



REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

***Immediately Following Scrutiny Committee on
FRIDAY, 21 JULY 2017***

COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE

PART 1

1. Appointment of Chairperson
2. To receive any declarations of interest from Members
3. Minutes of the previous Regeneration and Sustainable Development Cabinet Board held on 23 June, 2017 *(Pages 3 - 8)*

To receive the Report of the Head of Commissioning and Support Services

4. NPT Homes Progress Report - to May 2017 *(Pages 9 - 28)*
5. NPT Homes Adoption of Community Housing Cymru's Model Rules for Wales *(Pages 29 - 60)*

To receive the Report of the Head of Planning and Public Protection

6. Four Supplementary Planning Guidance Documents *(Pages 61 - 356)*
 - *Open Space and Greenspace*
 - *Renewable and Low Carbon Energy*
 - *Design*
 - *Development and the Welsh Language*

To receive the Report of the Head of Property and Regeneration

7. Vibrant & Viable Places Progress Report (*Pages 357 - 362*)

To receive the Report of the Head of Legal Services

8. 3 No. Public Footpaths - Alltwen and Rhos (*Pages 363 - 380*)
9. Public Footpath - Community of Severn Sisters (*Pages 381 - 392*)

To receive the Report of the Head of the Head of Corporate Strategy and Democratic Services

10. Urgency Action 0370 - Public Footpaths - Communities of Briton Ferry and Neath (*Pages 393 - 400*)
11. **Forward Work Programme 2017/18** (*Pages 401 - 404*)
12. Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Thursday 13 July, 2017

Cabinet Board Members:

Councillors: D.W.Davies and A.Wingrave

Notes:

- (1) *If any Cabinet Board Member is unable to attend, any other Cabinet Member may substitute as a voting Member on the Committee. Members are asked to make these arrangements direct and then to advise the committee Section.*
- (2) *The views of the earlier Scrutiny Committee are to be taken into account in arriving at decisions (pre decision scrutiny process).*

EXECUTIVE DECISION RECORD

CABINET BOARD - 23 JUNE, 2017

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

Cabinet Board Members:

Councillors: D.W.Davies and A.Wingrave (Chairperson)

Officers in Attendance:

N.Pearce and T.Davies

1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor A.Wingrave be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS ECONOMIC AND COMMUNITY REGENERATION CABINET BOARD HELD ON 3 MARCH 2017**

Noted by the Committee.

3. **INTEGRATED NETWORK MAP - ACTIVE TRAVEL**

Decisions:

1. That the revised Existing Route Map summarised in the main body of the report and presented at Appendix 1 to the circulated report, be used as the basis of consultation;
2. That the Integrated Network Map summarised in the main body of the report and presented at Appendix 2 to the circulated report, be used as the basis of consultation;

3. That the engagement and consultation arrangements, as detailed in the circulated report, be implemented.

Reason for Decisions:

To ensure compliance with the requirements of the Active Travel (Wales) Act 2013, and to authorise the public consultation exercise on the revised Existing Route Map and Integrated Network Map and related tasks.

Implementation of Decisions:

The decision is for immediate implementation and the relevant Scrutiny Chair has agreed to this course of action.

Consultation:

This item will be subject to extensive consultation.

4. **QUARTER 4 PERFORMANCE MANAGEMENT DATA 2016-2017**

Decision:

That the monitoring report be noted.

5. **FORWARD WORK PROGRAMME 2017/18**

Decision:

That the Forward Work Programme be noted.

6. **ACCESS TO MEETINGS**

Decision:

That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972.

7. **BEACONS VIEW, CIMLA, NEATH**

Decision:

That the tender bid to purchase the property (at Beacons View, Cimla, Neath) as detailed in the private, circulated report, be approved.

Reason for Decision:

To enable the sale of a surplus property and to attain a capital receipt.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Local Ward Member has been consulted on this item.

8. **BRONLEIGH ADULT DAY CENTRE, CADAXTON ROAD, NEATH**

Decision:

That the tender bid to purchase the property (formerly known as Bronleigh Adult Day Centre, Cadoxton Road, Neath) as detailed in the private, circulated report, be approved.

Reason for Decision:

To enable the sale of a surplus property and to attain a capital receipt.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Local Ward Members have been consulted on this item.

9. **BRYN PRIMARY SCHOOL, BRYN, PORT TALBOT**

Decision:

That the bid to purchase the property (Bryn Primary School, Neath Road, Bryn, Port Talbot) as detailed in the private, circulated report, be approved.

Reason for Decision:

To provide a Capital Receipt to fund the Authority's Strategic Schools Improvement Programme.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Local Ward Members have been consulted on this item.

10. **PORT TALBOT PDR PHASE 2, CLAIMS FOR COMPENSATION**

Decision:

That approval be granted for the time limit to negotiate claims under Port Talbot Peripheral Distributor Road Phase 2, to all the parties named in the private, circulated report, be extended to 30 September 2017.

Reason for Decision:

To secure approval for the action required in respect of claims under the Port Talbot Peripheral Distributor Road Phase 2 Scheme.

Implementation of Decision:

The decision will be implemented after the three day call in period.

11. **TALBOT MEMORIAL PARK, PORT TALBOT**

Decision:

That the joint lease and licence to the Trustees of Pontardawe and Alltwen Bowls Club and Friends of Talbot Memorial Park, on the standard terms as detailed in the private report, be approved.

Reason for Decision:

To allow the tea room to continue to be used by the Bowls Club in conjunction with its adjoining Bowls Green and by the Friends Group as a meeting place and venue for the benefit of the local community.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

CHAIRPERSON

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

REPORT OF THE HEAD OF COMMISSIONING & SUPPORT SERVICES – A.THOMAS

21 JULY 2017

SECTION A – MATTER FOR MONITORING

WARD(S) AFFECTED: All

NPT HOMES PROGRESS REPORT – TO MAY 2017

Purpose of Report

The purpose of the report is to provide members with an overview of progress made by NPT Homes in respect of the promises made to tenants in the Council's Offer Document.

Background

The Council transferred its housing stock to NPT Homes on 4th March 2011.

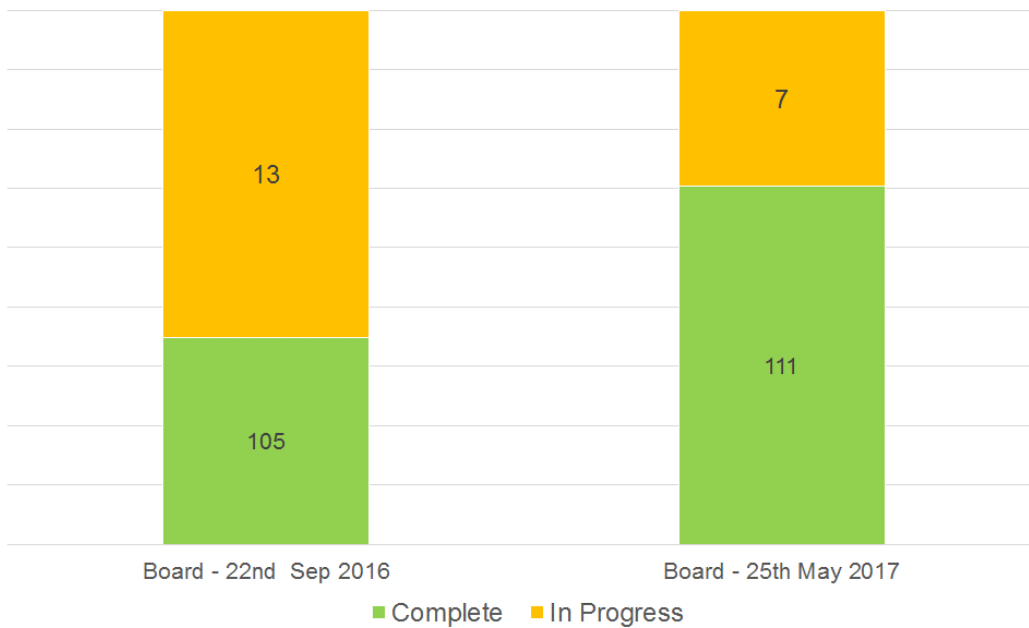
As part of the Transfer Agreement, NPT Homes committed to providing half yearly update reports to the Council's Social Care, Health and Housing Cabinet Committee (which has since been replaced by the Regeneration and Sustainable Development Cabinet Board) on progress made in respect of the delivery of the Offer Document promises to tenants.

Delivering the promises made in the Offer Document – Progress update

Attached is an action plan which is in a format agreed by Social Care, Health and Housing Cabinet Board on 28th July 2011.

The attached report uses red, amber, green (RAG) reporting to show the status of the promises – those yet to commence are red, those in progress are amber, those completed (since the last report) are green.

Offer Document Key Stages - Progression Status



The full list of promises including all those completed is accessible on the NPT Homes website.

Appendix 1 sets out the Offer Document promises completed since the last report and the progress made on those which remain outstanding. The 7 remaining promises are due for completion in 2017.

Business Update

Welfare Reform - Universal Credit (UC) presents a risk to NPT Homes as the new benefit includes housing costs and is paid to the tenant whereas previously it was paid direct to NPT Homes. A substantial amount of work has been undertaken to ensure that tenants understand their new benefit and that they need to pay their rent from the total amount they receive. From October 2017 there will be a natural migration to UC with any changes in circumstances that result in a change in existing legacy benefit resulting in a transfer to UC. We are ensuring our processes and team structures will give the maximum possible support to our tenants to assist them in paying their rent and sustaining their tenancies.

Local Housing Allowance (LHA) rates will become applicable for tenants that rent from social landlords from April 2019. Tenants whose rent and service charges are higher than the LHA cap will have to pay the difference between the benefit they receive and their rent. This will expose NPT Homes to an increased risk of rent arrears and non-payment while at the same time

increasing the pressure on tenants. NPT Homes has a number of initiatives to help mitigate the impact of this change on our tenants and reduce the risk of increased rent arrears.

Copper Foundation - NPT Homes has ring fenced a small proportion of its external boundary work and utilised targeted recruitment and training to directly employ local teams of residents furthest away from the employment market for a period of one year. Dependent upon opportunity, performance and aptitude the possibility exists to “move on” employees by triggering community benefit clauses with contractors.

The project has commenced with a pilot of one delivery team, within the communities of Croeserw and Glyncorrwg, of 7 posts with a manager and supervisors seconded from our existing workforce. NPT Homes has worked in partnership with the DWP, LIFT and Communities for Work teams to identify individuals who require support to obtain employment within the communities of the Afan valley.

By working in partnership we have been able to secure the ability of all participants (whether they are successful in securing a final position or not) to gain a CSCS card (which allows holders to work on site) and receive the benefit of experiencing the selection and interview process as well as training, help and guidance in relation to the “softer skills” of team working, social skills and confidence building.

Following a successful monitoring and evaluation of the Glyncorrwg and Croeserw projects, there is the ability to roll out the model to Neath, Sandfields and the Western Valleys. The rolling programme will allow for the creation of 80 fixed term positions over the lifetime of the project.

Already the pilot delivery team have been able to successfully complete their first fencing project in Croeserw.

Financial Literacy project - NPT Homes in partnership with Michael Sheen have been successful in securing Welsh Government Fusion Grant (Museums, Archives and Libraries division). The grant has allowed NPT Homes to appoint a coordinator who will facilitate collaboration with local schools and Flying Start provision in the Sandfields area leading to the co-design of programmes and events, utilising the arts and culture sector to facilitate financial literacy and to enhance future employability skills of our young people and others. Culture and the arts would be used as a “hook”. This approach will have a core of numeracy and literacy skills embedded

within the course. Michael will play a leading role in the design and delivery of school events and will engage his contacts (other actors, singers, and creative people) to support the projects and is working with the partners to look at long term funding options.

The project will engage with pupils in the local area to co-design and create successful project events through facilitation and collaboration whilst making sure the link of financial literacy and employability skills are embedded throughout. We aim to meet partners and begin planning in the summer with delivery commencing in the autumn.

Financial Impact

There are no financial impacts associated with this report.

Equality Impact Assessment

There are no equality impacts associated with this report.

Workforce Impact

There are no workforce impacts associated with this report

Legal Impacts

There are no legal impacts associated with this report

Risk Management

There are no risk management issues associated with this report

Recommendation

Members are asked to note the content of the report.

Appendices

Appendix 1 – Offer Document Promises - Tracking Document.

List of Background Papers

None.

Officer Contact

Angela Thomas, Head of Commissioning & Support Services.

Tel. No.: 01639 763974

E-mail: a.j.thomas@npt.gov.uk

Appendix 1 - Offer Document Promises Tracking Document



Key:



Complete



In progress



To be commenced

Part C	Delivering local services and tackling anti-social behaviour – NPT Homes would plan to:														
	Service Improvements:														
	Anti-social behaviour and breach of tenancy														
C16	Develop expertise and best practice in dealing with anti-social behaviour problems and gather evidence to help ensure successful court action.			✓	<div data-bbox="1550 504 2110 810" data-label="Figure"> <table border="1"> <caption>Promise C16 Performance Data</caption> <thead> <tr> <th>Period</th> <th>Score</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>90</td> </tr> <tr> <td>Apr-16</td> <td>90</td> </tr> <tr> <td>Sep-15</td> <td>90</td> </tr> </tbody> </table> </div> <p data-bbox="1532 868 2096 970">The Director of Housing is a member of the Safer Neath Port Talbot Partnership Board.</p> <p data-bbox="1532 1015 2096 1232">An NPT Homes case review group has been established with clear terms of reference. Relevant cases which are identified through this process are reviewed by officers with our specialist lawyers.</p> <p data-bbox="1532 1276 2123 1417">An ASB internal audit (June 2015) reported a 'substantial' level of assurance regarding the way in which NPT Homes seeks to address/prevent ASB. A further</p>	Period	Score	Apr-17	100	Sep-16	90	Apr-16	90	Sep-15	90
Period	Score														
Apr-17	100														
Sep-16	90														
Apr-16	90														
Sep-15	90														

C16 Cont.				<p>audit is planned for June 2017.</p> <p>NPT Homes has worked in partnership with tenants and other stakeholders to complete a co-design review of the anti-social behaviour policy and procedure. The policy was approved by Board in February 2017 and the procedure/toolkit completed and launched in April.</p>
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Part D Improving and repairing your home															
	Planned Maintenance and Improvements														
	Windows and external doors –														
Page 16	<p>D1 There would be double glazed window installations to approximately 2,500 homes which would where possible have:</p> <ul style="list-style-type: none"> - High quality double glazed uPVC windows - Secure locking handles to ground floor windows and doors. <p>It is planned that, wherever possible, all homes would have double glazed windows within six years of transfer.</p> <p>New double glazed uPVC front and rear external doors would be provided where not already in place within six years of transfer. They would be of high quality and where possible contain:</p> <ul style="list-style-type: none"> - Multi point locking system complying with, Secure by Design Standard; - Security chain. 			✓	<div data-bbox="1554 274 2110 580" data-label="Figure"> <table border="1"> <caption>Promise D1 Compliance Data</caption> <thead> <tr> <th>Date</th> <th>Compliance (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>88</td> </tr> <tr> <td>Apr-16</td> <td>93</td> </tr> <tr> <td>Sep-15</td> <td>81</td> </tr> </tbody> </table> </div> <p>PVC door and window renewal programme has now completed - 2,264 properties are compliant (100% of target) including 0 acceptable fails.</p>	Date	Compliance (%)	Apr-17	100	Sep-16	88	Apr-16	93	Sep-15	81
Date	Compliance (%)														
Apr-17	100														
Sep-16	88														
Apr-16	93														
Sep-15	81														

	Kitchens –														
D4	<p>Kitchens would be modernised and tenants would where possible be given a choice of worktops, doors and tiles. It is planned that all kitchens would meet WHQS within six years of transfer.</p> <p>Around 3,700 new high quality kitchens would be fitted in the first 6 years following transfer.</p> <p>Around 4,800 kitchens would be upgraded.</p> <p><i>Further survey work since transfer has led to a revised target of 8,740 new or upgraded kitchens and the percentage compliance is reviewed against this figure which may be further revised as the programme is completed.</i></p>			✓	<div data-bbox="1550 268 2110 576" data-label="Figure"> <table border="1"> <caption>Promise D4 Compliance Data</caption> <thead> <tr> <th>Date</th> <th>Compliance (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>92</td> </tr> <tr> <td>Apr-16</td> <td>84</td> </tr> <tr> <td>Sep-15</td> <td>64</td> </tr> </tbody> </table> </div> <p>The kitchen replacement programme has now completed - 8,559 properties are compliant (100% of target) including 1,042 acceptable fails.</p>	Date	Compliance (%)	Apr-17	100	Sep-16	92	Apr-16	84	Sep-15	64
Date	Compliance (%)														
Apr-17	100														
Sep-16	92														
Apr-16	84														
Sep-15	64														
	Heating –														
D8	<p>It is planned that all homes where heating systems fail the WHQS would be offered a new full central heating system with boilers and radiators, with approximately 6,000 central heating boilers being replaced in the first 6 years following transfer.</p> <p>All new systems would where possible include:</p> <ul style="list-style-type: none"> - separate radiator thermostats; - energy efficient boilers; 			✓	<div data-bbox="1550 1013 2110 1321" data-label="Figure"> <table border="1"> <caption>Promise D8 Compliance Data</caption> <thead> <tr> <th>Date</th> <th>Compliance (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>95</td> </tr> <tr> <td>Apr-16</td> <td>91</td> </tr> <tr> <td>Sep-15</td> <td>74</td> </tr> </tbody> </table> </div> <p>The heating system programme has now</p>	Date	Compliance (%)	Apr-17	100	Sep-16	95	Apr-16	91	Sep-15	74
Date	Compliance (%)														
Apr-17	100														
Sep-16	95														
Apr-16	91														
Sep-15	74														

	<p>- programmable heating timers.</p> <p><i>Further survey work since transfer has led to a revised target of 5,900 new or upgraded heating systems and the percentage compliance is reviewed against this figure which may be further revised as the programme is completed.</i></p>			<p>completed - 6,012 properties are compliant (100% of target) including 489 acceptable fails.</p>										
<p>Page 18</p> <p>D10</p>	<p>Bathrooms –</p> <p>Around 2,400 homes would be fitted with new bathrooms within six years of transfer allowing for where possible:</p> <ul style="list-style-type: none"> - over bath electric showers (or separate shower cubicles where space and budget permit); - extractor fans; - non-slip flooring; - a choice of tiles. <p>Around 6,000 bathrooms would be upgraded.</p> <p>It is planned that all bathrooms would meet the WHQS within six years of transfer.</p> <p><i>Further survey work since transfer has led to</i></p>		<p>✓</p>	<div data-bbox="1552 786 2112 1094" data-label="Figure"> <table border="1"> <caption>Promise D10 Compliance Data</caption> <thead> <tr> <th>Date</th> <th>Compliance (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>91</td> </tr> <tr> <td>Apr-16</td> <td>80</td> </tr> <tr> <td>Sep-15</td> <td>61</td> </tr> </tbody> </table> </div> <p>The bathroom replacement programme has now completed - 7,920 properties are compliant (100% of target) including 928 acceptable fails.</p>	Date	Compliance (%)	Apr-17	100	Sep-16	91	Apr-16	80	Sep-15	61
Date	Compliance (%)													
Apr-17	100													
Sep-16	91													
Apr-16	80													
Sep-15	61													

	<p><i>a revised target of 8,339 new or upgraded bathrooms and the percentage compliance is reviewed against this figure which may be further revised as the programme is completed.</i></p>														
	<p>Roofs –</p>														
<p>D13</p> <p>Page 19</p>	<p>NPT Homes would have a budget of around £2.8 million for a programme of roof repairs and renewal in the first six years after transfer including on-going replacement of roof coverings as necessary throughout the 30 years of the business plan.</p> <p><i>Further survey work since transfer has led to a revised target of 2,319 new or upgraded roofs and the percentage compliance is reviewed against this figure which may be further revised as the programme is completed.</i></p>			<p>✓</p>	<div data-bbox="1554 612 2110 919" data-label="Figure"> <table border="1"> <caption>Promise D13</caption> <thead> <tr> <th>Time Point</th> <th>Compliance Percentage</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>84</td> </tr> <tr> <td>Apr-16</td> <td>78</td> </tr> <tr> <td>Sep-15</td> <td>53</td> </tr> </tbody> </table> </div> <p>The roof repair programme has now completed - 2,293 properties are compliant (100% of target) including 0 acceptable fails.</p>	Time Point	Compliance Percentage	Apr-17	100	Sep-16	84	Apr-16	78	Sep-15	53
Time Point	Compliance Percentage														
Apr-17	100														
Sep-16	84														
Apr-16	78														
Sep-15	53														

	<p>Security –</p>																																		
<p>D15</p>	<p>Tenants would be offered (where appropriate):</p> <ul style="list-style-type: none"> - (i) front and rear external entrance lights; - (ii) NPT Homes would have a budget for improvements to fences and gates. 		<p>✓</p>		<div data-bbox="1550 272 2110 576"> <p>Promise D15</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Completion %</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>80</td> </tr> <tr> <td>Sep-16</td> <td>55</td> </tr> <tr> <td>Apr-16</td> <td>55</td> </tr> <tr> <td>Sep-15</td> <td>55</td> </tr> </tbody> </table> </div> <div data-bbox="1550 635 2110 938"> <p>Promise D15 (i)</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Completion %</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>100</td> </tr> <tr> <td>Sep-16</td> <td>100</td> </tr> <tr> <td>Apr-16</td> <td>100</td> </tr> <tr> <td>Sep-15</td> <td>100</td> </tr> </tbody> </table> </div> <div data-bbox="1550 997 2110 1300"> <p>Promise D15 (ii)</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Completion %</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>60</td> </tr> <tr> <td>Sep-16</td> <td>10</td> </tr> <tr> <td>Apr-16</td> <td>10</td> </tr> <tr> <td>Sep-15</td> <td>10</td> </tr> </tbody> </table> </div> <p>Security lights form part of D14 rewiring works which has previously been signed</p>	Period	Completion %	Apr-17	80	Sep-16	55	Apr-16	55	Sep-15	55	Period	Completion %	Apr-17	100	Sep-16	100	Apr-16	100	Sep-15	100	Period	Completion %	Apr-17	60	Sep-16	10	Apr-16	10	Sep-15	10
Period	Completion %																																		
Apr-17	80																																		
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Apr-17	60																																		
Sep-16	10																																		
Apr-16	10																																		
Sep-15	10																																		

D15 Cont.				<p>off as complete.</p> <p>The provision of gates and fences has been assessed (globally) as part of the land appraisal process. The survey programme has now been completed and a tender for £15m of works over the next 5 years has been issued. Works will commence by the end of 2017 and this will signal the completion of this promise.</p>										
	Environmental and Security Improvements													
<p>Page 21</p> <p>D17</p>	<p>NPT Homes would have a budget of £13.5 million within its investment programme for environmental and security improvements in the first six years alone - over £10m on estate and environmental improvements and over £3.5m on security.</p> <p>Examples of improvements that could be provided for each estate include:</p> <ul style="list-style-type: none"> - improved estate car parking; - fencing, walls and railings around communal blocks; - improved external lighting and security lighting; - repairs to walkways, pathways and other hard landscaping; - enhancing the landscaping features around the homes; 		✓	<div data-bbox="1554 762 2107 1066" data-label="Figure"> <table border="1"> <caption>Promise D17 Progress Data</caption> <thead> <tr> <th>Date</th> <th>Progress (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>60</td> </tr> <tr> <td>Sep-16</td> <td>35</td> </tr> <tr> <td>Apr-16</td> <td>35</td> </tr> <tr> <td>Sep-15</td> <td>35</td> </tr> </tbody> </table> </div> <p>The survey programme has now been completed and a tender for £15m of works over the next 5 years has been issued.</p>	Date	Progress (%)	Apr-17	60	Sep-16	35	Apr-16	35	Sep-15	35
Date	Progress (%)													
Apr-17	60													
Sep-16	35													
Apr-16	35													
Sep-15	35													

D17 Cont.	<ul style="list-style-type: none"> - reviewing the use of and improving communal drying areas; - reviewing the use of underused garage sites and rationalising their provision; and - play areas. 			Works will commence during 2017/18 and this will signal the completion of this promise.										
	Planned Maintenance Programmes –													
Page 22 D28	Decorate internal communal areas in sheltered schemes and blocks of flats.		✓	<p>Promise D28</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Completion %</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>70</td> </tr> <tr> <td>Sep-16</td> <td>50</td> </tr> <tr> <td>Apr-16</td> <td>50</td> </tr> <tr> <td>Sep-15</td> <td>50</td> </tr> </tbody> </table> <p>Work ongoing and is expected to complete during 2017.</p>	Period	Completion %	Apr-17	70	Sep-16	50	Apr-16	50	Sep-15	50
Period	Completion %													
Apr-17	70													
Sep-16	50													
Apr-16	50													
Sep-15	50													

Part E	Service for older people and sheltered housing services														
	Improvements to Sheltered Schemes:														
	NPT Homes would plan the following improvements to sheltered schemes:														
E11	Where appropriate, and subject to resources being available, give a choice of a replacement of bath with shower or a walk-in shower to tenants with mobility problems when bathroom replacement programmes are carried out.		✓		<p>Promise E11</p> <table border="1"> <thead> <tr> <th>Period</th> <th>Completion Percentage</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>75</td> </tr> <tr> <td>Sep-16</td> <td>50</td> </tr> <tr> <td>Apr-16</td> <td>33</td> </tr> <tr> <td>Sep-15</td> <td>33</td> </tr> </tbody> </table> <p>12 of the 13 schemes that require upgrades are complete or are in progress.</p> <p>Where appropriate tenants receive an assessment from a qualified Occupational Therapist so that their needs can be accommodated, wherever possible, in the upgrade works.</p> <p>Shower/wet room upgrades are completed as standard and, where feasible, an assisted bathing/communal bathing facility is made available.</p>	Period	Completion Percentage	Apr-17	75	Sep-16	50	Apr-16	33	Sep-15	33
Period	Completion Percentage														
Apr-17	75														
Sep-16	50														
Apr-16	33														
Sep-15	33														

E13 Ensure accommodation is more accessible where possible by automotive doors to communal areas.



This is being considered/delivered as part of the sheltered housing WHQS programme; this commenced in Summer 2014 and will be completed during 2017.

12 of the 13 schemes that require upgrades are complete or are in progress.

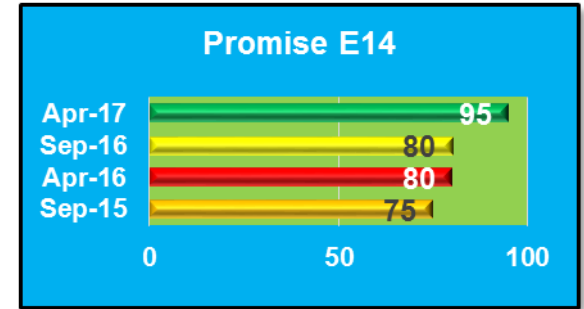
New doors to individual dwellings have been provided in Riverside Court; they have been fitted with assisted door openers which means they can be opened with the minimum of effort. These will be fitted at all other schemes where it is identified that a standard door will prove problematic for a tenant.

As part of the WHQS works at each scheme all Communal areas will be fitted with hold open fire rated doors.

The entrance to each scheme is also being considered; for example in relation to

<p>E13 Cont.</p> <p>Page 25</p>					<p>Hafan Brynheulog, Cysgodfa and Ty Gnoll Newydd a new entrance is being created.</p> <p>Notwithstanding the work that will take place as part of WHQS, progress has been made towards the achievement of this promise through the following actions:</p> <ol style="list-style-type: none"> 1) An automated door and access ramp have been installed at Ty Llansawel sheltered housing complex. 2) An automated door is already in place at Michaelstone Court and Gwyn Court. 3) A vertical lift has been installed at Cysgodfa, Ty Maes Marchog, Mozart Court and Maesydarren.
	<p>Scheme Managers</p>				
	<p>NPT Homes would also aim to improve services provided by the scheme managers in order to meet the needs of older people. It would consult with tenants on a range of possible improvements which, for example, could include:</p>				

E14 Introducing a tenants' handbook specifically for tenants of sheltered housing.



A draft handbook has been produced. The handbook's content was produced by a working group made up of tenant volunteers, scheme managers and the tenant empowerment officer with responsibility for 'older persons'.

The working group was split into small task and finish groups, looking at individual subjects/sections of the handbook in more detail.

As well as hard copies it is envisaged that the content of the handbook will also be presented in the form of a DVD which will be shown in the communal lounge of each Haven housing scheme.

Printing the hand book had been on hold pending the outcome of the name change from NPT Homes to Tai Tarian and the outcome of the Supporting People Programme Grant tender process. The

E14 Cont.

handbook will be updated to reflect the known position and sent to print. It is proposed that the handbook is issued to tenants as part of the launch of the new name.

