and a robust and adequate regime to prevent the pollution of adjacent water courses is essential. The coal washing plant will operate on a self-circulating system and the need for extensive settlement lagoons in association with this operation is reduced. General land disturbance in and around the colliery tips will require adequate controls, and surface drainage facilities and settling ponds of an adequate nature have now been proposed and the strategy is considered to be satisfactory by the former Environment Agency.

An assessment on water catchment and flow rates, and the required attenuation and controls to prevent an overload of the receiving water courses, has resulted in the need for a comprehensive surface water management scheme with additional provisions for temporary attenuation areas and diversionary controls. The assessment identified increased flow rates post-construction for Culverts B and C with small reductions for Culverts A and D. Culvert A however does require a headwall to prevent erosion during storm conditions. Culvert B in particular already floods at least once a year because the culvert pipe is undersized and the gradient is fixed. The proposals will increase the catchment of Culvert B and accentuate the current problems.

The developers agreed to finance the replacement of the culvert with twin 450mm diameter pipes which would cope with 100 year storm events and the Head of Engineering and Transport (Drainage) was satisfied that the development would not inflict uncontrolled or unmanageable impacts on the surface water regime if this mitigation

was implemented. This was to be addressed within the Section 106 Agreement required prior to the issue of a planning permission. However, more than six years have elapsed without the agreement being signed. It is considered unlikely that such an agreement will be completed. Without the replacement of the culvert there would be increased drainage problems and additional flooding as a result of the proposed development. This would have an adverse impact on the environment, and the amenities of the local communities and road users contrary to Policies SP1, SP16, EN8, SP17 and M4 of the Local Development Plan.

Transportation and Access

A new access point and access road would be constructed off the A4109 that would lead to the upper levels of Tip 340 and the main administration and washing area. The scheme proposes to win some 1400 tonnes of coal each week which would be transported by 20 tonne capacity lorries. This would equate to approximately 26 movements per week day over a working week, and 12 movements over a Saturday. The coal traffic would be directed southwards towards the A465 and the M4, joining the A465 at the Cadoxton interchange.

Some 30 people employed at the site would also generate some car movements at the start and the end of every shift period.

The new access point and road has been the subject of adjusted design features to provide adequate visibility and access arrangements. The A4109 has a 40 mph speed limit at the access point. Nonetheless, the A4109 at this location results in a significant amount of traffic exceeding this limit and a location where overtaking can occur. Given the nature of the road conditions, a Road Safety Audit has been undertaken to evaluate any further safety requirements, particularly in the light of slow emerging coal lorries.

The Stage 1 Road Safety Audit recommends some improvements which can only be designed following a Stage II assessment.

The Head of Engineering and Transport (Highways) has considered all the criteria in relation to access design and the level of transportation, and considers that the development can proceed with the proposed access arrangements subject to conditional requirements for further analysis and the introduction of safety features such as signage and lineage under Stage II Analysis.

Given the level of transportation proposed, the access routes identified, and the design and improvements to the access point arrangements, it is considered that the development will not result in impacts on the public highway or the amenity of the area that would warrant a refusal on highway grounds.

Subject to appropriate conditions, it is considered that the access and transportation arrangements for the site are not in conflict with Policies SP20 and TR2 of the LDP.

Impacts on Amenity

Dust

Mining operations invariably involves considerable earth moving activities and plant movements. The proposed operations at the site involve the extraction of colliery shale in a phased manner, the washing of the shale in a wet process, and the subsequent deposition of the discard within a defined and phased programme of progressive restoration. Operations such as excavations and dump truck movements can be mitigated by recognised dust suppression techniques and site management.

Taking regard of the distance to dust sensitive properties, and the proposal to mitigate and control dust, it is considered the proposal will not have an adverse impact on the nearest residents in terms of dust, subject to conditions and the implementation of a comprehensive mitigation regime. Health impacts and associated air quality issues are considered below.

Noise

A noise assessment based on existing ambient noise levels and projected noise impacts at the nearest noise sensitive properties, suggest that with adequate controls on the hours of working and site management practices, the noise levels that could be experienced at the nearest noise sensitive properties will be within the guidelines set down in MPG 11 and MTAN 2 - Coal.

Abernant Farm, the nearest property to the development, has an ambient noise level of 44dBA. It is calculated within the assessment that the development will not increase the noise levels at this property

above 51dBA. This noise level would accord with the guidance set down in MTAN 2 and MPG 11 where no noise sensitive property should experience an increase of 10 dBA above ambient noise levels.

The assessment does not predict any significant increase in noise at any other noise sensitive properties. Consequently, subject to controls, it is considered the development is acceptable in respect to noise.