	Other improvements:														
	Additional improvements could include:														
E24	<p>Within its investment programme, NPT Homes would have a budget of up to £5.5 million in the first six years after transfer for improvements and re-modelling work in sheltered schemes. This work would be undertaken in consultation with tenants to provide self-contained flats with their own bathrooms and to upgrade bedsit flats to provide separate bedrooms and living rooms.</p>		✓		<div data-bbox="1554 363 2110 671" data-label="Figure"> <table border="1"> <caption>Promise E24 Progress Data</caption> <thead> <tr> <th>Date</th> <th>Progress (%)</th> </tr> </thead> <tbody> <tr> <td>Apr-17</td> <td>75</td> </tr> <tr> <td>Sep-16</td> <td>50</td> </tr> <tr> <td>Apr-16</td> <td>33</td> </tr> <tr> <td>Sep-15</td> <td>33</td> </tr> </tbody> </table> </div> <p>The Haven Housing WHQS programme commenced in the summer 2014 and due to finish 2017. 12 of the 13 schemes that require upgrades are complete or are in progress.</p> <p>Based on the costs of the works completed to date and that planned at the other schemes the budget will increase from £5.5 million to circa £11m.</p>	Date	Progress (%)	Apr-17	75	Sep-16	50	Apr-16	33	Sep-15	33
Date	Progress (%)														
Apr-17	75														
Sep-16	50														
Apr-16	33														
Sep-15	33														

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

REPORT OF THE HEAD OF COMMISSIONING & SUPPORT SERVICES – A.THOMAS

21 JULY 2017

SECTION A – MATTER FOR DECISION

WARD(S) AFFECTED: All

NPT HOMES' ADOPTION OF COMMUNITY HOUSING CYMRU'S (CHC) MODEL RULES FOR WALES

Purpose of Report

The purpose of the report is to provide Cabinet Board with information and a recommendation to approve NPT Homes' adoption of CHC's Model Rules for Wales.

Background

CHC has recently published a bespoke set of Rules called the Model Rules for Wales which are designed to reflect specific legislation, the Regulatory Framework and guidance in Wales. They draw extensively from the National Housing Federation 2015 Model Rules.

The Model Rules have been written with the intention of being sufficiently generic to allow for use by all Housing Associations and include a range of options to meet different needs e.g. Large Scale Voluntary Transfer organisations and Community Mutuals such as NPT Homes.

The Welsh Government expects all Housing Associations to adopt the Model Rules and apply a 'comply or explain' approach to this expectation via their ongoing regulatory engagement. Adoption (or otherwise) of the Model Rules is taken into consideration as part of the annual regulatory judgement exercise.

NPT Homes' Officers have considered the Model Rules for Wales and compared them to NPT Homes' current Rules. The outcome of the work is a new draft set of Rules for NPT Homes, attached at Appendix 1.

The proposed new Rules include NPT Homes Limited as the name of the organisation because the change to Tai Tarian Limited has not been formally approved by the Financial Conduct Authority (FCA). The name change from NPT Homes to Tai Tarian is scheduled to be launched at the AGM on 25th July 2017, once adopted the new Rules will also take up the new name.

A summary of the key changes are set out below along with the process for making the changes. Approval by the Council is an integral part of this process.

Key changes

The key changes are shown below. At the time of writing the new Rules have been approved by our Academy, a group of engaged tenants, along with the organisation's Board. 'In principle' approval has been sought from the Welsh Government and the funders and it is anticipated that the outcome will be known by the date of the Cabinet Board meeting. Initial indications are very positive.

Change	NPT Homes' Current Rules	Draft Rules
Legislative updates	Outdated legislative references e.g. Industrial and Provident Society (IPS)	Adopted Model Rules approach which refers to updated legislation e.g. Co-operative and Community Benefit Society
Organisation names	e.g. Welsh Government and Financial Conduct Authority (FCA)	Adopted Model Rules approach to allow for changes e.g. Regulator and Registrar
Membership terminology	'General Members'	Adopted Model Rule terminology which refers to 'Shareholding Members'

Change	NPT Homes' Current Rules	Draft Rules
Membership composition and weighted voting for major decisions	Independent 27% Local Authority 34% Tenant 34% Leaseholder 5% Associate 0%	Retained current Rule
Approval/rejection of membership applications	Board has power to accept/reject applications from associates only	Adopted Model Rule which gives Board the power to accept/reject applications from all types of member
Board composition	4 x tenants 4 x independents 4 x Local Authority nominees Plus co-optees (no limits)	New, based on move towards skills-based Board: 3 x tenants 5 x independents 4 x Local Authority nominees No more than 5 x co-optees
Board quorum	No less than half or 2 of each type of Board member	New – no less than half and minimum of 3 (should the number of Board members fall below 5)
Number of Board meetings	At least 4 x per annum	Retained current Rule
Role of co-optees	No great clarity e.g. no rules on number of co-optees allowed on Board Can vote at committee meetings but not at Board	Adopted Model Rule which provides clarity throughout on the role of co-optees including restricted voting rights at Board

Change	NPT Homes' Current Rules	Draft Rules
Procedures	Include a high level of procedures e.g. functions of the Board, functions of the Executive, role of the Secretary, investment details, application of profit details, conduct of shareholder meetings, tenant election arrangements, interest rate cap details	Adopted Model Rules in which all procedural elements are removed. It is intended to include procedures in other organisational governance documents

The process to amend the Rules:

- i. **The Board** must approve the proposed changes by two thirds majority as required by rule 113.1. The proposed amendments were approved by the Board on 22nd June 2017.
- ii. **Welsh Government consent** as Regulator. 'In principle' approval has been requested.
- iii. **NPT Homes' Funders' consent.** This is one of the loan covenants which if breached may lead to an event of default under the loan agreement. Consent to make the amendments has now been sought.
- iv. **The Council's consent as required by rule 113.2.**
- v. **NPT Homes General Member approval.** Once all prior approvals are obtained, the proposed rule change must be approved by a three quarters majority of general members of NPT Homes as required by rule 113.1. This is normally done at an Annual General Meeting. An AGM has been arranged for 25th July 2017.
- vi. **Registration of the new Rules.** After the AGM relevant forms need to be completed and signed. The completed and signed forms and other relevant documentation are then sent to the Financial Conduct Authority (FCA) for registration (rule 114). The rule change will only be effective once it is registered by the FCA. Once the registration is complete the FCA will send an acknowledgement of registration.

- vii. **Distribute new Rules.** NPT Homes must update its statutory registers once stages i. – vi. above have been completed by including an updated version of the Rules and a copy of the Rules must be sent to all who are entitled to receive them (for example, the funders).

Financial Impact

There are no financial impacts associated with this report.

Equality Impact Assessment

There are no equality impacts associated with this report.

Workforce Impact

There are no workforce impacts associated with this report

Legal Impacts

There are no legal impacts associated with this report

Risk Management

There are no risk management issues associated with this report

Recommendation

It is recommended that:

Members approve NPT Homes' Adoption of Community Housing Cymru's (CHC) Model Rules for Wales.

Reason for Proposed Decision

The proposed decision is necessary to allow NPT Homes to proceed to the next stage of the process to approve their new Rules.

List of Background Papers

Appendix 1 – NPT Homes' Rules.

Wards Affected

All.

Officer Contact

Angela Thomas, Head of Commissioning & Support Services

Tel. No.: 01639 763794

E-mail: a.j.thomas@npt.gov.uk



Rules of NPT Homes Limited

Registered under the Co-operative and Community Benefit Societies Act 2014

Based on Community Housing Cymru's (CHC) Model Rules 2017

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PART A NAME AND OBJECTS

Name

A1 The name of the society shall be NPT Homes Limited ("the association").

Objects

A2 The association is formed for the benefit of the community. Its objects shall be to carry on for the benefit of the community:

A2.1 the business of **providing (and managing) housing, accommodation** and providing assistance to help house people and associated facilities and amenities or services

A2.2 any other object that can be carried out from time to time by a Registered Society registered as a **social landlord** with the regulator.

Non-profit

A3 The association shall not trade for profit and any profits shall only be applied for the purpose of furthering the association's objects and/or in accordance with these rules.

A4 Nothing shall be paid or transferred by way of profit to shareholders of the association.

PART B POWERS OF ASSOCIATION, BOARD, AND SHAREHOLDERS

Powers

B1 The association shall have the power to do anything that a natural or corporate person can lawfully do which is necessary or expedient to achieve its objects, except where it is prevented from doing so by any relevant legislation, determination, specification or regulatory guidance, from time to time in force, or where expressly prohibited in its rules.

B2 Without limiting its general powers the association shall have power to:

B2.1 purchase, acquire or dispose, assign, or take or grant any interest in land including any mortgage, charge or other security whatsoever, construct or carry out works to buildings;

B2.2 help any charity or other body not trading for profit in relation to housing and related services;

B2.3 subject to rules F12, F13, and F14, borrow money or issue bonds, notes loan stock or any other debt instrument or enter into any transaction having the commercial effect of a borrowing;

B2.4 enter into and perform any derivative transaction on such terms as the association thinks fit for the purpose of hedging or otherwise managing any treasury risk or other financial exposure of the association;

B2.5 subject to rule F15, invest the funds of the association;

B2.6 lend money on such terms as the association shall think fit.

B2.7 Guarantee, enter into any contract of indemnity or surety or provide security for the borrowings or performance of the obligations of a third party on such terms as the association shall think fit.

- B3** The association shall not have power to receive money in any way which would require authorisation under the Financial Services and Markets Act 2000 (or any other authority required by statute) unless it has such authorisation.

Powers of the board

- B4** The business of the association shall be directed by the board.
- B5** Apart from those powers which must be exercised in general meeting:
B5.1 by statute; or
B5.2 under these rules all the powers of the association may be exercised by the board for and in the name of the association.
- B6** The board shall have power to delegate, in writing, subject to rules D30-34, the exercise of any of its powers to committees, to officers and to employees of the association on such terms as it determines. Such delegation may include any of the powers and discretions of the board

Limited powers of shareholders in general meeting

- B7** The association in general meeting can only exercise the powers of the association expressly reserved to it by these rules or by statute.

General

- B8** The certificate of an officer of the association that a power has been properly exercised shall be conclusive as between the association and any third party acting in good faith.
- B9** A person acting in good faith who does not have actual notice of these rules or the association's regulations shall not be concerned to see or enquire if the board's powers are restricted by such rules or regulations.

Obligations of shareholders

- C1** All shareholders agree to be bound by the obligations on them as set out in these rules. When acting as shareholders they shall act, at all times in the interests of the association and for the benefit of the community, as guardians of the objects of the association.

Nature of shares

- C2** The association's share capital shall be raised by the issue of shares. Each share shall have a nominal value of £1 which shall carry no right to interest, dividend or bonus, save for any permitted by paragraph 1 of Schedule 1 to the Housing Act 1996.
- C3** Only shares held by the nominee of an unincorporated body (alone or jointly with other nominees) can be withdrawn or can be transferred, and only to a new nominee of that unincorporated body (alone or jointly with other nominees). Where such a transfer is permitted by this rule, the transferring member must execute a transfer in a form approved by the board, and deliver the same to the board. If the board approves the transfer, it will be entered in the register of shareholders of the society.
- C4** When a shareholder ceases to be a shareholder or is expelled from the association, his or her share shall be cancelled. The amount paid up on that share shall become the property of the association.

Nature of shareholders

- C5** A shareholder of the association is a person or body whose name and address is entered in the register of shareholders.
- C5.1** No person or body shall be entered in the register of shareholders if the effect of such registration would be that the number of shareholders who are domiciled in Wales falls below three quarters.
- C5.2** Voting shareholders shall be divided into classes as follows:
- the tenant shareholders
 - the independent shareholders
 - the council shareholder
 - the leaseholder shareholders
- C5.3** All other persons and organisations admitted shall be designated as Associate Shareholders and will have no voting rights.
- C5.4** A shareholder shall belong to a class and cannot belong to more than one class.
- C5.5** Each Board member, other than the Council board members appointed pursuant to Rule D3.3, shall also become a shareholder of the Association, be issued with one share and entered in the register of shareholders. Council board members may not become shareholders.
- C5.6** Subject to compliance with the Association's policy on shareholding membership, the board shall admit any tenant who so wishes to shareholding membership of the Association as a tenant shareholder and may, in its absolute discretion, admit

other persons to shareholding membership of the Association as independent, leasehold or associate shareholders. This is on the proviso that no person other than the Council shareholder may be admitted or remain as a shareholder if they are a local authority person and provided further that an independent shareholder may not be either a local authority person or a tenant.

C5.7 The Council as a corporate body shall appoint an individual to exercise its rights at general meetings and may remove and replace such individual. Such appointment, removal and replacement shall be in writing, and given to the secretary.

C6 The following cannot be shareholders:

C6.1 a person under the age of 11;

C6.2 a person who has been expelled as a shareholder, unless authorised by resolution at a general meeting;

C6.3 an employee of the association or an employee of a group member;

C6.4 a local authority person (other than the Council shareholder);

C6.5 a person who has been removed by the board in accordance with rule D5;

C6.6 a person in respect of whom a registered medical practitioner who is treating that person gives a written opinion to the effect that that person has become physically or mentally incapable of acting as a board member and may remain so for more than three months;

C6.7 a person who is disqualified from acting as a Director of a company for any reason, or has been convicted of an indictable offence.

C7 A shareholder can be the nominee of an unincorporated body. In such cases the register shall contain the name and address of the shareholder and shall designate the shareholder as the nominee of a named unincorporated body. The address of the unincorporated body shall also be entered in the register if it differs from the address of the shareholder nominee.

C8 A corporate body can be a shareholder. It can appoint an individual to exercise its rights at general meetings. Any such appointment shall be in writing or other forms of communication in accordance with rule G16, and given to the Secretary.

C9 No shareholder shall hold more than one share and each share shall carry only one vote.

C9.1 No shareholder shall hold more than one share and each share shall carry only one vote.

C9.2 In any vote, on a show of hands or a ballot, the votes of shareholders of each class shall be counted as follows:

- each tenant shareholder's vote equals 34% of the total votes divided by T
- each independent shareholder's vote equals 27% of the total votes divided by I
- each leaseholder shareholder's vote equals 5% of the total vote divided by L
- the Council shareholder's vote equals 34% of the total votes

where

- T is the total number of tenant shareholders voting
- I is the total number of independent shareholders voting
- L is the total number of leaseholder shareholders voting

provided that every shareholder shall have one vote only and the weighted provisions (34% tenants, 27% independents, 5% leaseholders and 34% council) will not apply to the election of independent board members.

C10 A share cannot be held jointly.

Admission of shareholders

C11 The board shall make available its membership policies and objectives for admitting new shareholders. The board shall only admit new shareholders in accordance with such policies.

C12 An applicant for a share shall apply to the association's registered office in accordance with approved membership policies as per rule C11.

C13 The board has the power in its absolute discretion to accept or reject the application. If the application is approved, the name of the applicant and the other necessary particulars shall be entered in the register of shareholders. One share in the association shall be issued to the applicant.

Ending of shareholding

C14 A shareholder shall cease to be a shareholder if:

C14.1 they die; or

C14.2 they are expelled under rule C15; or

C14.3 they withdraw from the association by giving notice to the secretary which shall be effective on receipt, unless they are one of the last three remaining shareholders in which case they must provide at least one month's written notice of the withdrawal to the secretary; or

C14.4 in the case of a body corporate it ceases to be a body corporate; or

C14.5 in the case of the nominee of an unincorporated body, they transfer their share to another nominee of that body or the unincorporated body ceases trading within the area served by the Community Mutual, or is wound up or goes into liquidation; or

C14.6 they cease to be a shareholder under rule C6; or

C14.7 the association serves notice on the shareholder in accordance with rule G16 asking them to indicate (within a set 3-month period) if they wish to remain as a shareholder, and they fail to reply within that period; or

C14.8 the association has obtained an order of a competent court or tribunal against them for recovery of monies due from them to the association provided that if the order is suspended or is an order for payment in instalments they shall only cease to be a shareholding member upon failing to meet the terms of the order; or

- C14.9** they are a tenant and are in material or serious breach of their tenancy agreement or lease and fail to rectify the breach within a reasonable timeframe as agreed with the association or are subject to a possession order or are in breach of a suspended possession order, or are subject to any of the following types of court order: criminal behaviour order, injunction pursuant to section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, demoted tenancy, or closure order or any other judicial order (however named) which has an equivalent effect; or
- C14.10** having been a resident, a shareholder ceases to be a resident provided that the board may at its discretion allow such person to remain a shareholder; or
- C14.11** having been a board or committee member, they cease to hold any position as a board or committee member and the board determines that they cease to be a shareholder; or
- C14.12** they are a tenant or an independent shareholder and they became a local authority person; or
- C14.13** they are an independent shareholder who becomes a tenant of the association.

C15 A shareholder may only be expelled by a resolution at a special general meeting called by the board.

C15.1 The board must give the shareholder at least one month's notice in writing of the general meeting. The notice to the shareholders must set out the particulars of the complaint of conduct detrimental to the association and must request the shareholder to attend the meeting to answer the complaint.

C15.2 At the general meeting called for this purpose the shareholders shall consider the evidence presented by the board and by the shareholder (if any). The meeting may take place without the attendance of the shareholder.

C15.3 If the resolution to expel the shareholder is passed in accordance with this rule, the shareholder shall immediately cease to be a shareholder. No person who has been expelled from shareholding membership is to be re-admitted except by a resolution carried by the votes of two-thirds of the shareholders present in person or by proxy and voting on a poll at an annual or special general meeting.

Annual general meeting

C16 The association shall hold a general meeting called the annual general meeting within six calendar months after the close of each of its financial years or such later date as may be permitted by law.

C17 The functions of the annual general meeting shall be:

C17.1 to receive the annual report which shall contain a summary of:

- the revenue accounts and balance sheets for the last accounting period;
- the auditor's report (if one is required by law) on those accounts and balance sheets; and
- the board's report on the affairs of the association.

C17.2 subject to rules F3 and F4, to appoint the auditor (if one is required by law);

C17.3 to elect (or re-elect) board members if applicable;

C17.4 to transact any other general business of the association set out in the notice convening the meeting including any business that requires a special resolution.

Special general meetings

C18 All general meetings other than annual general meetings shall be special general meetings and shall be convened either:

C18.1 upon an order of the board; or

C18.2 upon a written requisition signed by one-tenth of the shareholders or one hundred shareholders, whichever is the greater, subject to the maximum number of signatories required being 250, (to a maximum of twenty-five but not less than three) stating the business for which the meeting is to be convened; or

C18.3 if within twenty-eight days after delivery of a requisition to the secretary a meeting is not convened, the shareholders who have signed the requisition may convene a meeting.

C19 A special general meeting shall not transact any business that is not set out in the notice convening the meeting.

Calling a general meeting

C20 Subject to rule C22, all general meetings shall be convened by at least fourteen clear days' written notice served in accordance with rule G16 on every shareholder. The notice shall state whether the meeting is an annual general meeting or special general meeting, the time, date and place of the meeting, and the business for which it is convened.

C21 Any accidental failure to get any notice to any shareholder shall not invalidate the proceedings at that general meeting.

C22 Seventy-five per cent of shareholders may agree, by consenting in writing, or by other communication means approved by the board, to a general meeting being held with less notice than required by rule C20.

Proceedings at general meetings

C23 Before any general meeting can start its business there must be a quorum present. Twenty-five shareholders shall constitute a quorum. At least six shareholders must be present in person, (the remainder can be present by proxy), and those present in person must include two tenant shareholders.

C24 A meeting held as a result of a shareholders' requisition will be dissolved if too few shareholders are present half an hour after the meeting is scheduled to begin.

C25 All other general meetings with too few shareholders will be adjourned to the same day, at the same time in the following week and at the same venue (or other appropriate venue notified by the secretary to all shareholders). If less than the number of shareholders set out in C23 are present within half an hour of the time the adjourned meeting is scheduled to have started, those shareholders present shall carry out the business of the meeting.

C26 The chair of any general meeting can:

C26.1 take the business of the meeting in any order that the chair may decide; and

C26.2 adjourn the meeting if the majority of the shareholders present in person or by proxy agree. An adjourned meeting can only deal with matters adjourned from the original meeting. An adjourned meeting is a continuation of the original meeting. The date of all resolutions passed is the date they were passed (as opposed to the date of the original meeting). There is no need to give notice of an adjournment or to give notice of the business to be transacted.

C27 At all general meetings of the association the chair of the board shall preside. If there is no such chair or if the chair is not present or is unwilling or unable to act, the vice chair (if any) shall chair the meeting, failing which the shareholders present shall elect a shareholder to chair the meeting. The person elected shall be a member of the board if one is present and willing to act.

Proxies

C28 Any shareholder entitled to attend and vote at a general meeting may appoint another person, whether or not a shareholder, as their proxy to attend and vote on their behalf. A proxy can be appointed by delivering a written appointment which may be electronic, to the registered office, or such other place as may be selected by the board and stated in the meeting notice, at least two days before the date of the meeting at which the proxy is authorised to vote. Where a proxy has been properly appointed, no shareholder may attend the meeting unless the authority of the proxy is properly revoked. No person other than the chair may act as proxy for more than three shareholders. It must be signed or approved and sent by the shareholder or a duly authorised attorney. Any proxy form delivered late shall be invalid. Any question as to the validity of a proxy shall be determined by the chair of the meeting whose decision shall be final. A proxy need not be a shareholder of the Community Mutual. A person may not act as a proxy where:

C28.1 they have previously ceased to be a shareholder under Rule C14, or

C28.2 they have been expelled as a shareholder under Rule C15.

C28.3 For the avoidance of doubt, a board member cannot appoint or otherwise act through a proxy. Each shareholder (except for an associate shareholder) shall (subject to the provisions of this rule) have one vote at a shareholders' meeting.

Voting

C29 Subject to the provisions of these rules or of any statute, a resolution put to the vote at a general meeting shall, except where a ballot is demanded or directed or required by these rules, be decided upon a show of hands. On a show of hands every shareholder present in person and on a ballot every shareholder present in person or by proxy shall have one vote. In the case of an equality of votes the chair of the meeting shall have a second or casting vote.

C30 Unless a ballot is demanded (either before or immediately after the vote), a declaration by the chair that a resolution on a show of hands has been carried or lost, unanimously or by a particular majority, is conclusive. An entry made to that effect in the book containing the minutes of the proceedings of the association shall be conclusive evidence of that fact.

C31 Any question as to the acceptability of any vote whether tendered personally or by proxy, shall be determined by the chair of the meeting, whose decision shall be final.

- C32** A ballot on a resolution may be demanded by any three shareholders at a meeting (in person or by proxy) or directed by the chair (and such demand or direction may be withdrawn). A ballot may be demanded or directed after a vote on the show of hands, and in that case the resolution shall be decided by the ballot.
- C33** A ballot shall be taken at such time and in such manner as the chair shall direct. The result of such a ballot shall be deemed to be the resolution of the association in general meeting.
- C34** A resolution in writing signed or confirmed by Electronic Communication by or on behalf of the requisite majority of the shareholders, for the time being, entitled to vote on the relevant resolution shall be as valid and effective as a resolution passed at a properly called and constituted meeting of shareholders provided that a copy of the proposed resolution has been delivered in accordance with these rules to all shareholders and the requisite majority of shareholders referred to in rule C35 has delivered their agreement in accordance with these rules. Such resolution when signed or approved may comprise more than one document in the same form, each signed or approved, by one or more shareholders.
- C35** For the purposes of rule C34 the requisite majorities are:
- in the case of an ordinary resolution, a simple majority of shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted general meeting;
 - in the case of a resolution requiring a two-thirds majority of shareholders, at least two-thirds of the shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted general meeting; or
 - in the case of a resolution requiring a three-quarters majority of shareholders, at least three-quarters of the shareholders who would have been entitled to vote had the resolution been proposed at a properly called and constituted general meeting.

Representatives and nominees

- C36** Under the provisions of these rules (including rules A3, A4, C2 and C4) no shareholder is entitled to property of the association in that capacity, and in the event of bankruptcy or the death a person shall cease to be a shareholder, their share shall be cancelled and the amount paid up on that share shall become the property of the association.

Functions

- D1** The association shall have a board (in these rules referred to as “the board”) who shall direct the affairs of the association in accordance with its objects and rules and ensure that its functions are properly performed. These functions will be agreed by the Board and set out separately in a code of governance or otherwise in writing.

Composition of the board

- D2** The composition of the Board shall comprise D2.1 – D2.3 and up to 5 co-optees.
- D2.1** Not more than 3 board members shall be tenant board members
- D2.2** Not more than 5 board members shall be independent board members
- D2.3** Not more than 4 board members may be local authority persons
- D2.4** If the requirements in Rules D2 to D2.3 are at any point not fulfilled then subject to Rule D2.5 the board shall use its reasonable endeavours to secure additional board members as appropriate provided that in the event that at any time the requirements are not fulfilled the remaining board members may continue to act and exercise all powers of the board.
- D2.5** If the number of board members falls below the number necessary for a quorum, the remaining board members may continue to act as a board for a period of up to 6 months. If after 6 months, sufficient vacancies have not been filled to enable a quorum, the remaining board members shall call a general meeting of the Association and the shareholders at that general meeting shall appoint persons to bring the number of board members up to that required by these Rules. Board members appointed in this way shall hold office until the next annual general meeting.
- D3** Except for co-optees only shareholders can be board members.
- D3.1** The board may appoint co-optees to serve on the board on such terms as the board resolves and may remove such co-optees. A co-optee may act in all respects as a board member, but they cannot take part in the deliberations nor vote on the election of officers of the association nor any matter directly affecting shareholders.
- D3.2** Not more than 5 co-optees can be appointed to the board or to any committee at any one time.
- D4** For all board members:
- D4.1** The board shall make available the obligations (including the expected standards of conduct) of every board member (including co-optees) to the board and to the association. The board shall review and may amend the obligations of board members from time to time.
- D4.2** No board member (including co-optees) may act as such until they have signed and delivered to the board a statement, confirming that they will meet their obligations (including the expected standards of conduct) to the board

and to the association. The board may vary the form of statement from time to time.

- D4.3** Any board member (including co-optees) who has not signed such statement without good cause within one month of election or appointment to the board or, if later, within one month of adoption of these rules, shall immediately cease to be a board member unless the board resolves to disapply this rule in respect of any board member.

Cessation of board membership

- D5** No one can become or remain a board member (or a sub-committee member) if at any time if:
- D5.1** they are disqualified from acting as a director of a company, as a board member of another registered society or as a charity trustee] for any reason; or
 - D5.2** they have been convicted of an indictable offence which is not, or cannot be, spent; or
 - D5.3** a composition is made with that person's creditors generally in satisfaction of that person's debts; or
 - D5.4** they are not a shareholder (unless they are a co-optee of the association or of group member); or
 - D5.5** they have absented themselves from three consecutive meetings of the board or other committee (as specified by the board) in one rolling twelve-month period without special leave of absence from the board;
 - D5.6** a registered medical practitioner who is treating that person gives a written opinion to the association stating that that person has become physically or mentally incapable of acting as a board member, co-optee or committee member and may remain so for more than three months; or
 - D5.7** they are a tenant and are in material or serious breach of their tenancy agreement or lease and fail to rectify the breach within a reasonable timeframe as agreed with the association or are subject to a possession order or are in breach of a suspended possession order, or are subject to any of the following types of court order: criminal behaviour order, injunction pursuant to section 1 of the Anti-social Behaviour, Crime and Policing Act 2014, demoted tenancy, or closure order or any other judicial order (however named) which has an equivalent effect; or
 - D5.8** the association has obtained an order of a competent court or tribunal against them for recovery of monies due from them to the association provided that if the order is suspended or is an order for payment in instalments they shall only cease to be a board member, co-optee or committee member upon failing to meet the terms of the order; or
 - D5.9** having been a tenant, a board member ceases to be a tenant provided that the board may at its discretion allow such person to remain as an independent board member;
 - D5.10** in the case of an independent board member they are or become a tenant resident or a local authority person.

and any board member or committee member who at any time ceases to qualify under this rule shall immediately cease to be a board member, co-optee or committee member (as appropriate).

- D6** A board member may be removed from the board:
- D6.1** by resolution at a general meeting; or
- D6.2** by a resolution passed by two-thirds of the board members present and voting at a board meeting excluding the board member subject of the proposed removal and excluding co-optees, provided the following conditions are satisfied:
- at least fourteen days' notice of the proposed resolution has been given to all board members; and
 - the notice sets out in writing the reasons for the removal; and
 - the board is satisfied that the reasons justify the removal.
- D7** A board member may resign by giving written notice of resignation.