It is therefore considered that the development can be operated satisfactorily in terms of noise and dust subject to specific controls, and therefore is not in conflict with Policies SP2, SP16, EN8, SP17 and M4 of the Local Development Plan.

Buffer Zones

MTAN 2 sets out to restrict coal surface development within 500 metres of a settlement which constitutes normally a group of dwellings/buildings of 10 or more. The settlement of Crynant lies some 1 km away from the site boundary and the nearest residential property is Abernant Farm 180 metres from the boundary. Other isolated properties lie some 350 metres from the site boundary and along the A4109. The guidelines set out in MTAN 2 seek to protect areas closest to settlements from inappropriate development and disturbance. Whereas there are isolated properties in the vicinity of the proposal, specific assessment of relevant criteria has been undertaken to assess the impacts on these individual properties. In consequence it is considered that the development does not conflict with the general advice in respect to the 500 metre zone from settlements.

Health and Social Impact

Paragraph 121 of MTAN2 – Coal states that:

“A planning application for coal working that may have significant effects on human health should be accompanied by a HIA (and that) this does not in itself mean that such developments have unique, significant, or ... negative health impacts.”

Paragraph 131 of MTAN2 refers to the requirement for a Social Impact Assessment (SIA) and states that “when a proposal for coal working is not environmentally acceptable, the second test for such proposals requires the Mineral Planning Authority (MPA) to balance local or community benefits against the disbenefits of likely impacts”.

Appendix H of MTAN2 provides best practice advice for HIAs and states that the overall aim of a HIA is to “remove or mitigate any potential negative effects on people’s health ... and to recognise and, if possible, to enhance any positive impacts and benefits”.

Appendix J of MTAN2 provides best practice advice for SIAs and states that the MPA will need to consider:

- Who benefits and who suffers the impacts, including local communities, the region and the developer;
- The consequences of the development on community structure and infrastructure;
- Whether there will be reduced or enhanced employment, impacts on the local economy, and other opportunities; and
- Mental and physical health.

Coal recovery operations will include a form of surface mining of the tipped material. However, it is considered as less intrusive than opencast coal operations. Nonetheless, the potential to affect the well-being and local living conditions of the nearest settlements and residents must be taken into account.

The proposals for the Cefn Coed tips coal recovery scheme is at least 1 kilometre away from the main settlement of Crynant, although there are isolated properties and farm holdings nearby, Abernant Farm to the north west of the site being the closest at approximately 180 metres away from the site boundary. The Environmental Statement includes an assessment of the potential impacts of the proposal within the context of health and social issues and delivers an overview of the role of air quality and dust, noise, trespass, on site accidents, transport, visual and landscape effects, social effects and the overall impacts on the community.

Taking account of the more detailed assessments undertaken, it is a reasonable conclusion that the proposal would not inflict any effect on the health of the local population from the environmental impacts that would result in any measurable or identifiable reduction in the well-being and quality of life of the local population. Abertawe Bro Morgannwg University Health Board has no concerns in respect of health subject to the mitigation of dust. The proposal does not therefore conflict with Policies SP2 and EN8 of the LDP.

Land Stability

The working and reconstruction of colliery shale tips require important considerations in respect of stability and safety. The colliery shale tips to be worked have historically been the subject of some regrading to prevent any instability and failure. The tips currently do not show any sign of instability although the south tip is very steep in parts and shows signs of surface erosion and settlement. There is therefore no clear safety reason that indicates that the tips constitute a risk to health and safety.

The proposed tip has been designed to comply with Part 5 of the Quarries Regulations 1999 which has replaced the Mines and Quarries (tips) regulations 1971. Reconstruction methods, drainage and an adjustment to the tip design to avoid watercourses etc. provides reasonable confidence on tip safety. The responsibility of the Regulations lies with the developer however there appears to be no reason to indicate that appropriate design criteria have not been taken into account and therefore the proposal does not conflict with Policy EN8 of the LDP.

Restoration and Aftercare

It is intended to restore the landform in a phased manner with associated land management and to bring the disturbed land and development site into a condition to ensure meaningful regeneration of biodiversity and landscape. The proposed landform will still maintain some features that would be characteristic of a man made tip structure. However, some of these features are inherently required to secure adequate control on final surface water controls and land stability. Nevertheless the overall configuration has the potential to improve and integrate the setting of the tips into the local landscape for the longer term.

The application contains a comprehensive landscape and ecology management plan which sets out a schedule of work that requires the need for continuing management during all of the operational phases of the development. The plan indicates the objectives of grassland, woodlands, hedgerow maintenance and native block planting and natural colonisation targets, with added monitoring and review.

The general principles are supported by Countryside Council for Wales and the Biodiversity Unit. However, as stated above it is unlikely that

the proposed 10 year aftercare period proposed by the applicant can be delivered as the Section 106 Agreement is unlikely to be signed.

Restoration and Aftercare Bonds and Financial Guarantees

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 such development.

It has been indicated to the applicant that any planning permission would normally be the subject of a requirement for a restoration and aftercare bond. The development will create temporary damage to the colliery shale tips and adjacent land and there will be a requirement to restore the land to an acceptable condition at the end of operations. It is the policy of the Authority to seek a financial guarantee to secure such reclamation. A suitable sum has been calculated however, six years has passed without any significant progress on the applicant's part in relation to the financing of a Bond.

It is considered unlikely therefore that there is a reasonable prospect that the applicants can finance a Bond. Interest has been shown by another operator but site investigations carried out indicated that the site would not be a viable proposition due to the set up costs and the investigations indicating lower coal content than anticipated.

Section 106 Agreement

The development constitutes a disturbance to land that has the potential to affect, at least for a temporary period, the nature and extent of surface water runoff. The area adjacent to the proposed access point has been the subject of intermittent flooding in the past and the developer has agreed in principle to fund the improvement of a culvert under the A4109 to mitigate such occurrences.

In addition, the restoration and aftercare strategy proposes an extended period of aftercare from the standard 5 years to 10 years and this provision will need to be secured in the form of a Legal Agreement. A proposed Section 106 Agreement will be required to be entered into with these provisions prior to the granting of any planning consent.

More than six years on, these matters have not been concluded and it is considered that there is little prospect of the Agreement being signed.

CONCLUSION

The proposed development constitutes an operation to win coal by processing and washing colliery shale. Coal fragments and small coal is commonly found within older colliery shale tips when processing and washing facilities were less efficient and the proposal seeks to recover this fraction within the former tips associated with Cefn Coed and Blaenant Collieries.

All mineral operations have the potential to inflict damage on the local environment and amenity. Within paragraph 14.8.4 of PPW colliery spoil disposal is expected to be environmentally acceptable or can be made so by conditions or obligations and no lasting environmental damage should occur. Where this cannot be achieved, local or community benefits should outweigh the disbenefits to justify consent and the land should be restored to a high standard and to a beneficial use.

The benefits of the proposal include the recovery of some 300,000 tonnes of coal, although such benefits carry less weight given that the identified market for the coal at Aberthaw Power Station has disappeared. Subsequent ground investigations have also cast doubt on the quantity of coal in the tip and the viability of the proposal. This uncertainty makes the provision of a Financial Guarantee Bond even more important in this case.

The development could also provide employment to around 30 people for around 4-5 years, which would also contribute positively to the local economy but no progress has been made for over 6 years in terms of moving the project forward. These jobs are therefore considered to be aspirational and are unlikely to be forthcoming in the current economic climate – coal prices on the world market are at an 8 year low.

The tips presently sit in the landscape without any significant and overbearing impact on the local environment albeit the level of natural regeneration on Tip 340 (the northern tip) and other ancillary areas is low. Nevertheless, such brownfield areas are considered to have significant biodiversity value, particularly in the nature of open mosaic habitats and bryophytes. The tips are also in part covered by semi-natural woodland which has generated over a number of years. This woodland is subject to a Tree Preservation Order which was made to

prevent the trees being removed without the Section 106 Agreement, the Bond Agreement and the planning permission being in place.

The tips could be improved in overall shape and height by re-profiling and redistributing the shale to create a new landform. Tip 341, the southern tip, is also very steep in parts and is unlikely to generate any further natural colonisation in its present form. Surface erosion is also prevalent in some areas. The benefit of reworking and reclaiming the site therefore carries some weight.

On the negative side, the loss of biodiversity habitats needs to be balanced against the benefits of the development and proposed mitigation. The Landscape Management Plan, along with a comprehensive monitoring regime sets out a framework that should provide a high standard of restoration and land use with an extended aftercare period to enhance these objectives. A restoration bond is also required to secure the reclamation of the site. However, the applicants have not entered into a Section 106 Agreement to formally extend the aftercare period and have not provided any indication over the last six years that they (or any other operator) can finance a Bond. These two issues bring the proposal into conflict with Policies SP1, SP15, EN6, EN7, SP17, and M4 of the Local Development Plan.

The applicants also indicated that they would provide the finance to replace Culvert B under the A4109 under the provisions of a Section 106 Agreement in order to overcome surface water drainage problems which they would exacerbate. Again, no such Agreement has been completed within the last 6 years and realistically there is no prospect of the Agreement being signed. The exacerbated flooding from surface water drainage brings the proposals into conflict with Policies SP1, SP16, EN8, SP17 and M4 of the Local Development Plan.