Terms of office and election to the board

- D8** In every notice for an annual general meeting the board shall state those board members continuing in office and those candidates intending to offer themselves for election.
- D9** Each board member elected under rule D12 shall be elected in accordance with any board membership policies adopted by the board from time to time, and shall be elected for a fixed term of office expiring at the conclusion of an annual general meeting (each a "fixed term") not being later than the third such meeting after their appointment or preceding co-option to the board. No fixed term shall be set which would cause the relevant board member to serve beyond their ninth consecutive annual general meeting and for this purpose, time served on the board of another group member or on the board of any predecessor of the association or of another group member shall be counted save where the board agrees that circumstances exist where it would be in the best interest of the association for a board member to serve for a longer period.
- D10** Whenever the number of board members is less than permitted by these rules, the board may appoint further board members in addition to the board's power to co-opt. Any board member so appointed shall retire at the next annual general meeting.
- D11**
- D11.1** At every annual general meeting each board member who has served their fixed term shall retire from the Board. Any board member who retires from the Board at an annual general meeting under this rule D11 shall be eligible for re-election subject to any restrictions contained in these rules;
- D11.2** Any board member retiring under rule D11.1 having completed nine years' continuous service (or nine years' continuous service plus any extended period agreed by the board under rule D9) on either the board of the association and/or the board of a group member (or any predecessor) shall not be eligible for re-election for at least one full term of office.
- D12**
- D12.1** Board members will be elected in accordance with open and transparent selection criteria and election procedures set and published from time to time by the board;

- D12.2** The board shall set and publish selection criteria in relation to candidates wishing to stand for election as board members including a statement of the skills, qualities and experience required by the board amongst its members. These may provide for prospective candidates to be approved by the board before they are eligible to stand for election as board members;
- D12.3** The board, in accordance with the election procedures set under rule D12.1 shall endeavour to ensure that the board possesses the quality, skills, competencies and experience which the board has from time to time determined that it requires;
- D12.4** If at elections for board members the number of candidates for election as board members does not exceed the number of vacancies on the board the chair shall declare those candidates to have been duly elected. If the number of candidates exceeds the number of vacancies the meeting shall elect the board members by ballot in such a manner as the chair directs and in accordance with the procedures set under rule D12.1;
- D12.5** In an election for candidates wishing to be board members at a general meeting every shareholder present in person or by proxy shall have one vote for every vacancy but shall not give more than one vote to any one candidate;

Quorum for the board

- D13** Subject to the provisions of rule D14 no less than half of the number of voting members (which may include Board members and co-optees (except for the circumstances set out in Rule D3.1)) shall form a quorum. The board may determine a higher number or impose additional requirements.
- D14** If the number and make up of board members falls below the number and make up necessary for a quorum, the remaining board members may continue to act as the board for a maximum period of six months and the provisions of D13 shall be suspended for that time. At the end of that time the only power that the board may exercise shall be to bring the number and make up of board members up to that required by these rules.

Board members' interests

- D15** No board member, co-optee or member of a committee shall have any financial interest in any contract or other transaction with the association or with any other group member, or be granted a benefit by the association, unless such interest or benefit:
- D15.1** is expressly permitted by these rules or is permitted by any relevant legislation, determination, specification or guidance from time to time from the regulator;
- D15.2** would not be in breach of, and would not be inconsistent with, any determination, guidance, standard or code published by the regulator or any code of conduct and/or governance adopted by the board.
- D16** Any board member, co-optee or member of a committee, having an interest in any arrangement between the association and someone else shall disclose their interest, before the matter is discussed by the board or any committee. Such disclosure must comply with any code of conduct and/or governance adopted by the board from time to time. Unless it is expressly permitted by these rules they shall not remain present (unless requested to do so by the board or committee), and they shall not have any vote on the matter in question.

- D17** Subject to rule D18, if a question arises at a meeting of board members or of a committee of board members as to the right of a board member, co-optee or member of a committee to participate in the meeting (or part of the meeting) for voting or quorum purposes, the question may, before the conclusion of the meeting, be referred to the chair or to the chair of the committee as the case may be, whose ruling in relation to any board member or committee member other than the chair is to be final and conclusive.
- D18** If any question as to the right to participate in the meeting (or part of the meeting) should arise in respect of the chair or chair of the committee, the question is to be decided by a decision of the board members or committee members at that meeting, for which purpose the chair or chair of the committee is not to be counted as participating in the meeting (or that part of the meeting) for voting or quorum purposes.
- D19** Any decision of the board or of a committee shall not be invalid because of the subsequent discovery of an interest which should have been declared.
- D20** Every board member, co-optee and member of a committee shall ensure that the secretary at all times has a list of:
- D20.1** all other bodies in which they have a significant and material interest as:
- a director or officer; or
 - a member of a firm; or
 - an official or elected member of any statutory body; or
 - the owner or controller of more than two per cent of a company the shares in which are publicly quoted or more than ten per cent of any other company; or
- D20.2** any property owned or managed by the association which they occupy.
- D21** Every board member, co-optee and member of a committee shall ensure that the secretary at all times also has a list of any other significant or material interest which, in each case, would or could affect any arrangement with the association.
- D22** If requested by a majority of the board members, or members of a committee (as appropriate) at a meeting convened specially for the purpose, a board member, co-optee or member of a committee failing to disclose an interest as required by these rules shall vacate their office either permanently or for a period of time as the board directs.
- D23** Notwithstanding rule D15, the association may:
- D23.1** pay properly authorised expenses to board members, co-optees and members of committees when actually incurred on the association's business;
- D23.2** pay insurance premiums in respect of insurance taken out to insure officers and employees; and
- D23.3** pay allowances, recompense for loss of earnings, grant benefits or remuneration and fees to board members, co-optees and members of committees provided that any such payment or benefit is expressly permitted by (or not prohibited by) any relevant legislation, determination, specification or guidance from the regulator.
- D24** A board member, co-optee or member of a committee shall not have an interest for the purpose of rules D15 to D21 as a board member, director or officer of a group member.

- D25** Board members, co-optees or members of committees, who are tenants of the association shall be deemed not to have an interest for the purpose of rules D15 to D21 in any decision affecting all or a substantial group of tenants of the association.
- D26** The grant of a tenancy, licence or lease by the association at the direction of another body or on a basis which is consistent with any applicable guidance, determination, standard or code of practice of the regulator (or any code of conduct and/or governance of the board from time to time, adopted by the board) to a board member, co-optee or member of a committee is not the grant of a benefit for the purpose of rule D15.

Meetings of the board

- D27** The board shall meet at least four times every accounting year. At least seven days' written notice of the date and place of every board meeting delivered by hand or sent by post or Electronic Communication shall be given by the secretary (or other officer in accordance with approved arrangements) to all board members and co-optees. The board may meet on shorter notice where not less than seventy-five per cent of the board members so agree.
- D28** Meetings of the board may be called by the secretary, or by the chair, or by two board members who give written notice specifying the business to be carried out. The secretary shall send a written notice to all board members as soon as possible after receipt of such a request. Pursuant to the request, the secretary shall call a meeting on at least seven days' notice but not more than fourteen days' notice to discuss the specified business. If the secretary fails to call such a meeting then the chair or two board members, whichever is the case, shall call such a meeting.

Availability of certain board statements

- D29** The board shall agree and make available:
- the board's statement of the values and objectives of the association;
 - a statement of the current obligations of board members to the board and the association;
 - the policy for admitting new shareholders.
- The board may vary the form of these statements from time to time.

Management and delegation

- D30** The board may delegate any powers under written terms of reference to its committees or to officers or employees. Those powers shall be exercised in accordance with any written instructions given by the board.
- D31** The board may reserve to itself certain significant matters that cannot be delegated to committees or employees.
- D32** The membership of any committee shall be determined by the board. Every committee shall include one board member or co-optee. The board will appoint the chair of any committee and shall specify the quorum.

D33 All acts and proceedings of any committee shall be reported to the board.

Miscellaneous provisions

D34 All decisions taken at a board or any committee meeting in good faith shall be valid even if it is discovered subsequently that there was a defect in the calling of the meeting, or the appointment of the members at a meeting.

D35 A resolution sent to all board members or all members of a committee and signed, or confirmed by Electronic Communication by three-quarters of the board members or three-quarters of the members of a committee shall be as valid and effective as if it had been passed at a properly called and constituted meeting of the board or committee and may consist of documents in the same form and signed or confirmed Electronic Communication by one or more persons.

D36 Meetings of the board or a committee can take place in any manner and through any medium which permits those attending to hear and comment on the proceedings. Any person who attends in this manner will be deemed to be present at the meeting and whether or not all are assembled in one place.

D37 Notice may be given to board members in accordance with rule G16. The accidental failure to give notice to a board member or the failure of the board member to receive such notice shall not invalidate the proceedings of the board.

D38 The board may, by power of attorney or otherwise, appoint any person to be the agent of the association for such purposes and on such conditions as they determine, including authority for the agent to delegate all or any of their powers.

PART E CHAIR, VICE CHAIR, CHIEF EXECUTIVE, SECRETARY AND OTHER OFFICERS

The chair

- E1** The association shall have a chair, who shall chair board meetings, and shall be elected by the board on such terms as the board determines. The association may also have a vice chair who, in the chair's absence, shall act as the chair and have the chair's powers and duties and who shall be elected by the board. The arrangements for election and removal of any vice chair shall be determined by the board.
- E2** The first item of business for any board meeting when there is no chair (or vice chair) or the chair (or vice chair) is not present shall be to elect a chair for the purpose of the meeting. The chair shall at all times be a shareholder and a board member or co-optee.
- E3** In a case of an equality of votes, the chair shall have a second vote.
- E4** The chair of the association may be removed at a board meeting called for that purpose provided the resolution is passed by at least two-thirds of the members of the board present and voting at the meeting.

The chair's responsibilities

- E5** The board will set out in writing the duties of the chair.
- E6** The board shall seek to ensure that there is a written statement of the chair's responsibilities which shall be agreed with the board, and reviewed from time to time.

The chief executive

- E7** The association may have a chief executive appointed by the board who is responsible for managing the day-to-day affairs of the association. The chief executive shall be appointed with a written and signed contract of employment, which shall include a clear statement of the duties of the chief executive.

The secretary

- E8** The association shall have a secretary who shall be appointed by the board and who may be an employee, but cannot be the chief executive. The board may also appoint a deputy secretary (who may also be an employee, but may not be the chief executive) to act as secretary in the secretary's absence. The Secretary's duties will be clearly set out in writing and agreed by the board.

Other officers

- E9** The board may designate as officers such other executives, internal auditor and staff of the association on such terms (including pay) as it from time to time decides.

Miscellaneous

- E10** Every officer or employee shall be indemnified by the association for any amount reasonably incurred in the discharge of their duty.
- E11** Except for the consequences of their own dishonesty or negligence no board member, officer or employee shall be liable for any losses suffered by the association or any group member.

PART F

FINANCIAL CONTROL AND AUDIT

Auditor

- F1** The association, if required by law to do so, shall appoint an auditor or firm of auditors to act in each financial year. They must be qualified as provided by Section 91 of the CCBSA.
- F2** The following cannot act as auditor:
- F2.1** an officer or employee of the association;
 - F2.2** a person employed by or employer of, or the partner of, an officer or employee of the association.
- F3** The association's auditor may be appointed by the board or by a resolution of shareholders.
- F4** Where an auditor is appointed to audit the accounts for the preceding year, they shall be re-appointed to audit the current year's accounts as well unless:
- F4.1** a general meeting has appointed someone else to act or has resolved that the auditor cannot act; or
 - F4.2** the auditor does not want to act and has told the association so in writing; or
 - F4.3** the person is not qualified or falls within rule F2 (above); or
 - F4.4** the auditor has become incapable of acting; or
 - F4.5** notice to appoint another auditor has been given.
- F5**
- F5.1** No less than twenty-eight days' notice shall be given for a resolution to appoint another person as auditor, or to forbid a retiring auditor being re-appointed;
 - F5.2** the association shall send a copy of the resolution to the retiring auditor and also give notice to its shareholders at the same time and in the same manner, if possible;
 - F5.3** if not, the association shall give notice by advertising in a local newspaper at least 14 days before the proposed meeting. The retiring auditor can make representations to the association which must be notified to its shareholders under Section 95 of the CCBSA.

Auditor's duties

- F6** The findings of the auditor shall be reported to the association, in accordance with Section 87 of the CCBSA.

- F7** The board shall produce the revenue account and balance sheet audited by the auditor, if required, and the auditor's report, if required, at each annual general meeting. The board shall also produce its report on the affairs of the association which shall be signed by the person chairing the meeting which adopts the report.

Accounting requirements

- F8** The end of the accounting year must be a date allowed by the registrar.
- F9** The association shall keep proper books of account detailing its transactions, its assets and its liabilities, in accordance with Sections 75 and 76 of the CCBSA.
- F10** The association shall establish and maintain satisfactory systems of control of its books of account, its cash and all its receipts and payments.

Annual returns and balance sheets

- F11** Every year, within the time period specified by legislation, the secretary shall send the association's annual return to the registrar. The return shall be prepared in accordance with the period specified in the CCBSA, or such other date allowed by the registrar and shall be lodged within the period required by law. The annual return shall be accompanied by the auditor's report, if required, for the period of the return and the accounts and balance sheets to which it refers.

Borrowing

- F12** The total borrowings of the association at any time shall not exceed £1,000 million (one thousand million) pounds sterling or such a larger sum as the association determines from time to time in general meeting. For the purpose of this rule F12, at any relevant time, any amount of the association's borrowings in any currency other than pounds sterling (as may be permitted or not prohibited by the regulator from time to time) shall be converted to sterling using the exchange rate or rates applicable under the related derivative transaction or transactions by which the association has hedged its exposure to currency exchange rate movements in relation to the principal amount of such borrowings or, if there is no rate related derivative transaction by which the exposure is hedged, at the exchange rate prevailing at the time the borrowings were entered into.
- F13** The rate of interest payable at the time terms of borrowing are agreed on any money borrowed shall not exceed the rate of interest which, in the opinion of the board, is reasonable having regard to the terms of the loan. The board may delegate the determination of the said interest rate within specified limits to an officer, board member or a committee.
- F14**
- F14.1** In respect of any proposed borrowing, for the purposes of rule F12 and in relation to the amount remaining un-discharged of any deferred interest or index-linked monies or amounts on any deep discounted security previously borrowed by the association, the amount of such pre-existing borrowing shall be deemed to be the amount required to repay such pre-existing borrowing in full if such pre-existing borrowing became repayable in full at the time of the proposed borrowing;
 - F14.2** for the purposes of rule F13 in respect of any proposed borrowing intended to be on deferred interest or index-linked terms or on any deep discounted

security the amount of borrowing shall be deemed to be the proceeds of such proposed borrowing receivable by the association at the time of the proposed borrowing; and

F14.3 no person dealing in good faith with the association shall be concerned to know whether rule F12 or F13 or this rule F14 have been complied with.

Investment

F15 The funds of, or monies borrowed by, the association may be invested by the board in such manner as it determines and as permitted by the CCBSA.

Consents/disposal of assets

F16 The association needs to ensure that it complies with any relevant legislation, determination, specification or guidance from the regulator regarding the need to obtain necessary consents from the Welsh Government.

Donations

F17 The association may receive from any person, whether a member or not, donations to further the purposes of the association.

Registered office and name

- G1** The association's registered office is Tŷ Gwyn, Brunel Way, Baglan Energy Park, Neath, SA11 2FP.
- G2** The association's registered name must:
- G2.1** be placed prominently outside every office or place of business; and
 - G2.2** be engraved on its seal; and
 - G2.3** be stated on its business letters, notices, advertisements, official publications, cheques, invoices, website and any other formal corporate communication whether electronic or otherwise.

Disputes

- G3** Any dispute on a matter covered by these rules shall be referred by either party to a suitably qualified independent mediator for settlement. The mediator shall be appointed by agreement between the parties or, in default of agreement, by the Centre for Effective Dispute Resolution (or any successor body from time to time). The mediation will be conducted in accordance with the requirements of the mediator. Both parties will be obliged to comply and co-operate with this procedure at each stage and to share equally the costs of appointment of the relevant mediator as referred to above. Costs thereafter will be borne as the mediator will determine. Where the dispute is not resolved by mediation, any claim shall be dealt with in the county court which shall have sole jurisdiction over any dispute arising under the rules.

Minutes, seal, registers and books

- G4** The minutes of all general meetings and all board and committee meetings shall be recorded, agreed at the relevant subsequent meeting and signed by the chair of the subsequent meeting and stored safely.
- G5** The secretary shall keep the seal. It shall not be used except under the board's authority. It must be affixed by one board member signing and the secretary countersigning or in such other way as the board resolves. The board may in the alternative authorise the execution of deeds in any other way permitted by law.
- G6** The association must keep at its registered office:
- G6.1** the register of shareholders showing:
 - the names and addresses of all the shareholders; and
 - a statement of all the shares held by each shareholder and the amount paid for them; and
 - a statement of other property in the association held by the shareholder; and
 - the date that each shareholder was entered in the register of shareholders.
 - G6.2** a duplicate register of shareholders showing the names and addresses of shareholders and the date they became shareholders;
 - G6.3** a register of holders of any loan;

G6.4 a register of mortgages and charges on land; and

G6.5 a copy of the rules of the association.

G7 The association must display a copy of its latest balance sheet and auditor's report (if one is required by law) at its registered office.

G8 The association shall give to any shareholders or person interested in the funds of the society on request copies of its last annual return with the auditor's report (if one is required by law) on the accounts contained in the return, free of charge.

G9 The secretary shall give a copy of the rules of the association to any person on demand who pays such reasonable sum as permitted by law.

Statutory applications to the registrar

G10 Ten shareholders can apply to the registrar to appoint an accountant to inspect the books of the association, provided all ten have been shareholders of the association for a twelve-month period immediately before their application.

G11 The shareholders may apply to the registrar in order to get the affairs of the association inspected or to call a special general meeting. One hundred shareholders, or one-tenth of the shareholders, whichever is the lesser, must make the application.

Amendment of rules

G12 **G12.1** The rules of the association may be rescinded or amended.

G12.2 The rules may only be amended by a resolution put before the shareholders by the board and approved by at least two-thirds of the board prior to approval by the shareholders.

G12.3 Rules A2; A3; A4; B1; B2; B3; C2; C3; D13; D27; G12 and G14 can only be amended or rescinded by way of a written resolution or by three fourths of the votes cast at a general meeting. Any other rule can be rescinded or amended by two thirds of the votes cast at a general meeting or by way of a written resolution.

G12.4 Amended rules shall be registered with the registrar as soon as possible after the amendment has been agreed. An amended rule is not valid until it is registered.

G12.5 A copy of the amended rules shall be sent to the regulator as soon as possible after registration by the registrar.

Dissolution

G13 The association may be dissolved by a three-fourths majority of shareholders who sign an instrument of dissolution in the prescribed format or by winding-up under the CCBSA.

G14 **G14.1** Any property that remains, after the association is wound-up or dissolved and all debts and liabilities dealt with, the shareholders may resolve to give or transfer to another body with objects similar to that of the association;

G14.2 if no such institution exists, the property shall be transferred or given to the Housing Associations Charitable Trust;

- G14.3** if the association is registered as a social landlord with the regulator any transfer or gift must be in compliance with the Housing Act 1996 (as it applies to Wales) and the Housing (Wales) Measure 2011 or any other relevant legal and regulatory provisions which exist from time to time.

Interpretation of terms

G15 In these rules, including this rule, unless the subject matter or context is inconsistent:

- G15.1** words importing the singular or plural shall include the plural and singular respectively;
- G15.2** words importing gender shall include the male and female genders;
- G15.3** "amendment of rules" shall include the making of a new rule and the rescission of a rule, and "amended" in relation to rules shall be construed accordingly;
- G15.4** "the association" shall mean the association of which these are the registered rules;
- G15.5** "board" shall mean the board appointed in accordance with Part D and "board member" or "member of the board" shall mean a member of the board for the time being but shall not include a person co-opted to the board;
- G15.6** "the CCBSA" shall mean the Co-operative and Community Benefit Societies Act 2014;
- G15.7** "chair" shall, save in rule E1 and where applicable, include the vice chair;
- G15.8** "Council" shall mean Neath Port Talbot County or County Borough Council
- G15.9** "derivative transaction" means any transaction which is a forward, swap, future, option or other derivative on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, economic indices or measures of economic risk or value, or other benchmarks against which payments or deliveries are to be made, or any combination of these transactions.
- G15.10** "Electronic Communication" has the meaning given to "electronic form" and "electronic means" in section 148 of the CCBSA;
- G15.11** "group member" means the association, each subsidiary of the association, any body corporate of which the association is a subsidiary and any subsidiary of such body corporate and for this purpose "subsidiary" has the meaning within the CCBSA and/or the Housing Act 1996 and/or the Companies Act 2006;
- G15.12** "local authority person" shall mean any person (i) who is or has been an elected representative of the local authority member in the preceding four years; or (ii) who is an officer of the local authority member; or (iii) who is both an employee and either a director, manager, secretary or other similar officer of a company which is under the control of the local authority member; or (iv) who is the spouse or a close relative of any person falling within paragraphs (i) and (ii).
- G15.13** "officer" shall include the chair and secretary of the association and any board member for the time being and such other persons as the board may appoint under rule E9;
- G15.14** "property" shall include all real and personal estate (including loan stock certificates, books and papers);

- G15.15** "register of shareholders" means the register kept in accordance with rule G6.1;
- G15.16** "registrar" means the Financial Conduct Authority or any statutory successor to or any assignee of any or all of its relevant functions from time to time;
- G15.17** "regulator" in Wales refers to the Welsh Government or any statutory successor to or any assignee of any or all of their relevant functions from time to time;
- G15.18** "secretary" means the officer appointed by the board to be the secretary of the association or other person authorised by the board to act as the secretary's deputy;
- G15.19** "shareholder" shall mean one of the persons referred to in rule C5 and means "member" as defined by the CCBSA;
- G15.20** "tenant" means a person who alone or jointly with others holds a tenancy, lease or licence to occupy the association's premises for residential use or the premises of any other group member;
- G15.21** "these rules" shall mean the registered rules of the association for the time being;
- G15.22** references to any provision in any Act shall include reference to such provision as from time to time amended, varied, replaced, extended or re-enacted and to any orders or regulations made under such provision;
- G15.23** "special resolution" means a resolution as defined by the CCBSA

G16 Any notice to which this rule applies will be effectively served if delivered to a shareholder or board member at the address most recently provided by the shareholder or board member for this purpose or (as the case may be) delivered to the association at its registered office for the attention of the secretary. Communications will be in writing or other forms of communication including electronic that have been approved by the board. Such notice will be deemed to have been served:

- G16.1** if served by hand, on delivery;
- G16.2** if served by first class post, on the business day after the day it is put in the post; or
- G16.3** If served by Electronic Communication, on confirmation (which may be automatic) that the notice has been received, provided that it is in a legible form.

- 1. Shareholder
- 2. Shareholder
- 3. Shareholder
- 4. Secretary

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

21st July 2017

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Wards Affected: All

Neath Port Talbot Local Development Plan (LDP) – Consideration of: the responses and recommendations to the representations received following consultation on four Supplementary Planning Guidance (SPG) documents; and the adoption and publication procedures to be implemented.

Purpose of the Report

- 1 To consider the responses and recommendations to the representations received following consultation on four SPG documents; and the adoption and publication procedures to be implemented.

Executive Summary

- 2 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.
- 3 Four SPG were prepared for the purposes of consultation, including 'Open Space and Greenspace', 'Renewable and Low Carbon Energy', 'Design' and 'Development and the Welsh Language'. The formal consultation period ran for 6 weeks starting on Wednesday 10th May and ending on Wednesday 21st June.
- 4 Following consultation, the Council received a total of 41 representations (or *comments*) from 6 different organisations.

- 5 This report seeks endorsement of the responses to the representations received, together with the proposed amendments to the documents and the adoption and publication procedures to be implemented.

Background

- 6 The Council, at its meeting on the 27th January 2016, adopted the Local Development Plan (LDP) which now provides the basis for decisions on land use planning in the County Borough up to 2026.
- 7 Whilst the LDP contains sufficient information and policies to provide the basis for the determination of planning applications through the development management process, opportunities have been identified throughout the Plan for further detailed guidance to be provided on particular issues.
- 8 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. While only policies in the LDP have special status in the determination of planning applications, SPG may be taken into account as a material consideration in the decision making process.
- 9 SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

Public Consultation

- 10 Four SPG were prepared for the purposes of consultation, including 'Open Space and Greenspace', 'Renewable and Low Carbon Energy', 'Design' and 'Development and the Welsh Language'. The formal consultation period ran for 6 weeks starting on Wednesday 10th May and ending on Wednesday 21st June.
- 11 Following consultation, the Council received a total of 41 representations (or *comments*) from 6 different organisations. Comments were either submitted directly online, by email or in writing with all comments received made available for public inspection on the Council's website.
- 12 Each of the four SPG is considered in turn below with the changes proposed to the documents highlighted where appropriate.

Open Space and Greenspace SPG

- 13 Supplementing LDP policies (SP10, OS1 and OS2) seeking to address inequalities in provision by retaining and enhancing existing provision and requiring new development to make provision where there is a need, this SPG provides information in respect of current levels of provision; sets out the relevant matters that will need to be taken into consideration when developments are being planned; and offers practical guidance in respect of the design and layout of provision.
- 14 Following consultation, the Council received a total of 21 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.
- 15 In addition to a very limited number of minor editing changes to aid clarity, the changes proposed to the SPG relate to the following:
 - *Section 3.1 National Policy Context* – reference added to the Well-Being of Future Generations (Wales) Act (2015) and the duties placed upon public bodies to produce well-being objectives that contribute to achieving the set of seven well-being goals.
 - *Paragraph 5.0.14 Multi-Use Spaces* – additional text added to emphasise the importance of multi-use spaces and the opportunities they present in creating imaginative areas for children’s play.
- 16 A revised final version of the SPG, highlighting all proposed amendments as ‘tracked changes’, is presented in full in **Appendix 2**.

Renewable and Low Carbon Energy SPG

- 17 Supplementing LDP policies (SP18, RE1 and RE2) seeking to deliver a proportionate contribution to meeting Wales’ national renewable energy targets and energy efficiency targets, this SPG provides information about renewable and low carbon energy issues in Neath Port Talbot; sets out the relevant matters that will need to be taken into consideration when developments are being

planned in the County Borough; and offers guidance in respect of the preparation of ‘Renewable Energy Assessments’.

- 18 Following consultation, the Council received a total of 7 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.
- 19 In addition to a very limited number of minor editing changes to aid clarity, the changes proposed to the SPG relate to the following:
 - *Paragraph 3.1.6 Implementation of Policy RE1* – reference added to account for the fact that constraints to windfarm development may exist within the refined Strategic Search Areas.
 - *Paragraph 3.1.8 Implementation of Policy RE1* – reference added to clarify the approach that should be taken in relation to the potential impacts of windfarm development on the Brecon Beacons National Park.
- 20 A revised final version of the SPG, highlighting all proposed amendments as ‘tracked changes’, is presented in full in **Appendix 3**.

Design SPG

- 21 Supplementing LDP policies (SP21 and BE1) seeking to conserve and enhance the built environment and heritage of the whole County Borough, the SPG provides information and guidance setting out the expectations on all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environmental context; and sets out site-specific design guidance for the Council’s key strategic development sites, along with guidance for specific types of development.
- 22 Following consultation, the Council received a total of 7 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.
- 23 The only changes proposed to the SPG relate to the following:

- *Section 4.1 Character and Appearance & Section 4.7 Integrated Transport and Linkages* – reference added to account for the advice available within ‘Building for Life 12 Wales’ (a collaborative document led by the Design Commission for Wales).
- *Paragraph 4.8.10 Orientation of Buildings* – minor amendment to highlight that care should be taken to avoid overheating of habitable rooms and a reference added to account for the advice available within the Welsh Government Practice Guidance – ‘Planning for Sustainable Buildings’.

24 A revised final version of the SPG, highlighting the proposed amendments as ‘tracked changes’, is presented in full in **Appendix 4**.

Development and the Welsh Language SPG

25 Supplementing LDP policies (SP22 and WL1) seeking to adopt a committed and proactive approach to the protection and promotion of the Welsh Language in ‘language sensitive areas’, this SPG provides information in respect of the Welsh language; sets out the relevant matters that will need to be taken into consideration when developments are being planned in ‘language sensitive areas’; and offers practical guidance in respect of the preparation of ‘Welsh Language Action Plans’.

26 Following consultation, the Council received a total of 6 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.

27 The only change proposed to the SPG relates to the following:

- *Appendix B: Is a Welsh Language Action Plan required* - the flow diagram (Figure B.0.1) be amended to clarify that where a site is not located within a Language Sensitive Area, there is no requirement for the submission of a Welsh Language Action Plan.

28 A revised final version of the SPG, including the amended flow diagram, is presented in full in **Appendix 5**.

Adoption and Publication Procedures

- 29 Once approved, all SPG will be made available on the Council's website and hard copies of the documentation will be made available for public inspection on request.
- 30 In accordance with the Council's Welsh Language Standards Policy, all SPG will be made available in Welsh and will also be available for purchase at a reasonable charge. In common with previous practice, it is suggested that the price be based on the cost of printing together with post and package at the prevailing cost. Electronic copies will be made available at no cost.
- 31 Implementation of the supplementary guidance will be undertaken through the Council's regeneration activities and through the consideration of individual planning applications.

Financial Impact

- 32 The decisions will incur expenditure in relation to the preparation and publication of the final documents. These costs will be accommodated within existing budgets.

Strategic Environmental Assessment (SEA)

- 33 Even though SPG is non-statutory and does not require a Sustainability Appraisal (SA), the SEA Regulations may apply to certain types of SPG.
- 34 A Screening Exercise has been carried out which concluded that each of the four SPG would not result in significant environmental effects and would not therefore trigger the need for assessment.

Equality Impact Assessment

- 35 In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an Equality Impact Assessment (EIA) Screening Exercise has been carried out.
- 36 The LDP was subjected to a Sustainability Appraisal (SA) process which included an assessment of the LDP policies and proposals on equalities (including sex, age, race and disability issues). These aspects have therefore been assessed alongside all the other

sustainability and environmental issues, enabling the effects of the Plan to be fully assessed.

- 37 Given that the SA of the LDP incorporated an EIA, and the fact that the four SPG only provides guidance on the implementation of LDP policy, the Screening Exercise concluded that there is no requirement to carry out an additional separate exercise.

Workforce Impacts

- 38 There are no workforce impacts in respect of this report.

Legal Impacts

- 39 There are no legal impacts in respect of this report.