In the previous report to Committee dated 31st August 2010 it was considered that the benefits that would accrue from the development outweigh the combined impacts of the development, individually and collectively, and subject to the adoption of the recommended conditions and the signing of a Section 106 Agreement for the provision of funding for drainage improvements and extended aftercare, the proposal merited a temporary approval for the recovery of coal.

However, that position has now changed. As there is little prospect of the Section 106 Agreement or the Financial Guarantee Bond being put in place the weight attached to the proposed biodiversity benefits is

reduced at a time when the Environment Act has effectively raised the bar. The weight attached to the biodiversity impacts has therefore increased. The surface water drainage arrangements are now unsatisfactory without the finance for the culvert replacement and there is a concern that the restoration and aftercare of the site will not result in a beneficial after-use. When measured against the now less than certain benefits of the scheme in economic terms it is concluded that the dis-benefits now outweigh the tangible benefits of the scheme and as such the proposal cannot be supported.

RECOMMENDATION: Refusal

(1) In the absence of a legal agreement to provide funding for the replacement of the existing culvert under the A4109, the development would result in existing surface water drainage problems being exacerbated because culvert B is not of sufficient capacity to accept the predicted increase in surface water flows without additional flooding risk, and consequent danger to nearby communities and road-users, contrary to Policies SP1, SP16, EN8, SP17 and M4 of the Neath Port Talbot Local Development Plan

(2) The proposal, if approved, would result in the unacceptable loss of Biodiversity Action Plan habitats, and in the absence of a legal agreement providing for an extended aftercare strategy, the aftercare strategy cannot be delivered and the proposed mitigation measures are not considered to adequately mitigate for the loss of existing habitat. The proposal is therefore contrary to Policies SP1, SP15, EN6, EN7, SP17 and M4 of the Neath Port Talbot Local Development Plan

SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 6TH FEBRUARY AND 27 FEBRUARY 2017

1	App No. P2010/0424	Type Discharge of Cond.
Proposal Submission of details under condition 3 (Bin stores) 8 (tree planting) 22/28 (ramps and steps and pedestrian visibility) 7 (landscaping) 5 (boundary treatments) of Planning Applications P2006/0880, P2006/0881 and P2006/0883 (Approved on the 31/10/06) in respect of Plots 1-51, 56-62 & 144-152 only.		
Location Area One, Llandarcy, Neath		
Decision Approval with no Conditions		
Ward Coedffranc West		
2	App No. P2014/1038	Type Full Plans
Proposal Variation of Condition 3 of Planning Permission P2012/0092 granted on 17/09/14 to enable the anaerobic digestion facility to process municipal food waste collected from within Neath Port Talbot CBC, Bridgend CBC, the City and County of Swansea in addition to the currently consented commercial waste from Neath Port Talbot CBC and the southern part of Powys CC.		
Location Former Coal Stocking Ground, Maesgwyn, Glynneath		
Decision Approved subject to s.106		
Ward Glynneath		
3	App No. P2016/0580	Type Haz. Subst.Cons
Proposal Hazardous Substance Consent Application to increase the amount of Hydrogen stored on the site from 4 tonnes to 5.4 tonnes.		
Location British Oxygen Company Ltd, Longland Lane, Margam, Port Talbot SA13 2NS		
Decision Approval with Conditions		
Ward Margam		
4	App No. P2016/0735	Type Vary Condition
Proposal Variation of condition 7 of planning permission P2002/0931 Review of Mineral Planning Permission - Initial Review to allow importation of waste from different sources to those specified in the condition		
Location Morfa Waste Management Site, Tata Steelworks, Margam, Port Talbot SA13 2NG		
Decision Approval with Conditions		
Ward Margam		

5	App No. P2016/0779	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Conditions 3 (External Materials) 4 (drainage) 5 (construction method statement) 17 (Boundary Treatments) of Planning Permission P2015/1030 (Approved on the 26/11/2015) for 4 No. detached dwellings.(additional drainage info received 15/02/17)		
Location 26 Graig Road, Pontardawe SA8 3DA		
Decision Approval with no Conditions		
Ward Alltwen		

6	App No. P2016/0881	Type Full Plans
Proposal 8 semi-detached two storey dwellings plus associated access road and diversion of footpath link. (Amended description)		
Location Land To The North Of, Heol Llwyn Celyn, Neath SA10 7PR		
Decision Refusal		
Ward Bryncoch South		

7	App No. P2016/0886	Type Vary Condition
Proposal Variation of condition 1 of P2011/0800 granted on 8 November 2011 to extend the period of time for commencement of development for a further 5 years.		
Location Ty Viney, 1 Ffawyddden, Cwmavon, Port Talbot SA12 9BJ		
Decision Approval with Conditions		
Ward Bryn & Cwmavon		