Risk Management

- 40 There are no significant risks associated with this report.

Recommendation

- 41 That having considered the report, it is resolved to make the following recommendations for approval:
1. That the responses and recommendations to the representations received as set out in Appendix 1 be agreed.
 2. That the revised SPG as set out in Appendices 2 to 5 be agreed.
 3. That the adoption and publication procedures as set out in the report are implemented.

Reasons for Proposed Decision

- 42 The recommendations are needed to:
1. Ensure that clear supplementary guidance is issued by the Council in respect of 'Open Space and Greenspace', 'Renewable and Low Carbon Energy', 'Design' and 'Development and the Welsh Language'.

Implementation of Decision

- 43 The decision is proposed for implementation after the three day call in period.

Appendices

- 44 Appendix 1 – Responses & Recommendations to the SPG Representations.
45 Appendix 2 – Open Space and Greenspace SPG (July 2017 – Tracked Changes).
46 Appendix 3 – Renewable and Low Carbon Energy SPG (July 2017 – Tracked Changes).
47 Appendix 4 – Design SPG (July 2017 – Tracked Changes).
48 Appendix 5 – Development and the Welsh Language SPG (July 2017 – Tracked Changes).

List of Background Papers

Legislation and Regulations:

- 49 Planning and Compulsory Purchase Act 2004.
50 The Town and Country Planning (Local Development Plan) (Wales) Regulations 2015.
51 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
52 The Conservation (Natural Habitats, &c.) Regulations 1994.
53 EC Directive 92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive).

Planning Policy / Guidance:

- 54 Neath Port Talbot CBC Local Development Plan (2011-2026).
55 Planning Policy Wales Edition 9 (2016).
56 Technical Advice Notes (TANs).

Officer Contact

- 57 Ceri Morris – Planning Policy Manager [Tel: 01639 686320 / E-mail: c.morris1@npt.gov.uk]

APPENDIX 1

Responses and Recommendations to the SPG Representations

Open Space and Greenspace SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
OS6	Rhian Isaac	Natural Resources Wales	General		<p>The open space SPG is a workable document which makes it clear how much developers need to provide and pay. However, there seems to be a missed opportunity to provide a clear link between the recreational value of green spaces (or more broadly green infrastructure) and the wider benefits and ecosystem services that such measures can provide.</p> <p>Green infrastructure within development is also important in connecting habitats on a landscape scale which is essential to reduce fragmentation of habitats, improve connectivity, and secure functioning ecosystems. In this respect, it may also be useful for the document to provide some local context – to describe the current green space resource within the County and how these spaces connect within the wider landscape.</p>	<p>The comment is noted and the importance of 'green infrastructure' within developments is acknowledged.</p> <p>The practical guidance provided in Chapter 5, highlights the opportunities that may arise for increasing biodiversity when retaining or creating areas of open space, particularly in respect of informal areas, multi-use spaces and greenspace.</p> <p>The specific role and opportunities associated with green infrastructure is however considered to be more appropriately addressed in the Council's 'Biodiversity and Geodiversity' SPG. Work has already started on preparing this next batch of SPG with the next consultation scheduled to take place early in 2018.</p>	That there be no change to the SPG.
OS18	Mr Rhodri Edwards	Fields in Trust	General		<p>The draft references Fields in Trust's 'Planning and Design for Outdoor Play and Sport' (2008) but please note that Fields in Trust issued updated guidance earlier this year in the publication 'Beyond the Six Acre Standard' .</p> <p>While the recommendations are largely the same there are some differences including new standards for other forms of open space. In terms of play space, the equipped / designated play space of 0.25ha per 1,000 remains and the previous 'informal playing space' would now be counted under 'amenity green space'. Also, the new guidance is less prescriptive in terms of the characteristics of play spaces.</p>	<p>The comment is noted and the Council is aware that the Fields in Trust issued updated guidance earlier in 2017 (i.e. following the adoption of the LDP).</p> <p>The scope of the guidance contained within the SPG however has to be consistent with the adopted policy: these policies cannot be changed through the medium of SPG. The policy was discussed and confirmed through the EIP process, as stated within the Inspectors' report, and included within the adopted Plan. It would not therefore be appropriate to change the standards of provision for any category of open space in the SPG. This could only be considered as part of a formal review of the LDP.</p> <p>Reference to the fact that the Fields in Trust has issued updated guidance is noted in the Council's updated 'Open Space Assessment (2016)', which underpins and informs the SPG. Notwithstanding this point, it is considered appropriate to incorporate minor</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Footnote 18 (Page 22) - amend to read: <i>'The Fields in Trust (FIT) 'Planning and Design for Outdoor Sport and Play' (2008) provides Details on the characteristics of the different play areas are These are examined in more detail in Appendix G'.</i></p> <p>Appendix G (Paragraph G.0.1) - amend to read: <i>'Derived from the Fields in Trust (Planning and Design for Outdoor Sport and Play) 2008, the table below summarises provides detailed information on the characteristics (summarised in the table below) of the following main types of designated children's play areas'.</i></p> <p>Insert footnote to Paragraph G.0.1: 'It</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
						amendments to the SPG to clarify the position.	<i>should be noted that a revised version of the Fields in Trust Six Acre Standard was published in February 2017 entitled 'Beyond the Six Acre Standard'. This new guidance is less prescriptive in terms of the characteristics of play spaces'</i>
OS7 Page 71	Mr R Lanchbury	Cilybebyll Community Council	2.1	2.1.2	<p>Whilst the Council notes your definition of open space in paragraph 2.1.2 and acknowledges that its area is well served by greenspace, it takes the view that much of this greenspace is accessed by the Public Rights of Way network, which is increasingly under stress given the restrictions on budget.</p> <p>To this end, its view is that PROWs should be brought within the remit of improvements to existing resources that developers could be asked to fund. This would ensure that accessible open space and greenspace can be reached without impediment in the future and protect an existing invaluable network of paths for healthy exercise and recreation.</p>	<p>The comment is noted and the importance of the Public Rights of Way (PRoW) network is acknowledged.</p> <p>The Council's 'Planning Obligations' SPG (adopted in October 2016), establishes the national and local framework within which planning obligations will be addressed and identifies the principle categories which the Council will seek developer contributions.</p> <p>Section 5.3 of the Planning Obligations SPG addresses those related to 'Transportation and Access' and highlights that in cases where proposals for new development impact on the walking and cycling network, the Council may use planning obligations to secure improvements to the cycling / pedestrian network.</p> <p>It should be noted however that given all planning obligations will need to satisfy a number of tests (one of which is that the obligation must be directly related to the proposed development), developer contributions cannot be used to finance improvements to the wider PRoW network.</p>	That there be no change to the SPG.
OS7	Rhian Isaac	Natural Resources Wales	3.1		<p>The SPG should refer to the Well-being of Future Generations Act because of the crucial role that well-managed greenspace has to well-being. It is arguable that unless sufficient greenspace of an appropriate quality is provided within appropriate distance from people's homes, then their well-being cannot be assured. Key references to support this assertion can be found in the appendices to NRW's greenspace toolkit which we can share upon request.</p>	<p>The comment is noted. The link between the provision and availability of open space / greenspace to the health and well-being of residents is well documented throughout the LDP and supporting documents. Additional text is therefore proposed to cover the point raised.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Insert additional text before Paragraph 3.1.1:</p> <p><i>Well-being of Future Generations (Wales) Act (2015)</i></p> <p><i>The Act places a duty upon public bodies to produce well-being</i></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
							<p>objectives that contribute to achieving a set of overarching well-being goals: 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; and A Globally Responsible Wales. Each public body is then required to take reasonable steps to meet their objectives in the context of the principle of sustainable development and whilst following a set of five ways of working.</p> <p>The 'Resilient Wales' and 'Healthier Wales' goals are the key goals that open space and greenspace, as part of the planning process, will contribute towards delivering'.</p>
<p>Page 72</p> <p>OS8</p>	Rhian Isaac	Natural Resources Wales	3.1		<p>The SPG should also refer to the Noise Action Plan for Wales: http://gov.wales/topics/environmentcountry-side/epq/noiseandnuisance/environmental-noise/noisemonitoringmapping/noise-action-plan/?lang=en</p> <p>In that context the SPG should note that where developments are proposed in areas likely to be subject to man-made noise and air pollution then developers will be expected to plan greenspace provision to ameliorate the effects of noise and to use vegetation to intercept particulate air pollution.</p>	<p>Guidance in respect of noise related issues is dealt with in the Council's 'Pollution' SPG (October 2016), which was adopted following a public consultation exercise in the Summer of 2016.</p> <p>The Pollution SPG gives information about the range of pollution related issues in Neath Port Talbot (including noise) and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the County Borough. Chapter 4 (Noise Pollution) specifically refers to the 'Noise Action Plan for Wales'.</p>	That there be no change to the SPG.
<p>OS9</p>	Rhian Isaac	Natural Resources Wales	3.1		<p>The SPG should refer to the SuDS (Sustainable Drainage Systems) Standards for Wales http://gov.wales/topics/environmentcountry-side/epq/flooding/drainage/?lang=en and note that greenspace on developments will be expected to play a part in controlling surface water and waterborne pollution. Because greenspaces provide multiple benefits in one place at the same time then developers will be expected to make the most efficient use of space by</p>	<p>The comment is noted and the role of SuDS in controlling surface water and waterborne pollution is acknowledged.</p> <p>The specific role, importance and opportunities associated with SuDS is addressed in the Council's 'Design' SPG (also the subject of consultation). Section 4.9 'Drainage Systems (Criterion 9)' makes detailed reference to the fact that new developments should be designed to ensure</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					designing multifunctional green spaces.	<p>there is no detrimental impact on water quality or flood risk (either within a site or elsewhere).</p> <p>In all cases, developers will be expected to show that sustainable drainage principles have been applied and appropriately implemented as part of the development, taking into account the topographical and hydrological context and future maintenance.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 73</p>	Rhian Isaac	Natural Resources Wales	4.1	4.1.2	<p>We welcome the inclusion of the requirement for developers to provide greenspace for commercial developments. There is ample evidence that employees in greener environments are more productive, so this makes sound economic sense.</p> <p>The SPG could go further and emulate guidance from at least one London Borough which simply states that flat, or gently sloping roofs on commercial premises should be constructed as green roofs unless the developer can provide compelling reasons why they should not do so. This would support the implementation of the SUDS standards, save money on drainage systems, and provide an even more extensive area of green space to ameliorate climate change, support biodiversity and promote employee health.</p>	<p>Whilst the comment is noted, this section of the SPG addresses the policy requirement that is specifically aimed at ensuring the provision of amenity space for employees to access outdoor amenity areas close to the workplace.</p> <p>Green infrastructure assets (such as 'green roofs'), is considered to be more appropriately addressed in the Council's 'Biodiversity and Geodiversity' SPG. Work has already started on preparing this next batch of SPG with the next consultation scheduled to take place early in 2018.</p> <p>The emerging Biodiversity and Geodiversity SPG will address the importance of green infrastructure and acknowledge the fact that they are often multi-functional and can deliver a number of requirements that a development may need to consider, including green space provision, provision of biodiversity protection and enhancement, local food production, flood attenuation and water management, and provision of a resource for communities to use for health and well-being purposes.</p>	That there be no change to the SPG.
OS11	Rhian Isaac	Natural Resources Wales	4.1	4.1.3.10	<p>The SPG should again note that greenspaces will deliver multiple functions in the same place at the same time. Amenity greenspace can be made biodiverse and incorporate opportunities for informal play to extend its versatility. At the same time it can form part of a SUDS, ameliorate noise, intercept airborne pollutants and reduce the impact of climate change. However, such a multifunctional approach to greenspace provision will obviously not resolve conflicting uses such</p>	<p>This section of the SPG (Paragraphs 4.1.3.8-4.1.3.13) addresses the procedures that will be followed in the cases where financial contributions for off-site provision is necessary.</p> <p>The practical guidance provided in Chapter 5, highlights the multi-functional opportunities that may arise when retaining or creating areas of open space, particularly in respect of informal areas, multi-use spaces and</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					as sports pitches vs play areas.	<p>greenspace.</p> <p>Furthermore, the emerging Biodiversity and Geodiversity SPG will address the importance of green infrastructure and acknowledge the fact that they are often multi-functional and can deliver a number of requirements that a development may need to consider, including green space provision, provision of biodiversity protection and enhancement, local food production, flood attenuation and water management, and provision of a resource for communities to use for health and well-being purposes.</p>	
<p style="text-align: center;">Page 74</p> <p>OS3</p>	Beth Preece	Public Health Wales	4.2		<p>Suggest adding that developers would need to consider the health impacts and demonstrate how negative health impacts will be mitigated.</p> <p>Rationale: LDP OB 2: Reduce people's exposure to the determinants of poor health and provide an environment that encourages healthy, active and safer lifestyles.</p>	<p>Section 4.2 provides guidance on the implementation of LDP Policy OS2 which seeks to protect existing open space provision, setting out criteria which developers need to satisfy.</p> <p>The scope of the guidance contained within the SPG has to be consistent with the adopted policy: these policies cannot be changed through the medium of SPG. The policy was discussed and confirmed through the EIP process, as stated within the Inspectors' report, and included within the adopted Plan. It would not be appropriate therefore to add additional criteria / requirements for developers to satisfy.</p> <p>The details provided in the SPG seek to establish the impact of the loss of provision on a community, and ensure that any replacement facility meets local need and ensures full consideration is given to alternative provision, its type, accessibility to the community etc. The health impacts of a loss of provision is difficult to quantify as health impacts are wide and varied, and many are affected by matters beyond the scope of open space provision. The consideration of the policy criteria offer the opportunity for the impact on a community to be fully considered, which by its very nature without being specific, impacts on people's</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
						<p>health.</p> <p>It should be highlighted that 'health and well-being' has been embodied throughout the LDP and supporting documents, with Strategic Policy SP2 (Health) being the overarching policy in relation to health matters. The topic will therefore be addressed through a range of policies and interventions which can have positive health benefits.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 75</p> <p>OS4</p>	Beth Preece	Public Health Wales	4.3	4.3.9	<p>Suggest taking out '<i>or the removal of the requirement to contribute to open space provision</i>'.</p> <p>Rationale: LDP OB2, 10 and Policy OS1; importance of prioritising well-being needs of residents.</p> <p>Evidence: Wide ranging evidence demonstrating benefits of open spaces on mental and physical health.</p>	<p>The Council's 'Planning Obligations' SPG (adopted in October 2016), establishes the national and local framework within which planning obligations will be addressed, identifying the number of categories which the Council will seek developer contributions.</p> <p>The financial viability of a development will be one of the key factors in determining the type and scale of obligations that could be secured through S106 and there may be occasions when not all of the identified obligations (including open space provision) can be met without compromising the overall viability of a scheme. If a scheme is not financially viable, then there is a higher risk that the scheme may not proceed.</p> <p>Consequently, Paragraph 4.3.9 appropriately refers to the negotiation that may take place with the developer in respect of the range of obligations that may be required and the viability of the scheme. For contributions to be waived, a developer would need to provide a viability report, giving a detailed financial appraisal of the development and its costs, which would be examined independently by the Council's Estates Section to establish the viability of the site and whether there is a case for reduced / no contributions. The format and detail which a developer would need to provide is detailed in the Section 106 obligations - Viability Assessment Guidance Note Jan 2017.</p>	That there be no change to the SPG.
OS5	Beth Preece	Public Health Wales	4.3	4.3.10	Suggest taking out ' <i>or the requirement to</i>	The Council's 'Planning Obligations' SPG (adopted in October 2016), establishes the	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p><i>provide open space removed'.</i></p> <p>Rationale: LDP OB2, 10 and Policy OS1: importance of prioritising wellbeing needs of residents.</p> <p>Evidence: Wide ranging evidence demonstrating benefits of open spaces on mental and physical health.</p>	<p>national and local framework within which planning obligations will be addressed, identifying the number of categories which the Council will seek developer contributions.</p> <p>The financial viability of a development will be one of the key factors in determining the type and scale of obligations that could be secured through S106 and there may be occasions when not all of the identified obligations (including open space provision) can be met without compromising the overall viability of a scheme. If a scheme is not financially viable, then there is a higher risk that the scheme may not proceed.</p> <p>Consequently, Paragraph 4.3.10 appropriately refers to the negotiation that may take place with the developer in respect of the range of obligations that may be required and the viability of the scheme. For contributions to be waived, a developer would need to provide a viability report, giving a detailed financial appraisal of the development and its costs, which would be examined independently by the Council's Estates Section to establish the viability of the site and whether there is a case for reduced / no contributions.</p>	
OS12	Rhian Isaac	Natural Resources Wales	4.3	4.3.9	<p>We are concerned that this offers a get-out clause to developers who will always attempt to prove that provision of anything other than the minimum planning obligations will reduce their profit to unacceptably low levels and imperil the development.</p> <p>Our preference would be to require the entire SPG to refer to Green Infrastructure, rather than green space, and to require developers to deliver the ecosystem goods and services in the same way as other services such as power, water and foul water drainage.</p>	<p>The Council's 'Planning Obligations' SPG (adopted in October 2016), establishes the national and local framework within which planning obligations will be addressed, identifying the number of categories which the Council will seek developer contributions.</p> <p>The financial viability of a development will be one of the key factors in determining the type and scale of obligations that could be secured through S106 and there may be occasions when not all of the identified obligations (including open space provision) can be met without compromising the overall viability of a scheme. If a scheme is not financially viable, then there is a higher risk that the scheme</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
						<p>may not proceed.</p> <p>Consequently, Paragraph 4.3.9 appropriately refers to the negotiation that may take place with the developer in respect of the range of obligations that may be required and the viability of the scheme. For contributions to be waived, a developer would need to provide a viability report, giving a detailed financial appraisal of the development and its costs, which would be examined independently by the Council's Estates Section to establish the viability of the site and whether there is a case for reduced / no contributions.</p> <p>The scope of the guidance contained within the SPG has to be consistent with the adopted policy: these policies cannot be changed through the medium of SPG. The policy was discussed and confirmed through the EIP process, as stated within the Inspectors' report, and included within the adopted Plan. It would not be appropriate therefore to change the emphasis of the SPG to green infrastructure and to require developers to deliver the ecosystem goods and services in the same way as other services.</p>	
OS2	Mr R Lanchbury	Cilybebyll Community Council	4.4		<p>The Council notes the preference expressed for management and maintenance in Section 4.4 but is concerned that private management arrangements may well be put in place and be managed strategically by developers without reference to local inputs and knowledge.</p> <p>A better option might be for community councils to be given the option to take management and maintenance responsibilities, thereby assuring that local input and knowledge is factored into decisions, subject of course to the provision of commuted sums that would facilitate ongoing responsibilities. Council would welcome such a preference being expressed in the relevant paragraphs as a</p>	<p>The comment is noted.</p> <p>Paragraph 4.4.7 of the SPG makes specific reference to the availability of alternative methods of delivering the management and maintenance of open space, including reference to the potential involvement of community councils. Consequently, the matter is considered to be adequately addressed.</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					more realistic and more relevant way forward, given that developers rarely want to show interest in their developments once properties are sold.		
OS13	Rhian Isaac	Natural Resources Wales	4.4		This section should be recommended to other authorities as an example of good practice.	The comment of support is noted.	Not applicable.
OS14	Rhian Isaac	Natural Resources Wales	5		We welcome the statement ' <i>5.0.2 Open space should be designed as an integral part of the development, not considered as an afterthought by utilising parcels of land which are left over or difficult to develop</i> '. Developers should also be encouraged to retain trees and vegetation in ' <i>awkward corners</i> ', and should be given credit where those green elements provide genuine ecosystem goods and services – such as space for biodiversity.	The comment of support is noted. Specific natural features such as trees in 'awkward corners' are considered under LDP Policy EN7. This policy requires features such as trees, ponds, woodland, hedges and field boundaries to be appropriately considered and incorporated into development design. Guidance on the implementation of Policy EN7 will be set out in the Council's 'Biodiversity and Geodiversity' SPG. Work has already started on preparing this next batch of SPG with the next consultation scheduled to take place early in 2018.	That there be no change to the SPG.
OS15	Rhian Isaac	Natural Resources Wales	5	5.0.4	We welcome the suggestion in 5.0.4 that landscaping can be used to promote biodiversity, and the acknowledgement that greenspace can provide multiple functions. However, this section is the ideal opportunity to discuss SUDS and other ecosystem service provision. There is a good case study from Sweden which shows just how landscaping, play and biodiversity can all be blended with SUDS to provide world-class living conditions in a former ' <i>sink</i> ' estate: http://climate-adapt.eea.europa.eu/metadata/case-studies/urban-storm-water-management-in-augustenberg-malmo . Adoption of such an approach will require NPT to resolve the conflict over adoption of SUDS and open space in footnote 17.	The specific role, importance and opportunities associated with SuDS is addressed in the Council's 'Design' SPG (also the subject of consultation). Section 4.9 'Drainage Systems (Criterion 9)' makes detailed reference to the fact that new developments should be designed to ensure there is no detrimental impact on water quality or flood risk (either within a site or elsewhere). In all cases, developers will be expected to show that sustainable drainage principles have been applied and appropriately implemented as part of the development, taking into account the topographical and hydrological context and future maintenance.	That there be no change to the SPG.
OS16	Rhian Isaac	Natural Resources Wales	5		Play for Children and Young People (5.0.5 onwards) - this section and the very helpful photographs are to be welcomed. There is a great deal of evidence of the importance of contact with nature for child development, and the provision of natural play opportunities is to be strongly	The comment of support is noted.	Not applicable.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					encouraged.		
OS17 Page 79	Rhian Isaac	Natural Resources Wales	5	5.0.14	<p>We were disappointed to see multifunctional greenspace mentioned in such sparse detail, so far down the document. We would like to see the final version of the SPG include far greater detail, far earlier in the document about how to ensure greenspace delivers multiple, planned benefits. Developers must be encouraged to discover that far from increasing the proportion of land unavailable for building, intelligent use of greenspace can pack more features into a limited amount of space, increasing the value of the development and reducing construction costs (see the link to the SUDS standards above for research showing that SUDS are always cheaper than conventional surface water drains on new developments).</p> <p>We would also like to see this subject as well illustrated with photos and diagrams as the section on play. A good case study can be found on the Wales Green Infrastructure Forum pages of NRW's website: https://naturalresources.wales/guidance-and-advice/environmental-topics/your-neighbourhood/green-spaces/wales-green-infrastructure-forum/?lang=en download the presentation on Parc Peulwys.</p>	<p>Whilst it is acknowledged that the sub-section on multi-functional spaces is relatively brief, the principle of such use is clearly detailed in the earlier paragraphs in Chapter 5, including informal open space and children's play. Chapter 5 is considered to be the most appropriate section to address the practicalities of the provision of the different categories of open space, as earlier chapters directly consider policy requirements.</p> <p>The wider approach to 'green infrastructure' is considered to be more appropriately addressed in the Council's 'Biodiversity and Geodiversity' SPG. Work has already started on preparing this next batch of SPG with the next consultation scheduled to take place early in 2018.</p> <p>The emerging Biodiversity and Geodiversity SPG will address the importance of green infrastructure and acknowledge the fact that they are often multi-functional and can deliver a number of requirements that a development may need to consider, including green space provision, provision of biodiversity protection and enhancement, local food production, flood attenuation and water management, and provision of a resource for communities to use for health and well-being purposes.</p> <p>Notwithstanding the above, additional wording is suggested to emphasise the importance of multi-use spaces and to cross-reference to Appendix H (Creating a Quality Play Environment).</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Insert new paragraphs after Paragraph 5.0.14:</p> <p><i>'The provision of multi-use spaces enables a greater variety of recreational opportunities to be provided on any given parcel of land and can encompass both formal and informal open space, greenspace, amenity space, opportunities for biodiversity and social interaction.'</i></p> <p><i>Innovative landscaping can improve the quality of open space and increase the visual appeal of a development by creating vibrant community spaces which offer a variety of opportunities for different sections of the community, enabling community cohesion and assisting with health and well-being. In addition, when considering the opportunities detailed in Appendix H relating to the creation of a quality play area, opportunities can be provided within multi-use spaces to create imaginative opportunities for children's play.'</i></p>
OS19	Rhian Isaac	Natural Resources Wales	5	5.0.17	<p>NPT should adopt standards for the provision of accessible natural green space as suggested in TAN 16, and as specified in the NRW (ex-CCW) greenspace toolkit – see above. If a multifunctional green infrastructure approach is taken, then such greenspace can be combined with SUDS, play provision, biodiversity provision, noise</p>	<p>Policy OS1 establishes standards for the following four categories of open space: outdoor sport; children's play, informal space; and allotments.</p> <p>The scope of the guidance contained within the SPG has to be consistent with the adopted policy: these policies cannot be</p>	<p>That there be no change to the SPG.</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					attenuation, air pollution interception and landscaping to reduce overall land-take but to maximise the well-being of residents / employees.	<p>changed through the medium of SPG. The policy was discussed and confirmed through the EIP process, as stated within the Inspectors' report, and included within the adopted Plan. It would not therefore be appropriate to add a standard for 'accessible natural greenspace' in this SPG. This could only be considered as part of a formal review of the LDP.</p> <p>The practical guidance provided in Chapter 5, highlights some of the multi-functional opportunities that may arise when retaining or creating areas of open space, particularly in respect of informal areas, multi-use spaces and greenspace.</p> <p>The approach to 'green infrastructure' is considered to be more appropriately addressed in the Council's 'Biodiversity and Geodiversity' SPG. Work has already started on preparing this next batch of SPG with the next consultation scheduled to take place early in 2018.</p> <p>The emerging Biodiversity and Geodiversity SPG will address the importance of green infrastructure and acknowledge the fact that they are often multi-functional and can deliver a number of requirements that a development may need to consider, including green space provision, provision of biodiversity protection and enhancement, local food production, flood attenuation and water management, and provision of a resource for communities to use for health and well-being purposes.</p>	
OS20		Persimmon Homes	Appendix E		<p>The following paragraph should be inserted, to ensure planning decisions are made in line with national policy:</p> <p>'All planning applications will be considered on their merits and the planning obligations will be negotiated in accordance with Welsh Office Circular 13/97 and Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations. Pertinent sections of</p>	<p>The Council's overarching 'Planning Obligations' SPG (adopted in October 2016), establishes the national and local framework within which planning obligations will be addressed.</p> <p>The Planning Obligations SPG outlines the Council's approach to such agreements, setting out in some detail what a planning obligation is; when they can be applied; the types of developer contributions; who may</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
Page 81					<p>regulation 122 are detailed as follows:</p> <p>Regulation 122- Limitation on use of planning obligations:</p> <p>(1) This regulation application where a relevant determination is made which results in the planning permission being granted for development</p> <p>(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-</p> <p>(a) necessary to make the development acceptable in planning terms;</p> <p>(b) directly related to the development</p> <p>(c) fairly and reasonably related in scale and kind to the development</p> <p>(3) In this regulation - "planning obligation" means a planning obligation under section 106 of TCPA 1990 and includes a proposed planning obligation; and "relevant determination" means a determination made on or after 6th of April 2010 -</p> <p>(a) under section 70, 73, 76a or 77 of TCPA 1990 of an application for planning permission; or</p> <p>(b) under Section 79 of TCPA 1990 of an appeal.</p>	<p>enter into a planning obligation; the importance of establishing a consistent process; how agreements are established; and identifies the principle categories which the Council will seek developer contributions.</p> <p>The Planning Obligations SPG is appropriately referenced throughout the document and consequently, the inclusion of the additional text is not considered necessary or appropriate.</p>	
	OS21		Persimmon Homes	Appendix E		<p>Appendix E - Tables E.0.1 (p41) & E.0.3 (p42): the reference to Children's play requiring 5.7sqm / dwelling should have a note saying 'This figure does not include any associated buffer zone' as per Table 4.1.1.1 (p12).</p>	<p>It is accepted that for clarity, a note be added to tables E.0.1 and E.0.3 respectively.</p>

Renewable and Low Carbon Energy SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
RE1	Hannah Thomas	Natural Resources Wales	3.1	3.1.6	<p>This refers to 5-25MW (medium scale) wind farms being potentially acceptable in SSAs and the intention to maximise installed turbine capacity in SSAs. It</p>	<p>It is accepted that it should be clarified that constraints to development exist within the refined SSAs and an amendment to the</p>	<p>That the following amendment be incorporated into the SPG:</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>should be noted (TAN8 2.4) that not all of the land within SSAs may be technically, economically and/or environmentally suitable for major wind power proposals. The statement at 3.1.6 may need to be qualified to recognise constraints within SSAs.</p> <p>Guidance on the approach to 5-25MW wind energy developments outside SSAs appears to be lacking. It should be noted that TAN8 2.13 states that '<i>most areas outside SSAs should remain free of large wind power schemes</i>' and TAN8 Annex D 8.4 states that '<i>outside the SSAs, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.</i>'</p>	<p>paragraph to address this is recommended.</p> <p>Guidance on smaller wind energy developments and the approach to landscape character issues is given in Paragraph 3.17. No further guidance is therefore considered necessary.</p>	<p>Paragraph 3.1.6 - amend first sentence to read: '<i>Within the refined SSAs the intention is to maximise installed wind turbine capacity taking into account relevant site constraints</i>'.</p>
<p>Page 82 RE2</p>	Hannah Thomas	Natural Resources Wales	3.1	3.1.8	<p>We suggest the following additions made in bold '<i>...parts of Neath Port Talbot also about the Brecon Beacons National Park, and fall within its setting</i>'. Potential effects of wind farm developments on the National Park and its special qualities will need to be carefully considered in the context of the purposes of the National Park'.</p>	<p>The comment is noted. The suggested amendments clarify the approach that should be taken in relation to effects on Brecon Beacons National Park.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Paragraph 3.1.8 - amend to read: '<i>Parts of Neath Port Talbot also about the Brecon Beacons National Park, and fall within its setting</i>'. Potential effects of wind farm developments on the National Park and its special qualities will need to be carefully considered in the context of the purposes of the National Park'.</p>
RE3	Hannah Thomas	Natural Resources Wales	3.3	3.3.1	<p>We suggest adding the words 'landscape character' in front of 'visual amenity'.</p>	<p>Landscape issues are covered in the following sentence and in more detail in the subsequent paragraphs. The suggested amendment is therefore not considered to be necessary.</p>	<p>That there be no change to the SPG.</p>
RE4	Hannah Thomas	Natural Resources Wales	3.3	3.3.2	<p>This states that '<i>...for wind farms outside the refined SSAs.....the assessment of landscape and visual effects will be of primary importance</i>'. Whilst not disagreeing with this statement, it should be noted that Landscape and Visual Impact Assessment (LVIA) as part of EIA will be required for wind farms within SSAs as well and for other large scale energy developments including solar farms. It is not a foregone conclusion that any scheme within an SSA will be acceptable.</p>	<p>This paragraph (3.3.2) is about windfarms located outside SSAs. Paragraph 3.3.3 covers requirements for LVIA, within and outside SSAs with further information in the subsequent section. The guidelines for Landscape and Visual Assessment are covered and referenced at Paragraph 3.3.9.</p>	<p>That there be no change to the SPG.</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
RE5	Hannah Thomas	Natural Resources Wales	3.3	3.3.3	We suggest the following additions in bold ' <i>...but should be undertaken in all cases where there is likely to be significant landscape and visual impact</i> '. Note that LVIA's should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA) 3rd Edition; Landscape Institute and Institute of Environmental Management and Assessment.	The sentence referred to relates to all types of visual impact while the suggested amendment would imply it relates only to impacts that would have both landscape and visual impacts. This is set out and clarified in the subsequent sections.	That there be no change to the SPG.
RE6	Hannah Thomas	Natural Resources Wales	3.3	3.3.4	Bullet 2 LANDMAP: It should be noted that all 5 Aspect area layers of LANDMAP should be used in assessments. We suggest omitting the wording ' <i>wild and remote landscapes will be particularly sensitive</i> '. This is one criteria that may be used in assessing landscape sensitivity and a combination of criteria should be used. Parts of the SSAs can be described as wild and remote.	It is accepted that all 5 aspect layers of LANDMAP should be used in combination in assessments with no additional emphasis put on particular criteria.	That the following amendment be incorporated into the SPG: Paragraph 3.3.4 (2nd Bullet Point) - delete the wording ' <i>wild and remote landscapes will be particularly sensitive</i> '.
RE7	Hannah Thomas	Natural Resources Wales	3.3	3.3.7	We suggest omitting the wording ' <i>...which can give a spurious level of precision to an essentially subjective process</i> ' and replace with the GLVIA (3.2.7) wording ' <i>Numerical scoring or weighting of criteria should be avoided, or at least treated with considerable caution, since it can suggest a spurious level of precision in the judgements and encourage inappropriate mathematical combining of scores</i> '. LVIA is a combination of the objective and subjective and includes professional judgement. The Council may also wish to consider the production of a Landscape Sensitivity and Capacity Study to Wind Turbine Development. NRW are currently working with Welsh Government on guidance on the production of Landscape Sensitivity and Capacity Studies and we advise you contact our Landscape Advisor, Olwen Maidment by emailing olwen.maidment@naturalresourceswales.gov.uk for further information on this.	It is accepted that the wording used does not fully reflect the approach advocated in the GLVIA and that the wording of the paragraph should be amended. The suggestion about the production of a Landscape Sensitivity and Capacity Study is noted.	That the following amendment be incorporated into the SPG: Paragraph 3.3.7 - amend to read: ' <i>The overall significance judgement should be as consistent and transparent as possible, with an emphasis on written explanations of different categories of significance etc. rather than numerical scoring and tables which can give a spurious level of precision to an essentially subjective process. Numerical scoring or weighting of material should be avoided or at least treated with considerable caution, since it can suggest a spurious level of precision.</i> '

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 84 DE 1</p>	Miss Jen Heal	Design Commission for Wales	General		<p>It is positive that SPG is being prepared for Design in Neath Port Talbot. For SPG of this nature to be effective the document should be locally specific, succinct, and easy to use. Whilst the current document contains lots of information on design in the built environment, it could be improved through refinement in these three areas.</p> <p>The document could be made more locally specific through the use of more plans (for example to illustrate the character areas as described on page 6), labelling existing plans to make them more useful (e.g. on pages 20 and 21) and providing more information on the qualities of the different settlement contexts e.g. town, village, coastal. More time spent understanding the character and context of different areas now will help those designing for that context and in the assessment of proposals. The document covers the key design issues but lacks local interpretation which would add value to the document over and above information and guidance that already exists elsewhere.</p> <p>More images, plans and diagrams would help to make the document shorter and easier to use. Annotating images can help to convey a matter more effectively than lots of text. Consideration should be given to how to reduce the length of the document and there may be opportunities to restructure it to remove any repetition. Currently it is too long which will limit its use.</p> <p>The draft SPG for Open Space and Green Space and Highway Technical Design Guidance are also lengthy documents. All of these are design considerations that should be addressed together through the design process. There should be some cross referencing to ensure that the</p>	<p>The comments are noted. The context setting of the area is undertaken within the LDP, which sets out a spatial strategy reflecting the character and context of the area. It is not considered there is a need to provide further detail of the character of different settlements within this document.</p> <p>The topic of 'Design' is very broad and covers a wide range of factors, from the physical appearance of buildings to impacts upon the landscape and natural resources to highway and access considerations. Where possible, annotations and images have been included, however, given the range of factors included within this document, it is inevitable that it will contain a significant amount of information. That said, the document has been structured to try to make sections focused and for users to clearly identify the sections relevant to them.</p> <p>The main purpose of the document is to provide further detail and clarity on the implementation of Policy BE1. Policy BE1 contains 10 separate criterion, with the SPG structured to reflect this. There are also sections on Key Development Areas (which cross reference to other documents) and specific types of development such as commercial. Within the appendices, sections on 'Arterial Gateways' and a 'Householder Design Guide' are provided. Given the document is broken down into these sub-sections, users should be able to identify relevant sections, such as the Householder Design Guide.</p> <p>The 'Open Space and Greenspace' SPG and the 'Highway Technical Design Guide' are cross referenced throughout the document where appropriate.</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					documents relate well to one another and there may be the opportunity to refine the content to avoid repetition.		
DES2	Miss Jen Heal	Design Commission for Wales	General		Building for Life 12 Wales provides an industry standard for residential developments and could usefully be referred to in this SPG https://dcfw.org/building-for-life-12-wales/	The points raised are accepted and it is recommended that the document be amended to include references to the document.	That the following amendments be incorporated into the SPG: Paragraph 4.1.8 - amend to read: <i>'Further advice on these topics is available from the Planning Officers Society for Wales Design Guide, and the Welsh Government Site and Context Analysis Guide, and Building for Life 12 Wales'</i> . Insert new paragraph after Paragraph 4.7.14: <i>'Further advice on these topics is available within Building for Life 12 Wales'</i> .
Page 85	Miss Jen Heal	Design Commission for Wales	4.1	4.1.4	Site and context analysis is crucial for good design. Reference could be made here to the Welsh Government Guide to Site and Context Analysis.	The Welsh Government Site and Context Analysis is referenced at the end of Section 4.1 (Paragraph 4.1.8) and also within Paragraphs 4.2.2 and 4.2.31. It is considered therefore that adequate and appropriate references to the Welsh Government guide and made throughout the SPG.	That there be no change to the SPG.
DES7		Persimmon Homes	4.1		Persimmon Homes is generally supportive of the aims and objectives of the document in seeking to secure good design in all new developments. We are also supportive of the statement in paragraph 4.1.3 that the Council will seek to ensure that sites provide a distinctiveness that allows innovation and quality to be provided within the public realm and design of the buildings themselves. That said, as a volume house builder Persimmon have a standard house type portfolio that it uses, albeit tailored to the local context. Scale, massing and layout are the primary factors in large residential developments and the use of a standard house type product (tailored to the local context) does not detract from local distinctiveness. Through the submission of a 'Design and	The points raised are acknowledged, together with the important role played by volume house builders in local economies and in the provision of housing. Para 4.1.3 however is not intended to be prescriptive but sets out the Council's aspirations in relation to locally distinctive design. This approach is considered to be reasonable and proportionate.	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					Access Statement' developers and required to set out how they have arrived at their layout and design and how this contributes to local distinctiveness. The SPG should recognise the vital role that volume house builders make in providing much needed new housing as well as the significant benefits that accrue to the local economy as a result of investing in the local area.		
DES4	Miss Jen Heal	Design Commission for Wales	4.4	4.4.6	Parking courtyards work best when they serve a small number of properties. Often a mix of parking arrangements is most appropriate.	The comment is noted.	Not applicable.
Page 86 DES5	Miss Jen Heal	Design Commission for Wales	4.8	4.8.10	Care should be taken to avoid overheating. Reference could be made here to the Welsh Government Practice Guidance – Planning for Sustainable Buildings.	The points raised are accepted and it is recommended that the paragraph be amended accordingly.	That the following amendment be incorporated into the SPG: Paragraph 4.8.10 - amend to read: ' <i>Orientation of individual buildings is also important in terms of solar gain, and building layouts should be planned to ensure that this is maximised within the constraints of the site taking it into account in the design of buildings where possible, ensuring that larger windows and habitable rooms are located on southerly facing elevations if practicable. However, care should be taken to avoid overheating. The potential for siting solar panels on southerly facing roofs and surfaces should also be maximised. Further advice is available from the Welsh Government Practice Guidance – Planning for Sustainable Buildings</i> '.
DES6	Miss Jen Heal	Design Commission for Wales	6.2	6.2.1	Development briefs and design codes are very important for design quality and in many cases would be required for larger self-build schemes to ensure design quality and coordination.	The comments are noted. For larger residential developments, including larger self-build schemes, development briefs and design codes will be requested where appropriate, in accordance with Paragraphs 6.2.2 to 6.2.5.	That there be no change to the SPG.

Development and the Welsh Language SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
WL1 Page 87	Mr R Lanchbury	Cilybebyll Community Council	General		<p>Council considers the emphasis being placed on Welsh Language Sensitive Areas, and whilst it appreciates that these may be a function of government policy, it considers this emphasis to be misplaced.</p> <p>Welsh Language Topic Papers have accepted that, notwithstanding the reduction in Welsh Speakers between the 2001 and 2011 Census returns, the demand for Welsh Language Education is rising. Furthermore, this demand is evident outside the Welsh Language Sensitive Areas.</p> <p>It is perverse therefore, not to apply the provisions of the SPG in those areas, to encourage use and uptake of the language where that demand exists. The emphasis should be on development of the language in all areas, not fossilising and managing decline in the sensitive areas. We would urge you, therefore, to amend the SPG and find a way of implementing the SPG requirements throughout the CBC area, and given its policy support for the language, to advocate this approach in any dealings with Welsh Government.</p>	<p>The SPG relates only to those areas identified within designated 'language sensitive areas'.</p> <p>SPG gives guidance about the implementation of adopted LDP policy. The extent of the area covered by the SPG has to reflect the extent of the adopted LDP designation: these designations cannot be changed through the medium of SPG. The designation was discussed and confirmed through the EIP process, as stated within the Inspectors' report, and included within the adopted Plan.</p> <p>It would not be appropriate therefore to change the overall extent of the designation in the SPG and apply the provisions of the policy across the County Borough.</p>	That there be no change to the SPG.
WL2	Mr R Lanchbury	Cilybebyll Community Council	5.3	5.3.8	<p>The Council notes the reference in Paragraph 5.3.8 to what should be funded by the £500 cost per dwelling, and considers that signage, marketing and welcome packs should not be included in this cost. These should be minimum requirements imposed and other initiatives should be funded by the £500 per dwelling. There is a real risk, that having funded signage, marketing and welcome packs, there will be no funding left to deliver the more substantive support required, for example in various mechanisms for education and operational application of language initiatives, promoting ongoing use of the language.</p>	<p>The mitigation cost per unit identified in the SPG has been derived directly from the Council's 'Planning Obligations' SPG (October 2016), which was adopted following a public consultation exercise in the Summer of 2016.</p> <p>The £500 mitigation cost per dwelling is considered appropriate and has been based on evidence provided by 'Menter Iaith Castell-Nedd Port Talbot' (i.e. the actual costs of delivering measures such as the services / facilities and schemes listed within Appendix D in an effective manner over a 3 year period). 'Menter Iaith' has detailed knowledge of the local area and already provide training and activities to</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
						<p>promote the Welsh language.</p> <p>The Council will continue to monitor the appropriateness of the mitigation cost per unit along with the delivery of mitigation as relevant, thereby ensuring delivery of appropriate schemes to protect, promote and enhance the Welsh Language.</p>	
<p>WL Page 88</p>		<p>Persimmon Homes</p>	<p>5.3</p>	<p>5.3.4</p>	<p>Paragraph 5.3.4 refers to a contribution of £500 per plot being sought on all residential developments of 10 or more units within LSAs but no justification is given as to how this amount has been derived at.</p>	<p>The mitigation cost per unit identified in the SPG has been derived directly from the Council's 'Planning Obligations' SPG (October 2016), which was adopted following a public consultation exercise in the Summer of 2016.</p> <p>The £500 mitigation cost per dwelling is considered appropriate and has been based on evidence provided by 'Menter Iaith Castell-Nedd Port Talbot' (i.e. the actual costs of delivering measures such as the services / facilities and schemes listed within Appendix D in an effective manner over a 3 year period). 'Menter Iaith' has detailed knowledge of the local area and already provide training and activities to promote the Welsh language.</p> <p>The Council will continue to monitor the appropriateness of the mitigation cost per unit along with the delivery of mitigation as relevant, thereby ensuring delivery of appropriate schemes to protect, promote and enhance the Welsh Language.</p>	<p>That there be no change to the SPG.</p>
<p>WL4</p>		<p>Persimmon Homes</p>	<p>5.3</p>	<p>5.3.8</p>	<p>The paragraph stipulates a requirement for a contribution of £500 per dwelling. We raise no specific objection in principle to providing bilingual street signs and marketing nor a 'Welcome Pack'. However, street signs, marketing and welcome packs are provided by the developer at the developer's expense as part of any development. If as stated such mitigation measures are included within the proposed £500 contribution per plot, the level of contribution should be reduced to take account these developer borne costs.</p>	<p>It is acknowledged that it is normal for the provision of street signs, marketing and welcome packs to be provided by the developer as part of any development.</p> <p>The mitigation cost per unit identified in the SPG, and what it will be used for, has been derived directly from the Council's 'Planning Obligations' SPG (October 2016), which was adopted following a public consultation exercise in the Summer of 2016.</p> <p>The £500 per unit contribution would cover the translation costs associated with the street signage, marketing and welcome packs (which</p>	<p>That there be no change to the SPG.</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
						<p>would need to specifically place the language in its context and set out the local Welsh language provision) along with the specific mitigation measures identified. This figure is considered to be appropriate and has been based on evidence provided by 'Menter Iaith Castell-Nedd Port Talbot' (i.e., the actual costs of delivering measures such as the services / facilities and schemes listed within Appendix D in an effective manner over a 3 year period).</p> <p>The Council will continue to monitor the appropriateness of the mitigation cost per unit along with the delivery of mitigation as relevant.</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 89 WL5</p>		Persimmon Homes	5.3	5.3.8	<p>Para 5.3.6 and Appendix D refer to a list of suggested mitigation measures that should be included within the WLAP. Whilst raising no objection to the particular list of mitigation measures it should not be a requirement for the developer to action a programme of such activities given that the Council is seeking a financial contribution on a per plot basis to implement them. Notwithstanding our objection to the level of contribution suggested, if a contribution is sought from a developer the monies raised should be used by the Council to implement the suggested mitigation measures rather than what would appear from the SPG that the developer should identify and implement such schemes.</p>	<p>The WLAP (as detailed in Appendix C, in particular Section 5 Mitigation) outlines how the WLAP should address mitigation based on the analysis / assessment of the local community and the consultation / engagement undertaken.</p> <p>It is considered that the SPG is sufficiently clear in setting out that it is for the developer, as part of the consultation on the WLAP, to identify what specific mitigation measures are proposed; what it will achieve; how and over what timescale it will be delivered.</p> <p>The financial contribution provided as part of any S106 Agreement would be facilitated and overseen by the Council to be spent on the mitigation measures that will address the Welsh language needs of that particular development. Implementation of the mitigation measures will be carried out by a third party (e.g. Menter Iaith, the Urdd etc.).</p>	That there be no change to the SPG.
WL6		Persimmon Homes	Appendix B	Figure B.0.1	<p>The flow diagram needs to be amended. Insert arrow from left side to right side; remove arrow on right side and add text in bottom box (So no need to submit a WLAP with the application).</p>	<p>It is accepted that the flow diagram needs to be amended to clarify that where a site is not located within a Language Sensitive Area, there is no requirement for the submission of a WLAP.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Figure B.0.1 (Policy WL1 Residential Development) - amend flow diagram to clarify that where a site is not located within a Language Sensitive Area, there is no requirement for the submission of a WLAP.</p>

APPENDIX 2

Open Space and Greenspace SPG
(July 2017 – Tracked Changes)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Open Space and Greenspace Supplementary Planning Guidance (July 2017 - Tracked Changes)



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Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Summer of 2017 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on [Date].

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or [01639] 686821.

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) provides information in respect of open space provision in Neath Port Talbot and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the County Borough.

1.0.2 The Council's planning policy is set out in the Neath Port Talbot Local Development Plan (LDP)⁽¹⁾, namely Strategic Policy SP10 (Open Space) and detailed policies OS1 (Open Space Provision) and OS2 (Protection of Existing Open Space) and this SPG should be read in the context of these policies and explanatory text.

1.0.3 The provision of open space gives the opportunity for more active lifestyles and can therefore play an integral role in improving the health and well-being of residents. In preparing the LDP, the Council has adopted a committed and proactive approach to the provision and protection of open space with the following objectives aiming to:

OB 2: Reduce people's exposure to the determinants of poor health and provide an environment that encourages healthy, active and safer lifestyles.

OB 10: Deliver more equitable open space provision within and around settlements.

1.0.4 New development can place both positive and negative impacts upon a community. Any identified impacts can be addressed through the use of planning obligations (Section 106 agreements). The Council's Planning Obligations SPG⁽²⁾ sets out the measures that all development meeting the specified criteria / thresholds will need to consider. The planning system is therefore an important mechanism to secure provision and address inequalities in open space provision, requiring new development to make provision for open space where there is a need.

1.0.5 The purpose of this SPG is to provide detailed guidance on how the Council will implement open space policies contained within the LDP. In particular, the SPG addresses the following:

- Open space provision in Neath Port Talbot;
- The national and local policy context;
- Implementation of the open space policies; and
- Practical guidance on open space provision.

1 Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.
2 Supplementary Planning Guidance: Planning Obligations (October 2016).

1 . Introduction

Supplementary Planning Guidance: Open Space and Greenspace (July 2017) TRACKED CHANGES

2 Open Space Provision in Neath Port Talbot

2.1 Definition of Open Space

2.1.1 There are many different categories of open space, each of which has an important role to play in providing recreational opportunities for residents and visitors alike. Technical Advice Note (TAN)16 'Sport, Recreation and Open Space'⁽³⁾, provides a full 'typology' of open space and offers the following definition:

'Open space is defined in the Town and Country Planning Act 1990 as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground. For the purposes of this guidance, open space should be regarded as all open space of public value, including not just land, but also areas of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport, recreation and tourism, and can also act as a visual amenity and may have conservation and biodiversity importance.

Areas which are privately owned may have amenity value, although access will not be possible without the agreement of the land owner. Areas like domestic gardens are relevant, since places without or with few gardens, are likely to be more reliant upon the provision of public spaces'.

2.1.2 It is evident that this broad definition is necessary to enable a full evaluation of recreational opportunities, both formal and informal, to be undertaken and allows the use of these areas by a wide section of the population. In the local context, the LDP identifies open space as:

Publicly accessible recreational space and includes playing fields, sports pitches and courts, children's play areas, facilities for older children, informal open space, greenspace, parks and allotments.

2.2 Open Space Provision in Neath Port Talbot

2.2.1 In 2013, the Council undertook and published an assessment⁽⁴⁾ of open space provision across Neath Port Talbot. This assessment represented a snapshot in time and was an integral part of the evidence base supporting the LDP, ultimately informing the policies in the adopted Plan.

3 Planning Policy Wales (PPW): Technical Advice Note (TAN) 16 'Sport, Recreation and Open Space' (2009) - Welsh Government.

4 LDP Open Space Assessment (January 2013) - Neath Port Talbot County Borough Council.

2 . Open Space Provision in Neath Port Talbot

2.2.2 Applying an agreed set of standards of provision, the assessment was structured on the eight LDP spatial areas and constituent electoral wards. A map and list of the electoral wards within each spatial area is presented in **Appendix B**.

2.2.3 The level of open space provision in any given area changes over time. The fact that new facilities are often provided to serve new development coupled with the fact that older facilities are often removed as they can no longer be maintained, means that the position in relation to provision is dynamic. Consequently, and in parallel to the preparation of this SPG, the Council has reviewed the assessment and produced updated ward provision and requirement tables as a result, thereby providing an up to date picture on existing open space provision in Neath Port Talbot.

2.2.4 An indicative overview of the updated position is provided in **Appendix C⁽⁵⁾**. It is evident that there remain shortfalls in the different categories of provision across the County Borough and new developments will be required to make an appropriate contribution towards open space provision in order to meet the needs of the new residents and ensure that existing shortfalls are not exacerbated by such development.

2.2.5 In specific respect of outdoor sport, it should be noted that whilst the Open Space Assessment makes reference to the potential for dual use of school facilities by the community and as such identifies provision, it does not form part of the ward calculation as there are no formal written agreements in place to enable public use. Whilst such agreements are beyond the scope of planning control, where new school provision is proposed, the applicant will be encouraged to enter into such agreements and where this transpires, account will be taken in any future reviews of the Open Space Assessment.

5 As with the original assessment, this updated position represents a snapshot in time and the Council will continue to monitor the situation and undertake periodic reviews of the assessment.

3 Policy Context

3.1 National Policy Context

Well-Being of Future Generations (Wales) Act (2015)

3.1.1 The Act places a duty upon public bodies to produce well-being objectives that contribute to achieving a set of overarching well-being goals: 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; and A Globally Responsible Wales. Each public body is then required to take reasonable steps to meet their objectives in the context of the principle of sustainable development and whilst following a set of five ways of working.

3.1.2 The 'Resilient Wales' and 'Healthier Wales' goals are the key goals that open space and greenspace, as part of the planning process, will contribute towards delivering.

Planning Policy Wales (PPW) Edition 9 (2016)

3.1.3 PPW sets out the Welsh Government's land use planning policies providing the framework for the preparation of LDPs. This overarching policy document identifies that sport and recreation contribute to our quality of life and the Welsh Government supports the development of sport, recreation and the wide range of leisure pursuits which encourage physical activity. These activities are important for the well-being of children and adults and for the social and economic life of Wales.

3.1.4 The Welsh Government's main planning objectives are to promote:

- A more sustainable pattern of development, creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel, in particular within urban areas;
- Social inclusion, improved health and well-being by ensuring that everyone, including children and young people, the elderly and those with disabilities, has easy access to the natural environment and to good quality, well-designed facilities and open space; and
- The provision of innovative, user-friendly, accessible facilities to make our urban areas, particularly town centres, more attractive places, where people will choose to live, to work and to visit.

3.1.5 PPW states *'Planning Authorities should provide the framework for well located, good quality tourism, sport, recreation and leisure facilities. The areas and facilities provided in both rural and urban areas should be sensitive to the needs of users, attractive, well maintained and protected from crime and vandalism. They should be safe and accessible, including to deprived or disadvantaged communities and to people whose mobility is restricted, by a variety of sustainable means of travel, particularly walking, cycling and*

3 . Policy Context

public transport. Long-distance routes, rights of way, disused railways and waterways are also important tourism and recreation facilities, both in their own right and as a means of linking other attractions'.

3.1.6 PPW states that the planning system should ensure that adequate land and water resources are allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and the impact of development related to sport and recreation on the locality and local communities.

3.1.7 The document identifies that formal and informal open green spaces, including parks with significant recreational or amenity value, should be protected from development, particularly in urban areas where they fulfil multiple purposes, not only enhancing the quality of life, but contributing to biodiversity, the conservation of nature and landscape, air quality and the protection of groundwater. Such open spaces also have a role in climate protection and in enabling the adaptation of urban areas to the impacts of climate change, for example by contributing to flood management and helping to reduce urban heat island effects.

3.1.8 Furthermore, PPW stipulates that Development Plans should contain clear policies for the provision and protection of open space; set standards of provision so that deficiencies can be identified and met through the planning process; and ensure that open spaces and built facilities are, where possible, sited, designed and maintained as integral parts of existing and new developments so as to encourage their use.

Technical Advice Note (TAN) 16 Sport, Recreation and Open Space (2009)

3.1.9 TAN16 states that the objectives as set out in PPW can be best achieved by undertaking local assessments of need and audits of all types of existing provision. The Local Planning Authority (LPA) should develop standards that reflect the local social, economic, demographic and geographical characteristics and that are based on robust evidence derived from an open space assessment. The open space assessment should include a quantitative, qualitative and an accessibility component.

3.1.10 The document stipulates that the LPA should also identify and protect open space with a significant amenity, nature conservation or recreational value and subsequently establish criteria against which sites should be assessed if development pressures arise. When planning new open space, sport and recreational facilities, design and noise issues need to be taken into consideration.

3.2 Local Policy Context

3.2.1 The policy framework for the provision of open space in Neath Port Talbot is contained within Policies SP10, OS1 and OS2. Policy SP10 is the strategic policy that sets the context for the subsequent detailed policies and delivers Objectives 2 and 10 of the LDP.

Strategic Policy SP10 Open Space

Policy SP10

Open Space

Provision will be made to ensure that all residents have access to adequate open space through the following measures:

1. Ensuring that new development addresses local needs;
2. Retaining and protecting existing open space.

Policy OS1 Open Space Provision

3.2.2 This policy seeks to ensure that where there is an existing shortfall in one of the specified categories of open space, a development should meet the specified open space standard for the residents of the new site. The policy does not seek to rectify existing shortfalls, but ensure that a development meets the open space needs of the site and its residents.

Policy OS1

Open Space Provision

Where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:

Open Space	Standard
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

In the case of employment or commercial development proposals of over 1,000 sqm, provision will be sought for associated amenity space.

3 . Policy Context

Policy OS2 Protection of Existing Open Space

3.2.3 This policy seeks to protect existing provision and ensure that where a loss is as a consequence of development, it is appropriately replaced.

Policy OS2

Protection of Existing Open Space

Any proposals which would result in the loss of an existing area of open space will only be permitted where it can be demonstrated that:

1. The open space is no longer needed; and
2. There is no shortfall of provision of that category of open space in the ward, before or as a result of the development; and
3. The site would not be suitable to provide an alternative type of open space for which there is a shortfall.

Or:

It can be demonstrated that equivalent or enhanced facilities can be provided on a suitable and accessible replacement site which would serve the local community equally well.

4 Policy Implementation

4.1 Policy OS1 - Open Space Provision

4.1.1 Residential Development

Policy Threshold

4.1.1.1 In accordance with Policy OS1, in locations where there is a quantitative deficiency in one or more of the identified categories of open space, contributions will be required on all new housing developments⁽⁶⁾ on sites accommodating 3 or more units. The threshold of 3+ units will apply to all proposals which result in self-contained units of accommodation, including conversions from non-residential use to residential, or the subdivision of a residential property, where the net increase is 3 units or above the existing number of properties.

Calculating Requirements and Contributions

4.1.1.2 It is expected that contributions will be sought where a shortfall in open space provision has been identified. The required contribution will in the first instance meet the additional demand arising from the proposed development and will not be applied to alleviate any existing open space shortage. Alternatively, the contribution may be used to improve the play value/quality of the existing provision.

4.1.1.3 It should be noted that contributions (via a S106 Agreement) will be required where a developer does not make on-site provision. Where on-site provision is proposed, a developer will be expected to incur the cost of provision and establish a management regime and carry out future maintenance (refer to Section 4.4). In addition, there may be cases where a more appropriate option would be to improve accessibility to an existing area of open space.

4.1.1.4 In calculating the open space requirements to be sought for new residential developments, a consideration will be made of the following components:

- The open space requirement across the various categories per dwelling;
- Where there is existing over provision in any category, whether a shortfall in provision would result as a consequence of the development⁽⁷⁾; and
- Where a S106 Agreement is likely for off-site provision, the likely cost of open space provision for each category.