8	App No. P2016/0949	Type Vary Condition
Proposal Variation of condition 16 (to list drawing numbers to amend the approved drawing to accommodate minor material changes to the development.) of application P2016/0236 granted on 12/05/16		
Location Margam Green Energy, Longlands Lane, Margam, Port Talbot SA13 2SU		
Decision Approval with Conditions		
Ward Margam		

9	App No. P2016/0985	Type Householder
Proposal First floor side extension, detached garage and retention of existing gymnasium.		
Location Glyn Hir, Neath Abbey Road, Neath SA10 7BR		
Decision Approval with Conditions		
Ward Bryncoch South		

10	App No. P2016/1012	Type Householder
Proposal	Garage conversion to living accommodation with replacement ridged roof and replacement parking space.	
Location	54 Ormond Street, Briton Ferry, Neath SA11 2TH	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

11	App No. P2016/1018	Type Full Plans
Proposal	Retention of Fitness gym (Class D2)	
Location	Unit 12 Lonlas Business Park, Lonlas Business Park Access Road, Lonlas, Neath SA10 6SN	
Decision	Approval with Conditions	
Ward	Coedffranc North	

12	App No. P2016/1037	Type Householder
Proposal	Split level single storey side extensions, raised platform and steps	
Location	24 Wren Avenue, Cimla, Neath SA11 3SH	
Decision	Approval with Conditions	
Ward	Cimla	

13	App No. P2016/1059	Type Householder
Proposal	Two storey side extension, single storey rear extension, plus flat roof dormer to rear.	
Location	6 Heol Esgyn, Longford, Neath SA10 7LL	
Decision	Approval with Conditions	
Ward	Dyffryn	

14	App No. P2016/1064	Type Non Material Amendment (S96A)
Proposal	Non material amendment to Planning Permission P2007/1536 (Approved on the 10/3/2008) to vary the wording of condition 4 (Land drainage) to agree drainage details following commencement of works.	
Location	96 New Road, Gellinudd Pontardawe, Swansea SA8 3DY	
Decision	Approval with no Conditions	
Ward	Rhos	

15	App No. P2016/1073	Type App under TPO
Proposal	Felling of 1 No. Oak Tree protected by T285/T5 and 1No.Sycamore Tree protected by T285/T4	
Location	35 Nant Celyn, Crynant, Neath SA10 8PZ	
Decision	Approval with Conditions	
Ward	Crynant	

16	App No. P2016/1074	Type Householder
Proposal	Single storey rear extension plus replacement of existing mono pitch roof with flat roof.	
Location	18 Hodgsons Road, Godre'r Graig, Swansea SA9 2DJ	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

17	App No. P2016/1077	Type Householder
Proposal	Single storey rear extension, and single storey side extension.	
Location	7 Harvey Crescent, Sandfields, Port Talbot SA12 6DF	
Decision	Approval with Conditions	
Ward	Sandfields East	

18	App No. P2016/1088	Type Householder
Proposal	Single storey side extension, extension to the existing dormer window, and hardstanding to provide replacement parking.	
Location	31 Village Close, Bryncoch, Neath SA10 7TE	
Decision	Approval with Conditions	
Ward	Bryncoch North	

19	App No. P2016/1100	Type Householder
Proposal	Single storey front extension	
Location	85 Western Avenue, Sandfields, Port Talbot SA12 7NB	
Decision	Approval with Conditions	
Ward	Sandfields West	

20	App No. P2016/1103	Type Householder
Proposal	Two storey side extension.	
Location	29 Ffordd Danygrraig, Godre'r Graig, Swansea SA9 2BH	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

21	App No. P2016/1104	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 6 (Details of badger gate) P2014/0762 granted on 28/5/15.	
Location	Land East of, Maesgwyn Wind Farm (Approved Solar Farm site), Glynneath, Neath	
Decision	Approval with no Conditions	
Ward	Onllwyn	

22	App No. P2016/1106	Type Householder
Proposal	Single storey rear extension.	
Location	12 Hazelwood Road, Neath SA11 3DW	
Decision	Approval with Conditions	
Ward	Neath North	

23	App No. P2017/0005	Type Householder
Proposal	Detached Garage	
Location	11 Park Street, Tonna, Neath SA11 3JQ	
Decision	Approval with Conditions	
Ward	Tonna	