4.1.1.5 **Appendix D** provides some basic costs across a range of open space types. Applying these financial values provides an indication of the scale of the financial contribution to be sought across the various open space types per additional qualifying

6 The requirement does not relate to proposals for houses of multiple occupation (HMOs) or residential care homes.
7 Where this is the case, the developer would need to make an appropriate level of provision of that category of open space.

4 . Policy Implementation

residential unit. In the event that the cost of providing the various categories of open space changes over time, the most current cost framework will be applied with any changes being communicated to the applicant at the earliest possible stage in the planning application process.

4.1.1.6 Derived from the Council's Planning Obligations SPG⁽⁸⁾, the following table illustrates for each category of open space, the calculation of the open space requirement per dwelling and the likely capital cost per dwelling (for off-site provision). The most recent official estimated average household size figure will be applied to calculate the requirement per additional qualifying residential unit⁽⁹⁾.

Table 4.1.1.1 Calculating Open Space Requirements

Category	Requirement / 1,000 Population (Hectares)	Requirement / 1,000 Population (square metres)	Requirement / Person (square metres)	Average Household Size	Open Space Requirement / Dwelling (square metres)	Capital Cost / square metre	Cost / Dwelling
Outdoor Sport - Pitch	1.15	11,500	11.5	2.29	26.3	£10.80	£284.00
Outdoor Sport - Non Pitch	0.45	4,500	4.5	2.29	10.3	£100.00	£1,030.00
Children's Play ⁽¹⁾	0.25	2,500	2.5	2.29	5.7 ⁽²⁾	£150.00	£855.00
Informal Space	0.55	5,500	5.5	2.29	12.6	£5.00	£63.00
Allotments	0.19	1,900	1.9	2.29	4.4	£10.90	£48.00

- Contributions towards children's play provision will not be required for studio or 1 bedroom units or developments specifically and exclusively marketed for the over 65's.
- This figure does not include any associated buffer zone.

4.1.1.7 It should be noted that outdoor sport (1.6 hectares / 1,000 population) comprises both pitch (1.15 hectares / 1,000 population) and non-pitch provision (0.45 hectares / 1,000 population). In calculating the need, consideration will be given to both types of outdoor sport, as an over provision in one may mask a shortfall in the other⁽¹⁰⁾.

4.1.1.8 A number of worked examples are presented in **Appendix E**.

Division and Phasing of Sites

4.1.1.9 In respect of residential development, in locations where there is a quantitative deficiency in one or more open space categories, where a site has been subdivided into more than one parcel of land and the total number of units on each parcel falls below the

8 Section 5.6 Supplementary Planning Guidance: Planning Obligations (October 2016).

9 <https://stats.wales.gov.wales/Catalogue/Housing/Households/Estimates/averagehouseholdsize-by-localauthority-year>

10 It should be noted that the Council has leased out many of its sports facilities to clubs or local communities to undertake booking and maintenance duties.

threshold for the provision of open space, should the Council consider the site has been artificially subdivided, the site will be treated as one development and the relevant open space requirements will apply.

4.1.1.10 For example, if a parcel of land forms part of a larger site but has been subdivided either before or after the grant of planning permission, each property owner will be required to provide a proportion of the contribution which would have been attributed to the larger site.

4.1.1.11 Where the development of a site is phased, planning applications for 1 or 2 units will not require an open space contribution. However, once an application is submitted that sees the development of the whole site reach 3+ units, open space provision will be sought for the development as a whole.

4.1.1.12 This approach will also apply where planning applications are staggered over a period of time (e.g. where a parcel of land forms part of a larger site but has been subdivided either before or after the grant of planning permission).

4.1.1.13 To make the best and most efficient use of land, developments are expected to meet the densities specified in Policy BE1 (Design) of the LDP. Should a site, or phase of a site be proposed to be developed at a lower density than specified in Policy BE1, or the Council considers the site is being built at a lower density to avoid open space contributions, applications may be refused on such grounds.

4.1.1.14 If a development is phased, particularly on larger sites, the open space requirement shall also be phased to ensure that the development contributes an appropriate level of open space at each stage of the development. The timescales for completion of open space provided will be clearly set out within the S106 agreement and/or planning conditions.

4.1.2 Employment and Commercial Development

Policy Threshold

4.1.2.1 In an attempt to improve the health and well-being of the workforce, employment and commercial proposals which result in a net increase in floorspace of 1,000 sqm or more will be required to provide amenity space to allow employees access to an outdoor amenity area close to the workplace. The provision of amenity space can be as simple as an informal area, courtyard or greenspace with associated seating, access paths and/or landscaping. Such areas could be appropriately designed so as to minimise ongoing maintenance.

4.1.2.2 The adoption date of the LDP (i.e. 27th January 2016) will be used as the base-date from which to monitor any development and/or operation that is incrementally increasing in size.

4 . Policy Implementation

4.1.2.3 The trigger for the provision of amenity space will be reached when, since the adoption date of the plan, the cumulative net floorspace totals 1,000 sqm or more, with the contribution being based on the number of employees the additional floorspace exceeding 1,000 sqm would accommodate.

4.1.2.4 **Appendix F** presents a flow chart and a step-by-step guide of the process that will be followed throughout the planning application stage.

Calculating Requirements and Contributions

4.1.2.5 Provision for associated amenity space will be sought in relation to proposals for employment or commercial development of over 1,000 sqm (i.e. net) and will be based on the standards identified for informal open space as outlined in the following table:

Category	Requirement / 1,000 Additional Employees (Hectares)	Requirement / 1,000 Additional Employees (square metres)	Requirement / Additional Employee (square metres)
Amenity Space	0.55	5,500	5.5

4.1.2.6 For all development, during the application process, planning officers will advise what open space need the site generates. The Council's preference will always be for amenity space to be provided on-site as an integral part of the overall development so as to encourage its use. For new build developments, it is expected that this requirement be factored into the design of proposals.

4.1.2.7 Any amenity areas provided on-site would not be adopted by the Council and consequently the developer would be responsible for future management and maintenance. Where there is no scope for on-site provision but there is an opportunity to improve access to an existing nearby area, or make improvements to an existing nearby area to accommodate use by staff, where the Council is required to carry out future maintenance, there will be a need to calculate the associated costs.

4.1.2.8 For extensions to existing businesses, it is acknowledged that some established premises may not have appropriate space within the curtilage where provision could be achieved. In such circumstances, the developer will be required to submit a statement outlining why on-site provision is not feasible, and where the Council accepts that the physical scope for provision is limited, the Council will consider the issue of whether new provision could be made available off-site or whether there is potential to improve linkages to existing public open space or whether the planning obligation could focus on improving the quality of the existing provision. Such instances will be considered on a case-by-case basis and the scale of the financial contribution sought will then reflect the scale of the proposed development in terms of the anticipated number of additional employees.

4.1.2.9 A number of worked examples are presented in **Appendix E**.

4.1.3 Provision of Open Space

4.1.3.1 The delivery of open space facilities through the planning system shall be delivered via one, or an appropriate and agreed mix of the following mechanisms:

- On-site provision;
- Financial contributions for off-site provision.

4.1.3.2 Where a developer proposes to provide all required facilities on-site and be responsible for future maintenance, there would be no need to calculate costs associated with open space contributions.

On-Site Provision

4.1.3.3 In line with national policy, the Council's preference will always be for open space to be provided on-site as an integral part of the overall development, in order to deliver mixed and balanced communities and to encourage their use. Should the Council agree the provision of on-site facilities is not appropriate or feasible, off-site provision will be accepted.

4.1.3.4 Each development will need to make provision for the open space needs of its residents. Where there is an existing ward shortfall in a particular category, a developer will be required to make full provision for those categories.

4.1.3.5 If there is an existing over provision of a particular category of open space in a ward, this will be taken into account in assessing the impact of the development on the level of provision at that particular time. In addition, where there is existing provision, due consideration would need to be given to its accessibility. The 'accessibility standards' detailed within the Council's Open Space Assessment will be used to determine whether the existing provision is within appropriate distances.

4.1.3.6 In cases where accessibility is poor, or where the existing provision lies beyond the relevant accessibility standard, consideration will be given to how the accessibility could be improved or alternatively, where improvements cannot be made, make on-site provision.

4.1.3.7 The S106 agreement will include a requirement for the facility to be provided at a particular stage of the development.

Financial Contributions for Off-Site Provision

4.1.3.8 There may be circumstances where it is not feasible or appropriate to accommodate the required open space within the development site (e.g. due to the size of the site or the site characteristics dictate that the site would be inappropriate to accommodate the relevant open space category).

4 . Policy Implementation

4.1.3.9 In these instances the Council will accept a commuted payment in lieu of on-site provision. This arrangement will require developers to make financial contributions for the provision of off-site facilities, the improvement / enhancement of existing off-site facilities and the ongoing maintenance of such facilities (refer to Section 4.4 below).

4.1.3.10 In instances where there are multiple deficiencies of open space, an assessment will be made as to which categories will be prioritised and having full regard to the requirements set out within the Community Infrastructure Levy (CIL) Regulations, the Council may seek to combine or 'pool' contributions from individual development proposals.

4.1.3.11 Regulation 123 of the CIL Regulations limits the number of planning obligations that can be pooled (maximum of five). The Council's approach to dealing with this pooling restriction will be through specifying 'infrastructure pots' (projects) with each project able to take up to five pooled contributions. Such an approach will help ensure that the need for infrastructure improvements can be effectively and equitably addressed with all parties making an appropriate contribution, and in the case of smaller scale developments, enables monies to be combined to provide small scale improvements to open space facilities in the locality.

4.1.3.12 Any off-site provision will be of the same quality as would have been provided on-site and the off-site contribution should have the same financial value as the facilities that would have been provided on-site. Any off-site provision will need to be located in close proximity to the development site⁽¹¹⁾ or within the same community / electoral ward, or in the case of allotment provision, spatial area.

4.1.3.13 Further practical guidance in respect of the design of open space is provided in Chapter 5.

4.2 Policy OS2 - Protection of Existing Open Space

4.2.1 Loss of even small areas of open space can have an impact on the local area, especially where there is an existing shortfall or where alternative facilities are not readily accessible to the community affected by the lost facility.

4.2.2 Whilst national policy protects sports pitches, Policy OS2 seeks to protect all areas identified as open space. Any proposals for the development of land which is wholly, or in part, identified as open space will need to satisfy the specified criteria which seek to ensure that all possible options have been assessed before consideration is given to the alternative use of the open space.

4.2.3 In order to comply with Policy OS2, developers must either demonstrate that all of the criteria (1, 2 and 3) have been satisfied, or as an alternative, demonstrate that equivalent or enhanced facilities can be provided on a suitable and accessible replacement site that would serve the local community equally well.

4.2.4 In terms of the evidence/justification that would need to be provided, the details outlined below would be considered by the Council to be the minimum requirement. It should be noted however that all proposals will be considered on a case by case basis, and once details of proposals are known there may be instances where additional detail is required from the developer. Consequently, the details provided are not considered to be exhaustive and should only be used as a guide rather than a comprehensive list of requirements.

Criteria 1, 2 and 3

4.2.5 Criteria 1 (*the open space is no longer needed*)⁽¹²⁾:

- When was the facility last used and what was it used for.
- The reasons why it is no longer in use.
- Where the public go to access alternative provision for the category of open space.
- Whether measures have been put in place to restrict access to the site.

4.2.6 Criteria 2 (*there is no shortfall of provision of that category of open space in the ward, before or as a result of the development*):

- A calculation of the existing ward provision for the category of open space⁽¹³⁾.
- If the proposal is for residential development, a calculation of the requirements of the site for that category of open space⁽¹⁴⁾.
- In the event that the facility/provision was lost to development, a calculation to determine whether as a consequence, there would be a shortfall in provision for that category.

4.2.7 Criteria 3 (*the site would not be suitable to provide an alternative type of open space for which there is a shortfall*):

- An explanation of why any of the categories that experience a shortfall in provision could not be provided on-site as an alternative to the existing provision⁽¹⁵⁾.

Provision of Equivalent or Enhanced Facilities

4.2.8 The developer would be required to provide the following:

12 This information could be informed by consultation with the local Councillor, Community Council, local residents groups, communities and/or neighbours.

13 Information on existing ward provision is available in the Council's Open Space Assessment. The Council can advise in respect of the position where clarification is needed.

14 Refer to Table 4.1.1.1 (Page 12).

15 The nature of the information will vary from site to site and will be dependant on the categories which experience a shortfall in provision.

4 . Policy Implementation

- A description of the equivalent/enhanced facilities proposed, together with detailed plans and suitably scaled drawings showing the location and layout of the replacement facilities.
- A quantitative and qualitative comparison (by category) of what alternative provision is being proposed to replace what is to be lost.
- A justification of why the site is considered to be a suitable replacement facility.
- Details of how accessible the replacement site is compared to the existing provision.
- Details of the ongoing proposals to manage and maintain the new facility.

4.3 Pre-Application Discussion and Planning Application Process

Pre-Application Discussion

4.3.1 Applicants are encouraged to partake in early discussions with the Planning Department to discuss which policies are relevant to their proposal, the open space requirements that the proposal will generate, other planning obligations and to determine any site-specific considerations⁽¹⁶⁾.

4.3.2 Discussions should take place with planning officers who will liaise with internal departments as appropriate. Detailed negotiations will focus on what open space policies are relevant, what level of provision is required, how the provision should be delivered (e.g. on-site / off-site), and future management and maintenance. In the case of off-site provision, potential indicative S106 costs can also be provided where relevant.

4.3.3 **Appendix F** presents a flow chart and a step-by-step guide of the process that will be followed throughout the planning application stage.

Outline Applications

4.3.4 All residential planning applications that are located within areas where there is a quantitative deficiency in one or more of the identified categories of open space and meet the identified threshold will be subject to an open space contribution.

4.3.5 Where an application for outline planning permission is granted, the permission will identify whether a contribution towards open space will be part of the development. Where an open space agreement is secured at the outline planning stage, any changes to the number of units in a subsequent planning application may result in the level of open space contribution changing. These stipulations will be contained within the S106 agreement.

16 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website: <http://www.npt.gov.uk/default.asp?Page=14326>

Full / Reserved Matters Applications

4.3.6 In line with the thresholds identified, full planning permissions will contain a related planning condition and/or the developer will be expected to enter into a S106 agreement with the Council. The S106 agreement will set out the requirement for providing open space provision and the conditions by which the provision will be delivered (i.e. either on-site/off-site and future maintenance thereof).

Renewal of Planning Consent

4.3.7 New applications submitted on sites which previously had planning approval or applications for the renewal of a planning consent will be assessed using the open space policies contained within the LDP. This may mean that open space provision will be required even where there has been no previous contribution towards open space. This reflects changes in policy context since the original application and the County Borough wide need for open space provision. If the application seeks the approval of reserved matters, the requirements of the original outline approval would need to be followed.

Negotiating Open Space Provision

4.3.8 When accounting for the range of planning obligations that may be levied on any given proposal, the Council acknowledges that there may be circumstances where a developer considers that the delivery of the level of open space required is not viable. Such issues could be compounded in locations where there are multiple deficiencies across all categories.

4.3.9 In such instances, the Council will consider, subject to a detailed financial appraisal, reduced contributions, phased payments, or the removal of the requirement to contribute to open space provision. At an early stage in pre-application discussions, developers are encouraged to make themselves familiar with all the planning obligations, including open space provision, and to identify any viability issues in the preparation of their application.

4.3.10 Where the Council is satisfied that the developer has been able to show, using robust evidence, that the provision of open space in accordance with the standards set out in Policy OS1 is not viable, a reduced contribution may be negotiated or the requirement to provide open space removed.

4.3.11 It should be noted that any requirement to contribute towards other infrastructure requirements (as outlined within the Council's Planning Obligations SPG) as a result of the development will not negate the need for open space provision. **Developers need to consider the costs associated with delivering open space requirements and other obligations before entering into land negotiations.**

4.4 Management and Maintenance

4.4.1 The provision made for the ongoing management and maintenance of the public open space is a key consideration in the determination of planning applications. The Council will need to be satisfied that open space facilities provided as part of a development proposal will be made available and subsequently retained, managed and maintained.

4 . Policy Implementation

4.4.2 It is the Council's preferred option that the applicant implements a private management plan to support the future maintenance of all types of open space provision. The management plan will need to demonstrate to the Council's satisfaction that suitable arrangements have been made for the facility's long term maintenance and as such will need to identify who will be responsible for managing and funding the maintenance of the open space, for example a sufficiently resourced management company. New or improved off-site provision may also offer opportunities for future management by a management company or community group.

4.4.3 Whilst it is not expected that the Council will adopt any new areas of open space created or incur any future financial liabilities, there may be circumstances where it is not feasible or practicable for the ongoing management of a site to be conducted by the developer or other appointed management body. Under such circumstances, the Council will be prepared to consider adopting the facility and properly maintain it as public open space, however, the adoption of land will always be subject to a payment by the developer of a commuted sum to cover the cost of future maintenance.

4.4.4 Where developers make a financial contribution in-lieu of on-site facilities, including additional equipment / improvements to existing open spaces and/or facilities, a commuted sum for future maintenance costs will also be sought.

4.4.5 The figure will be calculated using agreed maintenance costs and cover a 20 year timeline. Each proposal will be considered on a site by site basis and the developer will be required to provide sufficient details to enable an accurate calculation of costs.

4.4.6 Planning permission for developments will be subject to a legal agreement that will include the details relating to on-site and/or off-site open space provision, ongoing maintenance and adoption if appropriate. All S106 agreements run with the land so future successors in title are bound by the obligations, providing the legal mechanism to ensure the provision and future maintenance and retention of the open space.

4.4.7 Alternative methods of management and maintenance are available, including the involvement of community councils, other community management companies, arrangements with a charitable trust or organisation, or lease of land to a community group. If a developer wishes to follow any of these alternative approaches, it will have to be demonstrated how such an approach can meet the Council's requirement for the open space to be managed and maintained.

4.5 Monitoring and Review

4.5.1 The implementation of policies and the delivery of open space will be monitored and reported in the LDP Annual Monitoring Report. In addition, the ward provision and requirement tables as presented in the Open Space Assessment (summarised in **Appendix C**) will be the subject of a focused review on an annual basis to account for any new residential development that takes place. A more comprehensive assessment, including a review of any changes to the status of existing provision will be undertaken periodically every 3 years.

5 Practical Guidance

5.0.1 This section seeks to provide developers with some general principles and examples of good practice in respect of the design and layout of open space provision, including informal open space, children's play, allotments, multi-use spaces and greenspace.

5.0.2 Open space should be designed as an integral part of the development, not considered as an afterthought by utilising parcels of land which are left over or difficult to develop. Spaces need to have an element of natural surveillance from neighbouring properties but also be mindful of the proximity to houses/roads etc., ensuring that amenity issues are not compromised. Whilst developers can include areas of landscaped amenity space as part of a development, these will not be considered towards the open space requirements of a site, unless they are of sufficient size and offer opportunities for recreation⁽¹⁷⁾.

Informal Open Space

5.0.3 Areas of informal open space are integral to the flow and overall look and feel of a housing development. These areas need to be large enough to be usable and to be classified as informal open space rather than forming part of a site's general amenity space. Informal open space can have a variety of potential uses (e.g. children's play/games, adult recreation, dog walking, sitting/socialising etc.) and as a result such areas need to cater and provide for all ages and for people of limited mobility equally. The provision of benches/seating and associated hard surfaced paths, will allow people to socialise with their friends and neighbours and allow parents of younger children to relax whilst their children play. Trees within these areas should be retained wherever possible as these provide shaded areas for sitting, recreation or opportunities for games, exploring, climbing etc.

5.0.4 Landscaping will be an important factor to consider in the design of any space, and including native species of trees, shrubs and wildflower meadow provides interest for residents and children whilst assisting to increase local biodiversity. Such areas could contain some log seating nearby for people to view these areas and their associated wildlife. Within the wider informal space introducing stepping stones within shallow depressions where water can collect, will provide interest and play opportunities during wetter weather. By incorporating some of these suggestions an area becomes more interesting and more likely to be used by a wider section of the community and become a place where people are more likely to want to visit and use. It also assists in giving areas additional play value.

17 In respect of parcels of land which are utilised for drainage (e.g. Sustainable Urban Drainage Systems), whilst these areas may be adopted by the Council for drainage purposes, they will not be adopted for open space purposes.

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Informal Recreation Opportunity - Pontrhydyfen



Source: Neath Port Talbot County Borough Council.

Informal Opportunities - Freiburg, Germany

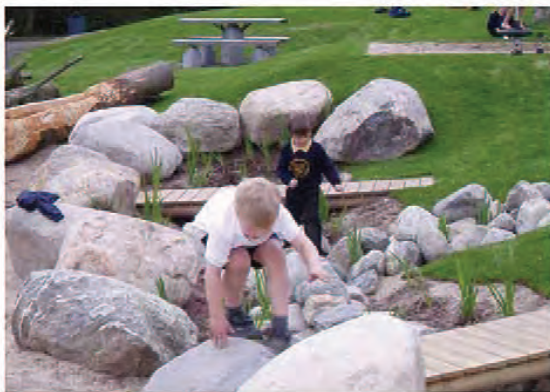


Source: Lindsey Houston © Free Play Network/Playlink.

Play for Children and Young People

5.0.5 This includes provision for children and young people of all ages and abilities, not just play areas for younger children. Play is a vital part of a child's physical, mental and social development. Play areas need to provide interest and challenges and be a place where the children have fun and feel they belong and have freedom to play.

Natural Play Feature - Balmaha Play Landscape, Scotland



Source: Sue Gutteridge, Stirling Council © FreePlay Network/Playlink.

Space for Everyone - Chapelfield Play Area, Cowie, Stirling



Source: Sue Gutteridge, Stirling Council © FreePlay Network/Playlink.

5.0.6 Whilst a typical play area has fixed play equipment, it is possible for such areas to be more adventurous and challenging, providing something a little different to complement traditional equipment which offers different and less restrictive play opportunities. Traditionally children's play areas have been categorised as one of the following⁽¹⁸⁾:

18 ~~The Fields in Trust (FIT) 'Planning and Design for Outdoor Sport and Play' (2008) provides Details~~ on the characteristics of the different play areas. ~~They~~ are examined in more detail in **Appendix G**.

- *Local Area for Play (LAP)* - this tends to be close to home, relatively small in size and caters for younger children. It does not need to contain play equipment [e.g. based on the recommended size of the activity zone, a proposal of approximately 17 residential units would require on-site provision].
- *Local Equipped Area for Play (LEAP)* - this area is laid out with features and equipment for children who are beginning to go out independently and again is quite close to home. Play features are an integral part of the LEAP, however it is important that the space can be used for physical activity and games, and therefore careful consideration needs to be given to their siting and the positioning of equipment [e.g. based on the recommended size of the activity zone, a proposal of approximately 70 residential units would require on-site provision].
- *Neighbourhood Equipped Area for Play (NEAP)* - this area is specifically designated, laid out and equipped mainly for older children, but also offers play opportunities for younger children. They provide a greater opportunity for active and passive play [e.g. based on the recommended size of the activity zone, a proposal of approximately 175 residential units would require on-site provision].
- *Local Landscaped Area for Play (LLAP)* - an area with little or no equipment, but is imaginatively designed and contoured using as far as possible natural materials such as logs or boulders which create an attractive setting for play. Offers play opportunities for all age groups but is a shared space which can be used by the whole community [e.g. based on the recommended size of the activity zone, a proposal of approximately 157 residential units would require on-site provision].

Varied Opportunities - Chapelfield Play Area, Cowie, Stirling



Source: Sue Gutteridge, Stirling Council © FreePlay Network/Playlink.

Natural Play Feature - Waverley Park, Stirling



Source: Sue Gutteridge, Stirling Council © FreePlay Network/Playlink.

5.0.7 As an alternative to a play area comprising only traditional fixed play equipment, a variety of play opportunities could be offered on-site. For example, grassed slopes provide opportunities for free play, or a slide can be built into the slope with 'steps' offering opportunities for climbing up the bank to access the slide or to conquer the hill. Logs or boulders can provide seating and balancing opportunities and their placement in a circle

5 . Practical Guidance

or semi-circle offers opportunities for socialising. Shallow depressions collect rainwater and provide more messy play opportunities which are enjoyed by many children. Stepping stones across these wet areas provide challenge and somewhere to play or sit. Areas where the grass is left a little longer or planted with wildflowers provide further opportunities for exploration and free play, as do areas of trees and shrubs.

5.0.8 Different surfaces offer differing play opportunities (e.g. sand, bark, hard surfacing, grass etc.). Provision of pathways can also provide play opportunities as they can meander around features and have different surface treatment, some are suitable for wheeled transport and others provide more challenges. The design and layout of a path through an area can become a play opportunity (e.g. within an area of longer grass, a mown meandering path becomes a maze for younger children and trees and shrubs with fallen branches/twigs can offer opportunities for den building).

5.0.9 It is important to look at the site for the play area and identify what existing features it has which offer opportunities for play (e.g. trees, depressions or slopes). If a site has variety and offers opportunities for formal and free play and makes provision for children, parents/carers to sit and socialise, it helps to create social spaces that people want to use. Play areas will need to have an element of natural surveillance, but also need an appropriate buffer to nearby dwellings to avoid issues with noise and disturbance. Most importantly play areas should be fun and offer multiple opportunities and be areas that children and young people want to use and feel they belong. They should offer freedom to explore, but in a safe environment.

5.0.10 The FIT standards (refer to **Appendix G**) should generally be adhered to in respect of the provision/facilities that the different play spaces contain and the appropriate buffers to dwellings and proximity to roads etc. In addition to the FIT standards, the advice contained in **Appendix H** 'Creating a Quality Play Environment' will need to be adhered to and should be considered by developers in the early stages of the planning and design of children's play spaces. This will ensure that new play facilities provide quality play opportunities and environments.

Play Area - Trebanos, Pontardawe



Play Opportunities, Coed Darcy, Neath



Source: Neath Port Talbot County Borough Council.

Source: Neath Port Talbot County Borough Council.

5.0.11 As a general rule variety both within and between play areas is good as it allows different play opportunities, increases interest and offers different opportunities and challenges for children.

Allotments

5.0.12 Allotments provide opportunities for active recreation, allow social interaction, help reduce food miles and promote physical and mental health and well-being. A traditional allotment averages 250 sqm, which may be daunting for many gardeners, and also potentially limits the number of allotments available. Consideration should be given to the establishment of new / extended allotment sites which allow a greater number of half size plots, which would still allow ample opportunity for people to grow fruit and vegetables, but at a more manageable scale⁽¹⁹⁾.

5.0.13 In addition, there are a number of 'community gardens' in the County Borough and whilst these vary in size, they do offer some potential for growing produce albeit at a much smaller scale than an allotment. Whilst provision of such community gardens would not address any shortfall in allotment provision, where space is limited, these may offer some potential and be able to be provided on-site providing positive benefits in terms of health and well-being and social interaction.

Multi-Use Spaces

5.0.14 In order to make best use of open spaces, consideration should be given to the multi-use of areas of open space. This could include providing some play features, benches or planting around the unused or underutilised edges of a sports pitch. In doing so, existing areas of informal open space become more interesting and therefore more likely to be used. Examples may include the provision of seating, encouraging biodiversity with thoughtful planting, providing an informal path to encourage people to walk through, providing logs for seating, balancing etc.

5.0.15 The provision of multi-use spaces enables a greater variety of recreational opportunities to be provided on any given parcel of land and can encompass both formal and informal open space, greenspace, amenity space, opportunities for biodiversity and social interaction.

5.0.16 Innovative landscaping can improve the quality of open space and increase the visual appeal of a development by creating vibrant community spaces which offer a variety of opportunities for different sections of the community, enabling community cohesion and assisting with health and well-being. In addition, when considering the opportunities detailed in **Appendix H** relating to the creation of a quality play area, opportunities can be provided within multi-use spaces to create imaginative opportunities for children's play.

¹⁹ A recent development as part of the Crymlyn Grove development in Skewen, has produced 18 plots with an average plot size (excluding paths etc) of approximately 66 sqm.

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5.0.17 Such an approach allows areas to appeal to a range of age groups including children and adults alike. It can help engender community cohesion and health and well-being as people meet and interact, making spaces more appealing will encourage people to stop and use them, for active and more passive forms of recreation and relaxation.

Wyvis Street, London



Source: Design for Play (Play England) © Katie Shackell.

Greenspace

5.0.18 Generally the County Borough is well served by greenspace, especially in the valley communities and in areas around the main settlements. Within settlements, particularly in the urban areas, there is often less opportunity for people to access smaller local areas of greenspace.

5.0.19 Whilst there is no policy standard in respect of greenspace, where opportunities exist to revitalise an existing area of informal open space with more naturalistic planting, this should be taken. It is possible to design greenspace into existing and planned open spaces and improve its accessibility. Greenspace has more naturalistic features which allow the user to enjoy the natural qualities of green areas and can help promote health and well-being.

5.0.20 Due to the naturalistic features of greenspace, such areas may also be able to have a dual function in contributing towards the biodiversity mitigation and compensation measures necessary for a particular development.

5.0.21 A more innovative approach should be taken where access to greenspace is more limited. This can be achieved by seeking the 'greening' of existing areas of informal (or other relevant categories of) open space. Improving local areas in this way can help to make greenspace more widely accessible to a greater number of people, help to provide more attractive and potentially more active communities and add biodiversity value.

Greenspace & Informal Space - Wyvis Street, Tower Hamlets, London



Source: Design for Play (Play England) © Katie Shackell.