24	App No. P2017/0006	Type Discharge of Cond.
Proposal	Details to be agreed in association with conditions 9 (bollard details on grass verge at entrance to site); 11 (surface water drainage scheme); 21 (post construction stage certificates for code for sustainable homes) and 25 (outstanding verification report for plots 1 and 2, 21 through to 34) of application P2014/0046 granted on 23/06/14.	
Location	Residential development site., Green Park Street, Aberavon, Port Talbot SA12 6LL	
Decision	Approval with no Conditions	
Ward	Aberavon	

25	App No. P2017/0009	Type Householder
Proposal	Single storey front extension	
Location	75 Marine Drive, Sandfields, Port Talbot SA12 7NW	
Decision	Approval with Conditions	
Ward	Sandfields West	

26	App No. P2017/0010	Type Householder
Proposal	Front porch	
Location	2 Coed Parc, Cwmavon, Port Talbot SA12 9BN	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

27	App No. P2017/0012	Type Householder
Proposal	Front Bay Window	
Location	4 Chapel Close, Aberavon, Port Talbot SA12 7DB	
Decision	Approval with Conditions	
Ward	Aberavon	

28	App No. P2017/0013	Type Advertisement
Proposal	Two No. freestanding non-illuminated visitor information signs.	
Location	Pant y Sais National Nature Reserve, Jersey Marine,	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

29	App No. P2017/0015	Type Householder
Proposal	Two storey rear extension, plus single storey rear extension with roof terrace, external steps, privacy screening, balustrade, and chimney.	
Location	47 Cardonnel Road, Skewen, Neath SA10 6BT	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

30	App No. P2017/0019	Type Householder
Proposal	First floor rear extension	
Location	79 Alltwen Hill, Alltwen Pontardawe, Swansea SA8 3BP	
Decision	Approval with Conditions	
Ward	Alltwen	

31	App No. P2017/0024	Type Advertisement
Proposal	Two additional signage plates to existing advertisement.	
Location	2 Brunel Park, Brunel Way , Baglan Energy Park, SA11 2FP	
Decision	Approval with no Conditions	
Ward	Briton Ferry West	

32	App No. P2017/0026	Type Advertisement
Proposal	1 No. Double sided internally illuminated static advertisement panel integrated into bus shelter	
Location	Land Opposite, 19 St Johns Terrace, Neath Abbey, Neath SA10 7NE	
Decision	Approval with Conditions	
Ward	Dyffryn	

33	App No. P2017/0027	Type App under TPO
Proposal	Works to tree protected under Tree Preservation Order T89/A1 - Pollard Horse Chestnut and the removal of branches from the right hand bough (viewed from the road) to alleviate weight due to decay at its base	
Location	4 The Avenue, Neath SA11 2FD	
Decision	Approval with Conditions	
Ward	Neath East	

34	App No. P2017/0028	Type Advertisement
Proposal	Double sided internally illuminated static advertising panel integrated into bus shelter	
Location	Land Fronting, 1 Tyla Road, Briton Ferry, Neath SA11 2TB	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

35	App No. P2017/0029	Type Advertisement
Proposal	2 No. single sided internally illuminated static advertisement panels integrated into bus shelter	
Location	Land Fronting, 5 New Road, Neath Abbey, Neath SA10 7NN	
Decision	Approval with Conditions	
Ward	Dyffryn	

36	App No. P2017/0030	Type Advertisement
Proposal	1 No. Double sided internally illuminated static advertisement panel integrated into bus shelter	
Location	Land Fronting, 85 New Road, Skewen, Neath SA10 6HG	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

37	App No. P2017/0031	Type Advertisement
Proposal	2 No. single sided internally illuminated static advertising panels integrated into bus shelter	
Location	Land Adjoining, Valet Unit Former Stadium Service Station, Dynevor Place , Skewen, Neath SA10 6RG	
Decision	Approval with Conditions	
Ward	Coedffranc North	

38	App No. P2017/0032	Type Advertisement
Proposal	2 No. single sided static internally illuminated advertising panels integrated into bus shelter	
Location	Land to the front of, 3 Main Road, Neath SA10 7DG	
Decision	Approval with Conditions	
Ward	Dyffryn	

39	App No. P2017/0037	Type Householder
Proposal	Single storey rear extension	
Location	13 Scutari Row, Dyffryn Road, Taibach, Port Talbot SA13 1TL	
Decision	Approval with Conditions	
Ward	Taibach	

40	App No. P2017/0038	Type Householder
Proposal	Single storey rear extension.	
Location	28 Crymlyn Road, Skewen, Neath SA10 6EA	
Decision	Approval with Conditions	
Ward	Coedffranc West	

41	App No. P2017/0040	Type Full Plans
Proposal	Installation of equipment cabin, car parking and perimeter fencing to facilitate the creation of an additional substation and laying of underground HV (High Voltage) cable.	
Location	Caegarw Farm, A48 From Margam Roundabout to Pyle Road, Margam, CF33 6PT	
Decision	Approval with Conditions	
Ward	Margam	

42	App No. P2017/0041	Type Non Material Amendment (S96A)
Proposal Non-material amendment to application P2015/1120 to turn the approved substation 90 degrees so that the main doors face west together with an increase in size of the substation within the original approved compound area.		
Location Caegarw Farm, A48 From Margam Roundabout to Pyle Road, Margam, CF33 6PT		
Decision Approval with no Conditions		
Ward Margam		

43	App No. P2017/0050	Type Householder
Proposal Single storey rear extension		
Location 52 Silver Avenue, Sandfields, Port Talbot SA12 7RY		
Decision Approval with Conditions		
Ward Sandfields West		

44	App No. P2017/0054	Type Householder
Proposal Single storey side and rear extension		
Location 9 Efail Fach, Pontrhydyfen, Port Talbot SA12 9TY		
Decision Approval with Conditions		
Ward Pelenna		

45	App No. P2017/0055	Type Prior Notif.Demol.
Proposal Prior Notification of demolition of multi-storey car park including 2 No. retail units (Formerly Tesco & Wilkinson)		
Location Neath Multi Storey Car Park, Fairfield WAY, Neath		
Decision Prior Approval Not Required		
Ward Neath North		

46	App No. P2017/0058	Type Advertisement
Proposal An internally illuminated fascia sign and an internally illuminated ATM sign		
Location Premier Stores, 118 Fairway, Sandfields, Port Talbot SA12 7HR		
Decision Approval with no Conditions		
Ward Sandfields West		

47	App No. P2017/0062	Type Householder
Proposal	Two storey side and rear extension, plus detached garage/summer room and amended vehicular access.	
Location	88 Main Road, Bryncoch, Neath SA10 7TL	
Decision	Approval with Conditions	
Ward	Bryncoch North	

48	App No. P2017/0063	Type Prior Notif.Demol.
Proposal	Prior notification for the demolition of the public house.	
Location	Craddock Arms, Green Park Street, Aberavon, Port Talbot SA12 6NU	
Decision	Prior Approval Required	
Ward	Aberavon	

49	App No. P2017/0065	Type Full Plans
Proposal	External re-cladding of 2 No. portal frame buildings.	
Location	Glamorgan Flooring & Roofing Ltd Rockfield, Longford Road, Longford, Neath SA10 7HQ	
Decision	Approval with Conditions	
Ward	Dyffryn	

50	App No. P2017/0066	Type Householder
Proposal	Two storey side extension, single storey rear extension, front porch and canopy extension	
Location	45 Moorland Road, Sandfields, Port Talbot SA12 6JA	
Decision	Approval with Conditions	
Ward	Sandfields East	

51	App No. P2017/0068	Type Householder
Proposal	Single storey rear extension.	
Location	23 Parc Pencynnor, Cilfrew, Neath SA10 8LQ	
Decision	Approval with Conditions	
Ward	Aberdulais	

52	App No. P2017/0073	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Condition 3 (Samples of external materials) of planning Permission P2016/0476 (Residential development, approved on the 02/08/16)		
Location Cadoxton Community Centre, Cwmbach Road, Cadoxton, Neath SA10 8AR		
Decision Approval with no Conditions		
Ward Cadoxton		

53	App No. P2017/0074	Type Discharge of Cond.
Proposal Details to be agreed in association with conditions 3 (Decommissioning Plan) and 4 (Landscaping scheme) of application P2014/0762 granted on 28 May 2015.		
Location Land East of, Maesgwyn Wind Farm, Glynneath, Neath		
Decision Approval with no Conditions		
Ward Onllwyn		

54	App No. P2017/0095	Type LawfulDev.Cert-Prop.
Proposal Lawful Development Certificate (Proposed) for a single storey side and rear extensions plus side dormer extension.		
Location 222 Swansea Road, Trebanos, Pontardawe SA8 4BX		
Decision Issue Lawful Dev.Cert.		
Ward Trebanos		

55	App No. P2017/0101	Type LawfulDev.Cert-Prop.
Proposal Lawful Development Certificate (Proposed) for a single storey side and rear extension.		
Location 19 Brodawel, Cimla, Neath SA11 3YB		
Decision Issue Lawful Dev.Cert.		
Ward Cimla		

56	App No. P2017/0110	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful Development (proposed) for the use of two guest bedrooms as bed and breakfast accommodation		
Location 50 Heol Y Gors, Cwmgors, Ammanford SA18 1PT		
Decision Issue Lawful Dev.Cert.		
Ward Gwaun-Cae-Gurwen		