Naturalistic Open Space, Stirling



Source: Design for Play (Play England) © Stirling Council Play Services.

6 Contact Details

Development Management

[Main point of contact for all planning applications and for pre-application advice]

Steve Ball [Development Manager - Planning]: Tel: 01639 686727

Nicola Lake [Team Leader – East]: Tel: 01639 686737

Chris Davies [Team Leader – West]: Tel: 01639 686726

Email: planning@npt.gov.uk

Planning Policy

[For queries relating to the LDP and Planning Policy]

Ceri Morris [Planning Policy Manager]: Tel: 01639 686320

Lana Beynon [Planning Policy Team Leader]: Tel: 01639 686314

Anne-Marie Hurley [Planning Policy Officer]: Tel: 01639 686319

Email: ldp@npt.gov.uk

6 . Contact Details

Supplementary Planning Guidance: Open Space and Greenspace (July 2017) TRACKED CHANGES

Appendix A: Glossary

Glossary of Terms

Accessibility Standard	The Council within the Open Space Assessment has used the following accessibility standards for the following types of open space. The figures relate to distance from the site: Pitch sport - within 1,200m, Non pitch - within 1,600m, Children's Play: Local Area for Play (LAP) 100m; Local Equipped Area for Play (LEAP) 400m, Neighbourhood Equipped Area for Play (NEAP) 1,000m and a Destination Playground 2,000m. There are no standards for informal open space as it should be as close to home as possible, nor allotments as provision is provided on a spatial area basis.
Children's Play	This provision covers all aspects of equipped play areas for children and youths and includes playgrounds, Multi Use Games Areas, Teen Shelters, Skateboard ramps, BMX tracks, basketball etc
Developer Contributions	See Planning Obligation
Greenspace	An area of open space which has some naturalistic features and offers recreational opportunities
Informal Open Space	This is a publicly accessible area, which provides opportunities for recreation or gentle relaxation (possibly with seats). These areas tend to be grassed and their size and level of use can vary.
Local Development Plan (LDP)	A statutory development plan for the Local Planning Authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004. A land use plan that is subject to independent examination, which will form the statutory development plan for a local authority area
Open Space	Refers to publicly accessible recreational space and includes playing fields, sports pitches and courts, children's play areas, facilities for older children, informal open space, greenspace, parks and allotments
Outdoor Sport	Includes both pitch sport (such as rugby, football, cricket) and non Pitch sport such as bowls, tennis and athletics. There are separate requirements for each type which make up the overall outdoor sport requirement of 1.6ha/1000 population
Planning Obligation	Legal agreements between a Local Planning Authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken. For example, the provision of open space. Sometimes called 'Section 106' agreements.
Section 106 Agreement (S106)	A legal agreement under Section 106 of the 1990 Town & County Planning Act. Section 106 agreements are legal agreements between a Planning Authority and a developer, or undertakings offered unilaterally by a developer, that ensure that certain extra works related to a development are undertaken.
Supplementary Planning Guidance	Non-statutory piece of guidance produced by the Local Planning Authority which expands upon certain policies and proposals set out in the development plan.

Appendix B: Spatial Areas of Neath Port Talbot

Map B.0.1 LDP Spatial Areas



Supplementary Planning Guidance: Open Space and Greenspace (July 2017) TRACKED CHANGES

List of Wards by Spatial Area

Afan Valley

- Cymmer
- Glyncoed
- Gwynfi
- Pelenna

Amman Valley

- Gwaun Cae Gurwen
- Lower Brynamman

Dulais Valley

- Crynant
- Onllwyn
- Seven Sisters

Neath

- Aberdulais
- Briton Ferry East
- Briton Ferry West
- Bryncoch North
- Bryncoch South
- Cadoxton
- Cimla
- Coedffranc Central
- Coedffranc North
- Coedffranc West

- Dyffryn
- Neath East
- Neath South
- Neath North
- Tonna

Neath Valley

- Blaengwrach
- Glynneath
- Resolven

Pontardawe

- Alltwen
- Pontardawe
- Rhos
- Trebanos

Port Talbot

- Aberavon
- Baglan
- Bryn and Cwmafan
- Margam
- Port Talbot
- Sandfields East
- Sandfields West
- Taibach

Swansea Valley

Appendix B: . Spatial Areas of Neath Port Talbot

- Cwmllynfell
- Godre'r Graig
- Ystalyfera

Appendix C: Open Space Provision in Neath Port Talbot

C.0.1 An indicative overview of the updated position is presented in the table below⁽²⁰⁾. In the context of the policy standards, cells coloured red indicate a shortfall in provision whereas cells coloured white indicate where the standards have been met.

C.0.2 It should be noted that as with the original 2013 assessment, this updated position represents a snapshot in time and the Council will continue to monitor the situation with the assessment being periodically reviewed.

Table C.0.1 Indicative Overview of Open Space Provision in Neath Port Talbot

Spatial Area	Ward	Pitch Sport	Non Pitch Sport	Informal	Children's Play	Allotments
Amman Valley	Gwaun Cae Gurwen	Red	Red	White	Red	Red
	Lower Brynamman	Red	Red	White	Red	Red
Afan Valley	Cymmer	Red	Red	White	Red	Red
	Glyncorwg	White	Red	White	Red	Red
	Gwynfi	Red	Red	White	Red	Red
	Pelenna	White	Red	Red	Red	Red
Dulais Valley	Crynant	Red	Red	White	White	Red
	Onllwyn	White	Red	Red	White	Red
	Seven Sisters	White	Red	White	Red	Red
Neath	Aberdulais	Red	Red	White	Red	Red
	Briton Ferry East	Red	Red	White	Red	Red
	Briton Ferry West	Red	Red	White	Red	Red
	Bryncoch North	White	Red	Red	Red	Red
	Bryncoch South	White	Red	White	Red	Red
	Cadoxton	Red	Red	White	Red	Red
	Cimla	Red	Red	White	Red	Red
	Coedfranc Central	Red	Red	White	White	Red
	Coedfranc North	Red	Red	Red	Red	Red
	Coedfranc West	White	Red	White	White	Red
	Dyffryn	Red	Red	White	Red	Red
	Neath East	Red	Red	Red	Red	Red
	Neath North	Red	Red	White	Red	Red
	Neath South	Red	Red	White	Red	Red
Tonna	Red	Red	White	Red	Red	

Appendix C: . Open Space Provision in Neath Port Talbot

Spatial Area	Ward	Pitch Sport	Non Pitch Sport	Informal	Children's Play	Allotments
Neath Valley	Blaengwrach					
	Glynneath					
	Resolven					
Pontardawe	Alltwen					
	Pontardawe					
	Rhos					
	Trebanos					
Port Talbot	Aberavon					
	Baglan					
	Bryn & Cwmafan					
	Margam					
	Port Talbot					
	Sandfields East					
	Sandfields West					
	Taibach					
Swansea Valley	Cwmllynfell					
	Godre'r Graig					
	Ystalyfera					

Appendix D: Costs - Open Space Provision

D.0.1 The following table illustrates the level of costs, excluding maintenance, associated with the provision of a range of sports facilities:

Facility Type	Area (Sq M)	Capital Cost (£)
Rugby Union Natural Turf	10,400	115,000
Cricket Natural Turf	20,649	265,000
Bowling Green Natural Turf	1,600	140,000
Football (Mini)	1,419	20,000
Football (Youth)	5,917	70,000
Football (Senior)	7,420	85,000
Tennis Courts (x2)	1,227	200,000
Tennis Courts (x4)	2,342	350,000
Tennis Courts (x6)	3,456	455,000
Multi-Use Games Area (Macadam)	782	145,000

Source: Sport England 2016

Appendix E: Calculating Open Space Contributions

[Note: the examples provided below only set out the capital cost of open space provision and do not include ongoing maintenance costs].

Residential Development

Example 1: A scheme comprising 9 units with shortfalls in all categories of open space.

- To calculate the site requirement for each category of open space, multiply the number of residents with the level of provision (per person) that Policy OS1 requires:

Table E.0.1 Calculating Site Requirements

Category	Requirement / Dwelling (sqm)	Site Requirement (sqm)
Pitch	26.3	237.02
Non-Pitch	10.3	92.75
Informal	12.6	113.36
Children's Play	5.7 ⁽²¹⁾	51.53
Allotments	4.4	39.16
Total Requirement	59.3	533.82

- These requirements will then be translated into a cost per type based on the calculation in the Planning Obligations SPG⁽²²⁾.

Table E.0.2 Calculating Financial Contributions

Category	Average Cost / sqm	Site Requirement (sqm)	Financial Contribution (£)
Pitch	£10.81	237.02	£2,562.13
Non-Pitch	£100.00	92.75	£9,274.50
Informal	£5.00	113.36	£566.78
Children's Play	£150.00	51.53	£7,728.75
Allotments	£10.89	39.16	£426.44

21 This figure does not include any associated buffer zone.

22 Section 5.6 Supplementary Planning Guidance: Planning Obligations (October 2016).

Appendix E: . Calculating Open Space Contributions

Category	Average Cost / sqm	Site Requirement (sqm)	Financial Contribution (£)
Total Requirement		533.82	£13,958.60

Example 2: A scheme comprising 50 units with shortfalls in pitch, non-pitch and children's play.

- To calculate the site requirement for each category of open space, multiply the number of residents with the level of provision (per person) that Policy OS1 requires:

Table E.0.3 Calculating Site Requirements

Category	Requirement / Dwelling (sqm)	Site Requirement (sqm)
Pitch	26.3	1,316.75
Non-Pitch	10.3	515.25
Informal	12.6	629.75
Children's Play	5.7 ⁽²³⁾	286.25
Allotments	4.4	217.55
Total Requirement	59.3	2,965.55

- As there are no shortfalls in the ward in informal open space and allotments, a check will be made to ensure whether as a result of the development this over provision will be lost. In addition, consideration will be given to whether the existing provision, is accessible to the residents of the new site using the accessibility standard. If it is not, contributions may be sought. Such matters will be considered on a site by site basis.
- These requirements will then be translated into a cost per type based on the calculation in the Planning Obligations SPG:

Table E.0.4 Calculating Financial Contributions

Category	Average Cost / sqm	Site Requirement (sqm)	Financial Contribution (£)
Pitch	£10.81	1,316.75	£14,234.07
Non-Pitch	£100.00	515.25	£51,525.00
Informal	£5.00	Nil	Nil
Children's Play	£150.00	286.25	£42,937.50

Appendix E: . Calculating Open Space Contributions

Category	Average Cost / sqm	Site Requirement (sqm)	Financial Contribution (£)
Allotments	£10.89	Nil	Nil
Total Requirement		2,965.55	£108,696.57

- Where a site crosses multiple wards an assessment will be made of the percentage of the site within each of the wards, which will allow the number of units and therefore the relevant open space requirement, to be calculated for each ward. The calculations as detailed above will then be made to assess what the overall site requirements are.

Example 3: Combining S106 Contributions

- Taking Example 2 above (i.e. 50 units with shortfalls in pitch, non-pitch and children's play provision), the total open space contribution has been calculated as £108,696.
- If, for example, the existing children's play provision is considered to be too far from the site and it is not possible to improve accessibility, it would be possible to use the whole of the developer contribution to provide and maintain a new children's play space closer to the development site.

Employment / Commercial Development

Example 4: New build factory unit comprising 1,500 sqm employing 35 staff.

It is expected that amenity space will be provided within the development site and will be based on the standards identified for informal open space (i.e. 5.5 sqm per employee):

- On-site Provision: $5.5 \times 35 = \underline{192.5 \text{ sqm}}$

Example 5: Extension to an existing commercial premises of 800 sqm, which has already been extended by 500 sqm since the LDP adoption date (i.e. 27th January 2016).

The cumulative floor area of the two extensions exceeds 1,000 sqm. The open space requirement is therefore calculated on the basis of the following:

Appendix E: . Calculating Open Space Contributions

- $800 + 500 = 1,300$ sqm
- Given that the amenity space requirement is based on a number of employees, the applicant would need to provide additional information in respect of the increase in employee numbers associated with the net increase in floorspace (i.e. 300 sqm).

Example 6: Extension to an existing employment premises of 1,800 sqm, where the development proposal involves the demolition of existing floorspace.

- The floor area of the buildings being demolished to facilitate development will be calculated. Consideration will be given to whether there have been any extensions to the premises since the LDP adoption date (27th January 2016).
- If the sum of the new extension floorspace, associated demolitions, plus the previously approved extensions exceeds 1,000 sqm there will be a requirement for the provision of amenity space.
- Assuming the demolition equals 900 sqm and there was a previous extension of 300 sqm:
 - $1,800 - 900 = 900$ sqm
 - $900 + 300 = 1,200$ sqm
- Therefore need to provide amenity space for the associated number of staff for the resultant floorspace over 1,000sqm ($1,200 - 1,000 = 200$ sqm).
- If there had been no previous approval for an extension in this example, the 'net floorspace' would be 900 sqm and hence there would be no Policy requirement for amenity space for staff.

Appendix F: Process

Figure F.0.1 Policy OS1 (Residential)

Policy OS1 (Residential)

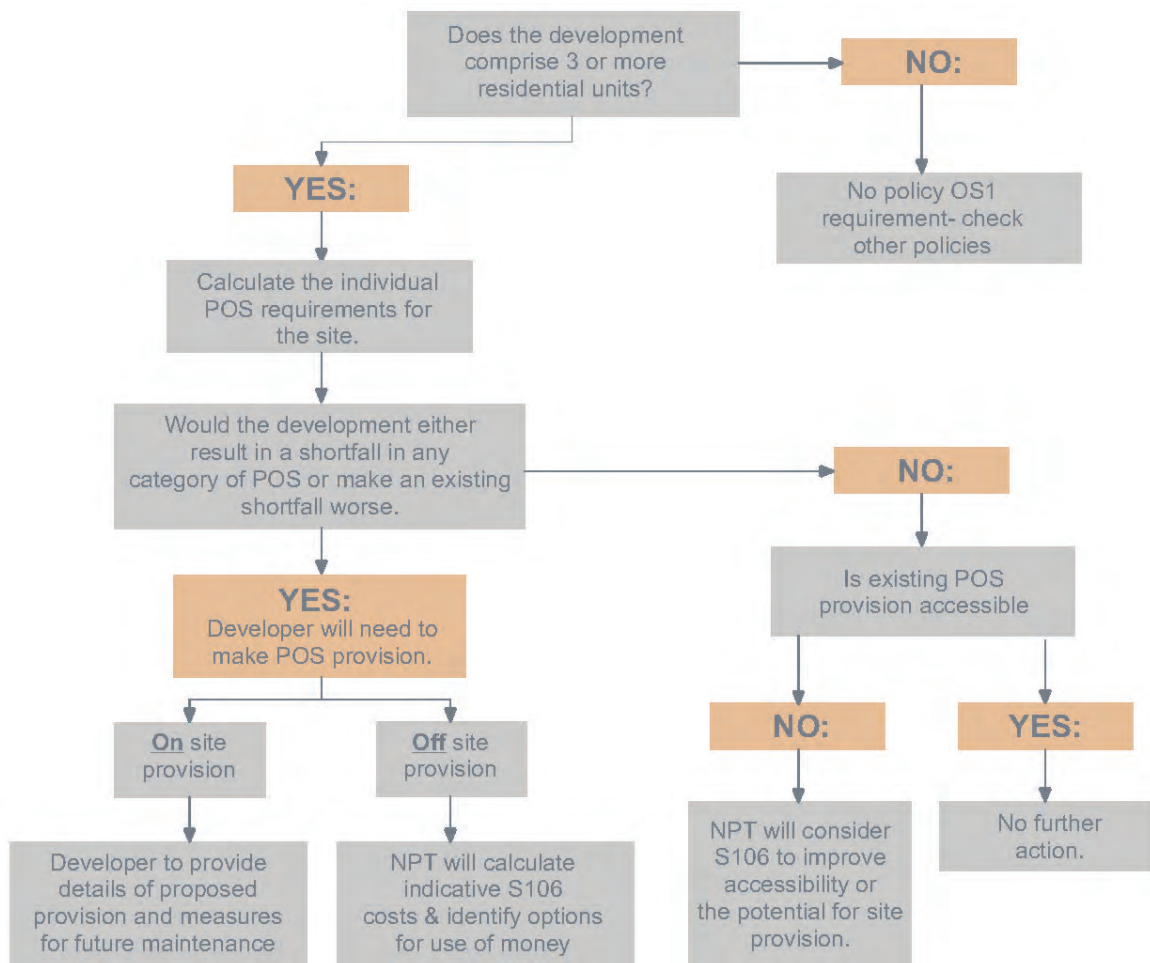
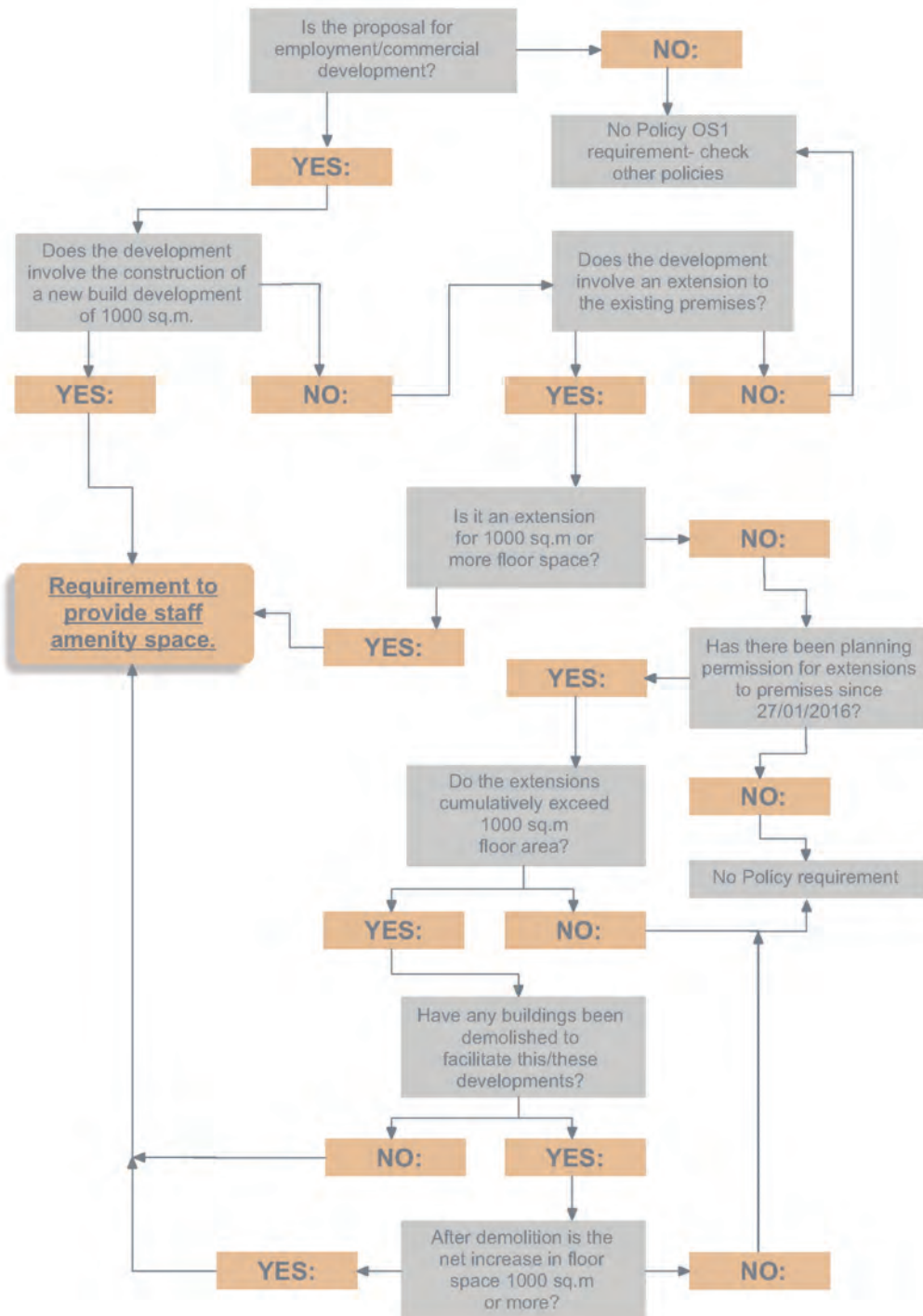


Figure F.0.2 Policy OS1 - Employment/Commercial Development

Policy OS1 Employment/Commercial Development



Appendix G: Children's Play Categories

G.0.1 Derived from the Fields In Trust (Planning and Design for Outdoor Sport and Play) 2008, the table below summarises provides detailed information on the characteristics (summarised in the table below) of the following main types of designated children's play areas⁽²⁴⁾:

- Local Area for Play (LAP);
- Local Equipped Area for Play (LEAP);
- Local Landscaped Area for Play (LLAP); and
- Neighbourhood Equipped Area for Play (NEAP).

Table G.0.1 Children's Play Area Characteristics

	LAP	LEAP	LLAP	NEAP
Age Range	Generally up to 6, but may be used by older children.	Primarily for children who are beginning to go out and play independently.	Use in the context of play by children and young people alike.	Primarily for older children but with play opportunities for younger children too.
Walk Time to Home	Within 1 minute.	Within 5 minutes.	Within 5 minutes.	Within 15 minutes.
Position	Beside well used pedestrian route.	Beside well used pedestrian route.	Beside well used pedestrian route.	Beside well used pedestrian route.
Activity Zone (minimum)	100sqm recommended.	400sqm recommended.	900sqm recommended	1,000sqm comprising an area for play equipment and structures and a hard surfaced area of at least 465sqm.

24 It should be noted that a revised version of the Fields in Trust Six Acre Standard was published in February 2017 entitled 'Beyond the Six Acre Standard'. This new guidance is less prescriptive in terms of the characteristics of play spaces.

Appendix G: . Children's Play Categories

	LAP	LEAP	LLAP	NEAP
Buffer Zone (minimum)	5m separating the activity zone from the forward most part of the nearest dwelling that faces the LAP and have varied planting to provide a mix of scent, colour and texture.	10m between the activity zone and the boundary of the nearest property containing a dwelling. A minimum of 20m should be provided between the activity zone and the habitable room facade of the nearest dwelling ⁽¹⁾ . The buffer should have varied planting to provide a mix of scent, colour and texture.	None required	30m separating the the activity zone and the boundary of the nearest property containing a dwelling. A greater distance may be required if a purpose built skateboarding facility is required ⁽²⁾ . The buffer should have varied planting to provide a mix of scent, colour and texture.
Features	Occupies a relatively flat, well drained site grassed or hard surfaced. It may contain demonstrative features that allow young children to identify and claim the space as theirs.	Occupies a reasonably flat, well drained site grassed or hard surfaced, together with impact absorbing surfaces beneath or around play equipment or structures as appropriate. Should provide a stimulating and challenging play experience and have enough space within the area of the LEAP to allow children to be active and play chase type games.	Occupies a well drained, imaginatively landscaped site suitable for play. Planting should be varied to provide a mix of scent, colour and texture. It is designed to provide a suitable mix of areas for physical activity and areas for relatively calm relaxation and social interaction.	Occupies a well drained site with both grass and hard surfaced areas together with impact absorbing surfaces beneath and around play equipment and structures as appropriate. Should provide a stimulating and challenging play experience and have enough space within the area of the NEAP to allow children to be active and play chase type games.
Equipment	None required, relies on demonstrative features indicating play is positively encouraged	May include equipment providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play and play with natural materials such as sand and water or other activities. The number and nature of play equipment is for local consideration but a minimum of 6 play experiences is recommended. Seating for adults and siblings should be provided together with one or more litter bins.	Little or no equipment, but is imaginatively designed and contoured using as far as possible natural materials such as logs or boulders which create an attractive setting for play. Seating is desirable.	May include equipment providing opportunities for balancing, rocking, climbing, overhead activity, sliding, swinging, jumping, crawling, rotating, imaginative play, social play, play with natural materials such as sand and water, ball games, wheeled areas or other activities. The number and nature of play equipment is for local consideration but a minimum of 9 play experiences is recommended. Seating for adults and siblings should be provided together with one or more litter bins. Convenient and secure parking facilities for bicycles should be provided.

Appendix G: . Children's Play Categories

	LAP	LEAP	LLAP	NEAP
Fencing	It may have a guard rail/ fence/ planting to indicate the perimeter and may need a barrier limiting the speed of a child leaving the space (depends on the location).	Boundaries should be recognised by landscaping although some fencing may be necessary if the site adjoins one or more roads and may need a barrier limiting the speed of a child leaving the space (depends on the location).	Boundaries should be recognised by landscaping, perimeter fencing is generally considered inappropriate, some fencing may be necessary if the site adjoins one or more roads and may need a barrier limiting the speed of a child leaving the space (depends on the location).	Boundaries should be recognised by landscaping, perimeter fences are generally considered inappropriate though some fencing may be necessary if the site adjoins one or more roads and may need a barrier limiting the speed of a child leaving the space (depends on the location).
Signage	Should indicate it is an area for children's play and that dogs are not welcome	Should indicate it is an area for children's play and that dogs are not welcome. Name and phone number of facility operator with an invitation to report incident/ damage to the area/ equipment. Location of the nearest telephone should also be indicated.	Not necessary the site should be recognisably available for use by children, though the area is an open space for shared use and enjoyment by all sections of the community.	Should indicate it is an area for children's play and that dogs are not welcome. Name and phone number of facility operator with an invitation to report incident/ damage to the area/ equipment. Location of the nearest telephone should also be indicated.

Careful consideration needs to be given to design and means of enclosure / planting / other physical features on the boundary of the residential property and potential for overlooking of property / gardens from equipment etc, or potential loss of privacy and creation of nuisance.

Careful consideration needs to be given to design of enclosure / planting / other physical features on the boundary of the residential property and potential for overlooking of property / gardens from equipment etc and potential loss of privacy and creation of nuisance.

Appendix H: Creating a Quality Play Environment

H.0.1 As part of Local Authority duties from Welsh Government in relation to children's play, authorities must assess open spaces for the quality of opportunity that they provide. 'Wales – A Play Friendly Country', the statutory guidance for the assessment, states that quality play provision offers all children the opportunity to freely interact with or experience the following:

- **Other children** - of different ages and abilities with a choice to play alone or with others, to negotiate, co-operate, fall out, and resolve conflict.
- **The natural world** - weather, trees, plants, insects, animals, mud.
- **Loose parts** - natural and man-made materials that can be manipulated, moved and adapted, built and demolished.
- **The four elements** - earth, air, fire and water.
- **Challenge and uncertainty** - graduated opportunities for risk taking; both on a physical and emotional level.
- **Changing identity** - role play and dressing up.
- **Movement** - running, jumping, climbing, balancing, rolling, swinging, sliding and spinning.
- **Rough and tumble** - play fighting.
- **The senses** - sounds, tastes, textures, smells and sights.

H.0.2 In order to understand the extent to which playgrounds provide this Neath Port Talbot County Borough Council has developed a Play Space Assessment against which all fixed play equipment sites are scored.

H.0.3 The form is broken down into three areas: Playground; Overall Site; and Accessibility. Each area is given a weighted score by which the quality of the space can be measured and compared with others.

H.0.4 In the development of new play facilities the Assessment should be used to inform and influence the decisions made around location and content of these facilities. The following guidance is provided to assist developers in understanding the basis of the Assessment form.

Playground - Quality

Appendix H: . Creating a Quality Play Environment

H.0.5 Well maintained playground equipment and safety surfacing can help ensure that spaces remain attractive and appealing places for children and families to visit. When spaces appear to be falling into disrepair, have worn paintwork or damaged equipment it can quickly look neglected which may negatively influence behaviours within the space.

Issues to consider:

- Why is a specific item of equipment being chosen? Who will use it and what can they do with it? Does it have high 'play value'? Could something of higher play value be provided that would offer a better experience?
- What surfaces are being used within the playground? Is this required by legislation? Would a different surface under, around, or joining equipment enhance the space? For example, grass, sand and bark all add to the aesthetic appeal of a space but can also add to children's experience by bringing texture, interest and variety to their play. This can be used to break up areas of hard standing or safety surface (this should be considered alongside British Standards for safety surfacing that will require impact absorbing surface under some equipment).
- Could a child with a disability access the space and move around the playground? Does the equipment available offer opportunities for them to play? This does not always need to be specialist equipment but wherever possible equipment should be chosen that does not exclude children with disabilities.

H.0.6 Playgrounds will be classified according to the Fields in Trust classifications of LAP, LEAP, NEAP.

Overall Site

H.0.7 This section looks at the overall site, including those areas outside of the playground. This may be as much as a bowling green, tennis court or pavilion, or as modest as a small area of open space adjacent to the playground.

H.0.8 These areas will be considered for how they contribute to the quality of children's play within the site.

Issues to consider:

- How does the overall site contribute to children and young people's play experiences?
- How does it provide for social and physical play, in its landscaping and layout as well as through fixed seating etc?
- Are there natural features that encourage play with the environment, and provide smells, textures and interest?

Appendix H: . Creating a Quality Play Environment

- Does the site stimulate imagination? Do features have lots of uses and encourage children to play with them in lots of different ways?
- Does the site look appealing? Does it sit well within its surroundings? Would a child want to play in it?
- Is the site safe? How well can it be seen from the road or from nearby houses? Is there a sense of 'informal supervision' from passers-by or residents?
- Are fences or boundaries appropriate? What purpose are they intended to serve? Could something else do the same job and also enhance the play opportunities available, such as boulders or planting?