57	App No. P2017/0111	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2015/0778 (18 Dwellings plus 2 flats) re-siting of Plots 1,2,5 & 6 Amended elevations to Plots 13-16, amended roof tile Plots 1-12.		
Location Land at Waun Sterw, Rhydyfro, Pontardawe SA8 4PG		
Decision Approval with no Conditions		
Ward Pontardawe		

58	App No. P2017/0114	Type Screening Opinion
Proposal Request for screening opinion under the Town and Country Planning (Environment Impact Assessment) Regulations (Wales) 2016 Regulation 5 for the erection of one wind turbine (maximum height to tip 126m).		
Location Margam Forest, SSAF, SA13 2YR		
Decision EIA Required		
Ward Margam		

59	App No. P2017/0118	Type Lawful Dev. Cert-Prop.
Proposal Single storey rear extension Lawful Development Certificate Proposed		
Location 5 Coed Parc, Cwmavon, Port Talbot SA12 9BN		
Decision Issue Lawful Dev. Cert.		
Ward Bryn & Cwmavon		

60	App No. P2017/0120	Type Screening Opinion
Proposal Request for screening opinion under the Town and Country Planning (Environment Impact Assessment) Regulations (Wales) 2016 Regulation 5 for the erection of one wind turbine (maximum height to tip 126m).		
Location Land at Penhydd, Afan Forest, Port Talbot CF34 0HA		
Decision EIA Not Required		
Ward Bryn & Cwmavon		

61	App No. P2017/0121	Type Screening Opinion
Proposal	Request for screening opinion under the Town and Country Planning (Environment Impact Assessment) Regulations (Wales) 2016 Regulation 5 for the erection of one wind turbine (maximum height to tip 126m).	
Location	Land at Glynccorrwg, SA13 3UY	
Decision	EIA Not Required	
Ward	Gwynfi	

62	App No. P2017/0123	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (proposed) single storey side and rear extension.	
Location	15 Cimla Crescent, Cimla, Neath SA11 3NN	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

63	App No. P2017/0129	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (proposed) single storey rear extension.	
Location	71 Woodlands Park Drive, Cadoxton, Neath SA10 8AW	
Decision	Issue Lawful Dev.Cert.	
Ward	Cadoxton	

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SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2017/0002

Planning Ref: P2016/0904

PINS Ref: APP/Y6930/D/17/3167

Applicant: Neil Jenkins

Proposal: Demolition of existing garage, and construction of two storey garage with first floor storage.

Site Address: 63 Penywern Road, Bryncoch, Neath.

Appeal Method: Written Representations

Decision Date: 17/02/2017

Decision: Appeal Dismissed

The main issues in this appeal concerned the effect of the proposed development on the character and appearance of the surrounding area; and the living conditions of neighbouring occupiers by way of outlook.

The Inspector noted that, due to the orientation of No 63, its associated garden and the rise in ground levels to the east, the existing garage is visually prominent in views from the public realm. The proposed garage would be approximately 6 metres high to the ridge line and even when taken in the context of the large rear garden of No 63 it would be a substantial structure. Furthermore, it would not respect the fenestration and detailing seen in the surrounding houses and would have a more industrial-type of appearance.

The Inspector thus concluded that the proposed two-storey garage would appear as a large intrusive structure within the rear garden of No 63 and would harm the character and appearance of the area.

Having regard to the living conditions of neighbouring occupiers, the Inspector noted that the proposed garage would be on higher ground than the adjoining house and would be prominent in views from the rear windows and garden of that dwelling. From the rear garden the height of the proposed garage would be overbearing because of the combination of closeness and height differential, which would harm neighbouring occupiers' outlook and visual amenity. Moreover, the extent of overlooking would be considerable and the occupiers of this dwelling would experience an uncomfortable loss of privacy.

The Inspector therefore also concluded on the second main issue that the proposal would result in material harm to occupiers' living conditions.

SECTION B – MATTERS FOR INFORMATION

APPEALS RECEIVED

a) Planning Appeals

Appeal Ref: A2017/0004 **Planning Ref:** P2016/1051

PINS Ref: APP/Y6930/A/17/3170180

Applicant: Mr A Rees

Proposal: Variation of condition 1 and 2 of planning permission (ref APP/Y6930/C/163150026 which granted a mixed residential Class C3 and music lesson sui generis use) approved at appeal on 10th October 2016 to increase number of student to 8 and change hours of operation to 12.00hrs to 20.30hrs Monday to Wednesday, 12.00hrs to 20.00hrs Thursday and Friday and 09.00hrs to 15.00 on Saturdays

Site Address: 26 Rowan Tree Close, Neath, SA10 7SJ

Start Date: 27th February 2017

Appeal Method: Written Representations

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