Accessibility

H.0.9 Ensuring spaces are accessible to all is vital to ensure that spaces can be used by children, young people and families. Not only the accessibility with the space, but also its position within the community.

Issues to consider:

- How will users get to the space? (Remember, this may be different to how you *want* them to get to the space!)
- Can children easily walk or ride their bike to get there? Are there main roads to cross? Can anything be done to the space to change this, such as moving the access point?
- Is there clear signage? Is it located in a position that is easy for users to see it? Does the wording of this encourage children to play there? Is the writing large enough to be easily read?
- Are access paths/streets well lit? Does the site benefit from 'overflow' lighting from the streets? Will users feel safe within the site?



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



Local Development Plan
Cynllun Datblygu Lleol

APPENDIX 3

Renewable and Low Carbon Energy SPG
(July 2017 – Tracked Changes)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Renewable and Low Carbon Energy Supplementary Planning Guidance (July 2017 - Tracked Changes)



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Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Summer of 2017 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on [Date].

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or [01639] 686821.

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) gives information about the planning approach to renewable and low carbon energy in Neath Port Talbot and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the County Borough.

1.0.2 The Council's planning policy in relation to the various types of renewable and low carbon energy is set out in the Neath Port Talbot Local Development Plan (LDP)⁽¹⁾ Strategic Policy SP18 (Renewable and Low Carbon Energy) and detailed policies RE1 (Criteria for the Assessment of Renewable and Low Carbon Energy Developments) and RE2 (Renewable and Low Carbon Energy in New Development). This SPG should be read in the context of these LDP policies and explanatory text.

1.0.3 Chapter 2 outlines the national and local planning policy approach, while Chapters 3 and 4 outline how the relevant plan policies will be applied and Chapter 5 outlines the Council's approach to the securing of community benefits as part of renewable / low carbon energy developments.

1 . Introduction

Supplementary Planning Guidance: Renewable and Low Carbon Energy (July 2017) TRACKED CHANGES

2 Policy Context

2.1 National Policy

UK Policy Context

2.1.1 National policy relating to renewable and low carbon energy follows European Union commitments and directives, including the **EU Renewable Energy Directive (2009)**⁽²⁾, which included objectives to reduce CO₂ emissions by 20% from 1990 levels, boost renewable fuel use by 20% and reduce predicted energy consumption by 20%, by 2020.

2.1.2 To meet these objectives, the UK has set a legally binding target of 15% of energy from renewable sources by 2020 [**UK Renewable Energy Strategy (2009)**]. Modelling, undertaken on behalf of the Department for Energy and Climate Change (DECC), suggests that by 2020 this could mean more than 30% of electricity, 12% of heat and 10% of transport energy being generated from renewable energy sources.

2.1.3 The **UK Climate Change Act (2008)** sets goals of a 34% reduction in greenhouse gas emissions by 2020 and a reduction of at least 80% in greenhouse house gas emissions by 2050. Five yearly carbon budgets have been introduced to help ensure that the targets are met and the **UK Low Carbon Transition Plan: National Strategy for Climate and Energy (2009)** outlines how the 34% target will be met. It also states that by 2020, 40% of electricity will be from low-carbon sources, nuclear, clean coal and renewable energy generation. The **UK Renewable Energy Road Map (2011)**, published jointly by the four UK administrations in July 2011, outlined a plan of action to accelerate renewable energy deployment while driving down costs.

2.1.4 The UK Government provides financial support for renewable energy generation through the **Renewables Obligation** and **Feed in Tariff** schemes. In Wales, the 'Renewables Obligation' places an obligation on electricity suppliers to generate a certain portion of electricity from renewable sources and is regulated by the 'Office for Gas and Electricity Markets' (Ofgem). Eligible renewable technologies include wind energy; hydropower; tidal and tidal stream energy; wave energy; photovoltaics; geothermal; all biomass material; landfill gas; sewage gas; and co-firing of biomass with fossil fuel.

2.1.5 Six **National Policy Statements (NPSs)** for Energy Infrastructure were issued by the Department of Energy and Climate Change in 2011. Major energy project proposals (i.e. greater than 50MW) are dealt with at UK government level by the National Infrastructure Directorate (part of the Planning Inspectorate) and the NPSs set out national policy against which such proposals are to be assessed. Within Wales, Developments of National Significance (including energy generation proposals greater than 10MW but less than 50MW) are determined by Welsh Ministers. The exception to this is on-shore windfarms of all capacities above 10MW which are determined by Welsh Ministers.

2 Directive 2009/28/EC on the promotion of the use of energy from renewable resources.

2 . Policy Context

Wales Policy Context

2.1.6 Applying these UK wide principles, the ***Climate Change Strategy for Wales (2010)*** outlines the importance of renewable energy generation in meeting the energy demand in Wales and sets out a vision for the country up to 2050. The strategy intends to ensure that climate change is considered in all decision-making; that increased energy efficiency is delivered through making low carbon transport a reality; that the skills are developed to ensure that Wales can make the most of opportunities from a low carbon economy; that opportunities are taken to cut emissions and adapt to climate change where natural resources, land management pattern, and economic position allow; that the approach to Research & Development (R&D), technology, innovation and skills helps Wales gain maximum benefits from climate change related business and research; and that land use and spatial planning promote sustainable development and enable a move towards a low carbon economy which takes account of future climate impacts. The Strategy includes the targets of achieving 3% emission reduction per year and at least 40% emissions reduction by 2020 compared to 1990.

2.1.7 In March 2010, the Welsh Government published '***A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement***' which set out the potential for 22.5GW of installed capacity from renewable sources by 2020/2025, 2GW of which would be from onshore wind. The policy statement set out how this installed capacity should be achieved with individual 'aspirations' for different renewable energy technologies in Wales.

2.1.8 ***Energy Wales: A Low Carbon Transition (2012)*** subsequently set out the Welsh Government's ambitions and intentions with regard to the move towards low carbon energy. The measures outlined included: improving the planning and consenting regime; putting in place a 21st Century energy infrastructure; coordinating and prioritising delivery through an energy programme; ensuring Wales benefits economically from energy developments; ensuring Wales' communities benefit from energy developments; focusing on energy projects of greatest potential benefit; unlocking the energy in our seas; and leading the way to smart living. This document was supported in 2014 by ***Energy Wales: A Low Carbon Transition Delivery Plan*** setting out progress so far, priorities for action and delivery targets for high level milestones.

2.1.9 Welsh planning policy supports and helps to implement these Welsh Government principles and policies. Of particular relevance is ***Planning Policy Wales (PPW)*** supplemented by ***Technical Advice Notes (TANs)***.

2.1.10 ***PPW Edition 9 (2016)*** emphasises that planning policy at all levels should facilitate delivery of the ambitions of ***Energy Wales: a Low Carbon Transition*** and European targets. It is stressed that development of all forms of renewable and low carbon energy should be facilitated and that positive provision should be made to assess and deliver the area's appropriate contribution. Development Management decisions need to be consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations. It is indicated that renewable

energy projects should generally be supported by Local Planning Authorities (LPAs) provided environmental impacts are avoided or minimised, and nationally and internationally designated areas are not compromised.

2.1.11 In relation to wind energy specifically, PPW states that this constitutes a key part of meeting the Welsh Government's vision for future renewable electricity production. Strategic Search Areas (SSAs) have been identified as the most appropriate locations for large scale wind farm development where development of a limited number of large-scale (over 25MW) wind energy developments is required to contribute significantly to the Welsh Government's onshore wind energy aspirations. It is indicated that the SSA boundaries have been drawn to allow for some local refinement but that they should not be significantly amended without local evidence. Further information is given on this in TAN 8 (refer below).

2.1.12 *Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005)* stresses the importance of improving energy efficiency and energy conservation as well as developing sources of renewable energy. The TAN covers all types of renewable energy and also gives advice on associated issues such as community benefits.

2.1.13 The TAN introduced the concept of SSAs for the location of large scale wind farms (over 25MW) and identified seven SSAs throughout Wales. The boundaries are at a 'broad brush' scale, allowing local authorities to undertake local refinement. A Ministerial Letter in 2011 confirmed the ongoing commitment of the Welsh Government to limiting the development of large scale wind farms to the seven SSAs, and identifying maximum capacities within each area.

2.1.14 Two of the SSAs are located predominantly within Neath Port Talbot. The identified targets for these SSAs are:

- **SSA E (Pontardawe)** – Maximum capacity of **152MW**.
- **SSA F (Coed Morgannwg)** – Maximum capacity of **430MW**.

2.1.15 *Technical Advice Note (TAN) 12: Design (2016)* provides advice on national planning design policy with regards to good building design and the importance of considering design at an early stage of a planning application. It provides detail on how energy efficiency and energy conservation can be incorporated into planning and the design of a building..

2.1.16 *Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (Welsh Government 2011)* gives detailed advice on types of renewable and low carbon energy and the determination of planning applications.

2 . Policy Context

2.2 Local Policy

2.2.1 Local planning policy is set out in the *Neath Port Talbot Local Development Plan (2011-2026)*⁽³⁾. Policy SP18 is a strategic policy which sets out the overall strategy for renewable and low carbon energy, while policies RE1 and RE2 deal respectively with proposals for renewable / low carbon energy development and the incorporation of renewable / low carbon energy within other types of development.

2.2.2 SP18 sets out the broad measures that will be taken to ensure that national renewable energy and energy efficiency targets will be met while balancing impacts on the environment and communities. The more detailed policies RE1 and RE2 set out in detail how the requirements of SP18 are to be achieved.

Policy SP18

Renewable and Low Carbon Energy

A proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities. This will be achieved by:

1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development;
2. Encouraging energy conservation and efficiency measures in all new major development proposals;
3. Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents.

LDP Objective: OB 19

Policy RE1

Criteria for the Assessment of Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:

1. Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.

2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.
3. Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.
4. All renewable energy or low carbon energy development proposals will be required to demonstrate that:
 - (a) Measures have been taken to minimise impacts on visual amenity and the natural environment;
 - (b) There will be no unacceptable impacts on residential amenity;
 - (c) The development will not compromise highway safety;
 - (d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and
 - (e) There are satisfactory proposals in place for site restoration as appropriate.

Policy RE2

Renewable and Low Carbon Energy in New Development

Schemes that connect to existing sources of renewable energy, district heating networks and incorporate on-site zero / low carbon technology (including microgeneration technologies) will be encouraged.

The following proposals will be required to submit an Energy Assessment to determine the feasibility of incorporating such a scheme and where viable, would be required to implement the scheme:

- (a) Residential development for 100 or more dwellings;
- (b) Development with a total floorspace of 1,000 sqm or more.

2.2.3 A number of background studies supported the development of these policies, in particular:

2 . Policy Context

- **TAN 8 Annex D Study of Strategic Search Areas E and F: South Wales [Final Report] (Arup December 2006)**: a consortium of five local authorities including Neath Port Talbot CBC commissioned Arup Consultancy to further refine the SSAs set out in TAN 8. The refined boundaries were formally adopted through the LDP process and are shown in Figures 3.1 and 3.2.
- **Carbon Management Energy Efficiency Report: Heat Mapping & District Heating Feasibility Study (2010)**: a high level feasibility study to establish an estimate of waste heat availability in and around Port Talbot and the potential for a district heating network to be established.
- **Neath Port Talbot District Energy Master Plan Study (2012)**: building upon the 2010 study above, a District Energy Master Plan Study was undertaken evaluating the financial conditions needed for the implementation of a District Energy system. This indicated potential for a Port Talbot District Energy system covering the wider Port Talbot area (i.e. from the Town Centre to the mouth of river Neath), using Neath Port Talbot Hospital as the start up node.
- **Neath Port Talbot County Borough Council Renewable Energy Assessment (2012)**: the assessment examined the potential within Neath Port Talbot for the production of all types of renewable energy. It was concluded that overall, the amount of renewable electricity generation in Neath Port Talbot exceeded the UK-wide target. Heat demand potentially met by renewable energy sources however, was substantially below the 12% target.

2.2.4 The district energy / heating studies have been followed up more recently by the **Neath Port Talbot District Heating Feasibility Study (2016)**, updating previous studies and findings and undertaking a detailed evaluation of the potential for district heating schemes within the area.

2.2.5 Planning applications will need to be determined in accordance with the LDP policies above (and other relevant policies in the Plan) unless material considerations indicate otherwise. The remainder of this SPG contains advice and guidance about the implementation of these policies.

3 Implementation of Policy RE1

3.0.1 Policy RE1 (Criteria for the Assessment of Renewable and Low Carbon Energy Development) covers all types of renewable and low carbon energy. Policy criteria 1, 2 and 3 are concerned with wind farms and the approach to be taken within and outside the refined Strategic Search Areas (SSAs), while criterion 4 is generally applicable to all renewable / low carbon technologies.

3.1 Policy RE1 Criteria 1, 2 and 3

Strategic Search Areas (SSAs)

3.1.1 As outlined in Chapter 2, *Technical Advice Note (TAN) 8: Planning for Renewable Energy (2005)* identified seven SSAs (areas identified as being suitable for the location of large scale onshore wind developments) within Wales, two of which are predominantly within Neath Port Talbot [SSA E (Pontardawe) and SSA F (Coed Morgannwg)]. The SSAs were delineated using 'broad brush' roughly defined boundaries allowing local authorities to undertake local refinement taking into account local features and more detailed analysis.

3.1.2 While TAN 8 introduced notional targets for power generation in megawatts (MW) for each SSA, these were amended by a Welsh Government Ministerial Letter issued in July 2011 which clarified the policy approach that should be taken to SSAs and indicated that the SSA capacities that had previously been identified were the maximum appropriate figures for each SSA.

3.1.3 The refinement of the SSAs within Neath Port Talbot was the subject of extensive discussion at the LDP Examination in Public in 2015, the outcome of which was that the Arup study undertaken to inform the refinement process was accepted by the Inspectors as being a 'thorough, robust and appropriate basis for the refined boundary'. The amended boundaries were therefore formally adopted and included on the adopted LDP Proposals Map. The refined SSAs are illustrated in **Appendix A**.

3.1.4 For the SSAs within, or partly within, Neath Port Talbot, the identified capacity figures are 152 MW for SSA E and 430 MW for SSA F. The Welsh Government compiles information on the proposed, approved or operational outputs from the SSAs which is regularly updated and is available on the WG Website⁽⁴⁾.

Policy Implementation

3.1.5 Criteria 1, 2 and 3 of Policy RE1 set out the policy requirements for wind farm developments. Criterion 1 sets out the Council's expectation that large windfarms (defined as those that would generate more than 25MW) should be located within the refined SSA boundaries. Since the refined SSAs have been defined following thorough landscape and

4 Technical Advice Note (TAN) 8 Database 2015 - Review of Wind Farm Development:
<http://gov.wales/docs/desh/publications/150914windfarmdevelopment-database-summary-table-en.pdf>

3 . Implementation of Policy RE1

visual sensitivity assessments, it is acknowledged in policy terms (as set out in TAN8) that significant change in landscape character as a result of wind farm developments can be accepted within their boundaries.

3.1.6 Within the refined SSAs the intention is to maximise installed wind turbine capacity **taking into account relevant site constraints**. Development proposals that might constrain this capacity (including smaller wind farms and other types of renewable energy schemes) would be resisted. However, medium scale (5-25MW) wind farms could potentially be acceptable within the refined SSAs provided they do not constrain the SSAs overall generating capacity.

3.1.7 Elsewhere, outside the refined SSA boundaries, criterion 2 sets out the requirements that will apply to wind farm proposals of all sizes, indicating that proposals will have to demonstrate no unacceptable impacts on visual amenity or landscape character. Criterion 3 covers small scale developments, which are required to confine any impacts to a local scale. Guidance on the general considerations that will need to be addressed for the various categories of wind farm and other types of renewable and low carbon energy is set out in more detail in the sections below.

3.1.8 The potential cumulative visual effects that a proposal may have in combination with other existing, consented or proposed larger scale developments will need to be assessed, taking into account landscape designations and other sensitive areas [in particular areas designated as Undeveloped Coast (LDP Policy EN1), Special Landscape Areas (LDP Policy EN2) and Green Wedges (LDP Policy EN3)]. Parts of Neath Port Talbot also abut the Brecon Beacons National Park **and fall within its setting**. Potential effects of wind farm developments on the National Park **and its special qualities** will need to be carefully considered.

3.2 All Types of Renewable/Low Carbon Energy Technologies (Criterion 4)

3.2.1 The fourth criterion of Policy RE1 relates to all types of renewable / low carbon energy and indicates matters that will need to be taken into account in determining applications. A summary of the different types of renewable and low carbon energy technologies is given in **Appendix B**, with more detailed information available from the Welsh Government publication 'Practice Guidance - Planning Implications of Renewable and Low Carbon Energy'⁽⁵⁾.

Domestic Household Developments

3.2.2 Many domestic renewable / low carbon technologies are classed as 'permitted development' and can be installed without needing planning permission, although there are specific limits relating to size and position, and listed buildings or properties within conservation areas are more strictly controlled. Listed Building Consent will be required for any proposal that affects the character or setting of a listed building, including structures within its curtilage.

5 Practice Guidance - Planning Implications of Renewable and Low Carbon Energy (Welsh Government 2011): <http://gov.wales/topics/planning/policy/guidance/and-effects/planningimplications/?lang=en>

3.2.3 Information about permitted development rights in Wales is available from the Planning Portal⁽⁶⁾. Householders considering the installation of renewable / low carbon technologies are advised to contact the Planning Department for further advice.

3.3 Matters for Consideration

3.3.1 Matters that will need to be taken into consideration in relation to all types of renewable / low carbon energy include visual amenity, cultural and residential impacts on local communities, effects on the natural environment, highway safety implications, effects on communications, and site restoration. Particular attention will need to be given to potential impacts on the landscape, townscape or seascape, nature conservation, wildlife interests, areas of historical and cultural importance and the potential for pollution, noise, dust, vibration, reflected light and shadow flicker.

The Assessment of Landscape and Visual Impacts

3.3.2 For windfarms outside the refined SSAs and other types of renewable / low carbon energy, the assessment of landscape and visual effects (including impacts on landscape, seascape, townscape and communities) will be of primary importance. Impacts on skylines, views and panoramas will be important considerations. These impacts should be identified in relation to significant receptors (local residents or communities) as well as the wider landscape generally.

3.3.3 Landscape and Visual Impact Assessment (LVIA) will be required as part of the Environmental Impact Assessment (EIA) process for many proposals, but should be undertaken in all cases where there is likely to be a significant visual impact from a renewable or low carbon energy proposal. This will need to include assessments of the effects of the changes brought about by the proposed development on the landscape (as a general resource) and its visual effects on specific views and visual amenity generally. The significance of the effects will also need to be assessed. The LVIA will need to be proportionate to the scale and nature of the proposed development.

3.3.4 **Landscape Effects:** these will need to include effects on rural landscapes, seascapes and townscapes. The following matters will normally need to be addressed:

- Effects on protected or designated landscapes (for example the National Park or Special Landscape Areas), and the extent and importance of the likely changes caused by the proposed development;
- LANDMAP: Natural Resources Wales' (NRW) LANDMAP resource⁽⁷⁾ should be used in order to provide a consistent approach and there will be a need to distinguish between the value and significance of a landscape and its sensitivity to change. ~~Wild and remote landscapes will be particularly sensitive:~~
- The contribution that landscape character has on place and quality of life; and

6 https://www.planningportal.co.uk/wales_en/info/2/do_you_need_permission
7 <https://naturalresources.wales/planning-and-development/landmap/?lang=en>

3 . Implementation of Policy RE1

- The effects that the proposed changes may have on individual components of the landscape; aesthetic or perceptual qualities and the character of the landscape in different areas.

3.3.5 Visual Effects: this relates to the ways in which the surroundings of individuals or groups of people may be affected by change in the landscape, and how people will be affected by changes in views and/or visual amenity at different places. The following matters will normally need to be addressed:

- The area in which the development may be visible;
- The different groups which may be affected by views of the development;
- The places where they will be affected;
- The nature of the views and visual amenity at those points; and
- Changes in specific views.

3.3.6 Significance: assessing the significance of the identified effects will need clear judgement and there should be transparency in both significance assessments and the evaluation of significance. There will not necessarily need to be a specific scale of levels of significance or tables/matrices etc., although these can help to support the judgements made, but it should be made clear what the significant effects are, preferably through well argued narrative text. A two step approach is recommended:

- *Step 1: Assess against agreed criteria.* These should include the sensitivity of the receptor and the magnitude of the effect; and
- *Step 2: Combining the judgements.* The rationale for the overall judgement making clear how judgements about sensitivity and magnitude have been combined.

3.3.7 The overall significance judgement should be as consistent and transparent as possible, with an emphasis on written explanations of different categories of significance etc. ~~rather than numerical scoring and tables which can give a spurious level of precision to an essentially subjective process.~~ Numerical scoring or weighting of material should be avoided or at least treated with considerable caution, since it can suggest a spurious level of precision.

3.3.8 Cumulative Effects: these are the effects of the proposed development in conjunction with other developments (either associated with it or separate) either completed, under construction or proposed. Deciding which other developments need to be considered is a matter of judgement but should be kept in proportion to the project.

3.3.9 Further advice on Landscape and Visual Impact Assessment is available in GLVIA3⁽⁸⁾ and the Smaller Scale Wind Turbine Development guidance⁽⁹⁾ (prepared for the Heads of the Valleys Landscape Officers and Planners Group). In addition, further advice on landscape issues will be available in the Council's Landscape and Seascape SPG.

Cultural and Historic Heritage Impacts

3.3.10 Landscape, seascape and townscape can have cultural and historic associations that are important for the local community, visitors and the wider national interest. Cultural associations could include art works or literature (in *English* or *Welsh*) relating to the landscape, while features of historic importance could include listed buildings, scheduled monuments, conservation areas and registered Historic Landscapes and Parks and Gardens.

3.3.11 Information about the historic and cultural environment can be found within the NPT LANDMAP Study⁽¹⁰⁾ and further advice on the historic built environment will be available in the Council's Historic Environment SPG.

Biodiversity

3.3.12 All types and scales of renewable / low carbon energy have the potential to impact on natural habitats and/or species. There is a wide range of sites with local, national and international designations within and near to Neath Port Talbot which will need to be taken into consideration, but any site development could affect important features of biodiversity interest. Any proposal may therefore need to address biodiversity issues, and developments within or near to any designated site will be subject to significant constraints and ultimately development may not be feasible depending on the potential impact and the importance of the site in question.

3.3.13 Internationally designated sites comprise Natura 2000 and Ramsar sites. There are three such sites partly within Neath Port Talbot, with others further afield that could also be affected by developments in the County Borough. Any proposals that could have an adverse effect on such a site would not be permitted except under certain very limited and specific circumstances. Proposals likely to significantly affect any such site will need to be subject to Habitats Regulations Assessment (HRA).

3.3.14 Nationally designated sites include Sites of Special Scientific Interest (SSSIs)⁽¹¹⁾, which are protected by national policy with presumption against development likely to cause any damage. Policy relating to internationally and nationally designated sites is set out in Planning Policy Wales and associated documents.

8 Guidelines for Landscape and Visual Impact Assessment (Third Edition)(Landscape Institute and Institute of Environment Management and Assessment April 2013).

9 Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements (April 2015).

10 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants 2004).

11 There are currently 20 SSSIs designated within the County Borough.

3 . Implementation of Policy RE1

3.3.15 Locally designated sites include Sites of Interest for Nature Conservation (SINCs), Local Nature Reserves (LNRs) and Regionally Important Geodiversity Sites (RIGS). LDP Policy EN6 sets out requirements relating to locally designated sites, requiring proposals to conserve and where possible enhance the natural heritage importance of the site unless the development cannot be located elsewhere and its benefits outweigh the natural heritage importance of the site. This policy also relates to any sites supporting Local Biodiversity Action Plan or S7⁽¹²⁾ habitats or species.

3.3.16 Further information on all types of designated sites and important and protected habitats and species is available from PPW⁽¹³⁾, TAN5⁽¹⁴⁾ and the Council's Biodiversity and Geodiversity SPG. Renewable / low carbon energy proposals are likely to have impacts on habitats and species, these impacts may be particularly complicated and varied in areas that have previously been undisturbed by existing development. Specific issues will depend on location and the type of technology involved, but common issues relate to impacts on bird and bat species and effects on moorland peat in the case of wind farms.

3.3.17 Such issues will need to be fully assessed and impacts (direct, indirect and cumulative) addressed as part of any planning application. Deep peat (>50cm) is a significant carbon store. All developments, particularly in upland locations, should fully take into account impacts on deep peat and the design of the development will be expected to demonstrate that impacts on deep peat are avoided as far as possible. This is in order to ensure that the release of carbon as a result of construction works is minimised and will help to ensure that the development fully contributes towards the low carbon energy generation objective. It should be noted that both direct and indirect impacts (e.g. through alteration of hydrology) will be expected to be fully assessed and addressed.

Grid Connections

3.3.18 In many cases the technical details of the connection of a renewable / low carbon energy proposal to the electricity distribution grid will not be a planning consideration. However, in some cases, parts of the connection infrastructure, such as sub-stations and kiosks may require permission as part of the overall scheme. It is recommended that developers conduct initial discussions with the Distribution Network Operator (DNO) and the planning authority at an early stage in the development of the project in order to identify routes for grid connection infrastructure which avoid areas of high landscape, ecological, cultural, historical or archaeological sensitivity. Preference will be for sub-surface connections where possible.

Mitigation Measures

3.3.19 It may be possible to address the impacts of proposals through securing mitigation measures from the developer through the imposition of conditions on the planning consent or through legal agreements or obligations under S106 of the Town and Country Planning

12 Section 7 of the Environment (Wales) Act: Lists of species and habitats which are of principal importance for the purpose of maintaining and enhancing biodiversity.

13 Chapter 5 'Conserving and Improving Natural Heritage and the Coast': Planning Policy Wales Edition 9 (2016) - Welsh Government.

14 Technical Advice Note 5: Nature Conservation and Planning (2009) - Welsh Government.

Act 1990 (as amended). Such mitigation measures would need to be related to the impacts that would be caused by the proposed development and be designed to alleviate such effects.

Renewable Energy and Mineral Resources

3.3.20 Where a proposed renewable / low carbon development would be located on significant coal or other mineral resources (particularly those that might be worked by opencast or quarry methods), the extent and scale of the reserves that would be sterilised or constrained should be identified. The Council will have to assess the relative benefits of allowing a development to proceed against its duty of protecting coal and mineral resources. In some cases however, it may be feasible to consider extracting the coal or other minerals before development of the renewable / low carbon energy proposal.

Design and Construction

3.3.21 Renewable / low carbon energy developments should be designed as far as possible to minimise visual intrusion. Ancillary buildings, storage areas, technical equipment and means of enclosure should be kept to the minimum necessary, be designed to be unobtrusive and be located to be screened from view where possible. In rural areas access tracks should have a rural unmade character as far as possible and electrical cabling should wherever possible be underground or carried on wooden poles.

3 . Implementation of Policy RE1

Supplementary Planning Guidance: Renewable and Low Carbon Energy (July 2017) TRACKED CHANGES

4 Implementation of Policy RE2

4.0.1 Policy RE2 seeks to encourage the use of renewable or low carbon energy, including the connection to existing supplies, the provision and use of district heating networks and the use of on-site renewable / low carbon technology.

4.0.2 The Council is generally supportive of small scale proposals such as domestic solar panel installations or proposals to install renewable energy technologies in existing buildings. In some instances, express planning permission may not be required for such installations. Information about the need for planning permission is available from the Planning Portal⁽¹⁵⁾. Detailed advice about the technologies available and their suitability for different situations is available from the Welsh Government⁽¹⁶⁾.

4.0.3 Some types of renewable / low carbon energy installation may not be appropriate for sensitive buildings, sites or areas (e.g. Listed Buildings or Conservation Areas) and in all cases, careful consideration should be given to the design of installations and their effects on the appearance of a building or area. Further advice on design matters is available in the Council's Design SPG.

4.1 Thresholds and Requirements

4.1.1 Policy RE2 requires the submission of an 'Energy Assessment' for any proposal for 100 or more dwellings or where developments result in new floorspace of 1,000 sqm or more.

4.1.2 Schemes that are shown by the assessment to be viable will be required to be implemented as part of the development. In order to meet the requirements of Policy RE2, an Energy Assessment will need to address the matters set out in **Appendix C**.

4.1.3 New applications submitted on sites which previously had planning approval or applications for the renewal of a planning consent will be assessed using the renewable / low carbon energy policies contained within the LDP. This may mean that the requirement for an Energy Assessment will need to be met even where there has been no previous requirement, reflecting changes in policy context since the original application.

4.2 Division and Phasing of Sites

4.2.1 The above thresholds for requiring an Energy Assessment will apply to all developments of the sizes indicated or above. Where a site has been subdivided or phased into more than one parcel of land and the total number of units or development floorspace on each parcel falls below the relevant threshold, the site will be treated as one development and an Energy Assessment will be required for the site as a whole.

15 https://www.planningportal.co.uk/wales_en/info/2/do_you_need_permission
16 Generating Your Own Renewable Energy: A Planning Guide

4 . Implementation of Policy RE2

4.2.2 For example, if a parcel of land forms part of a larger site but has been subdivided either before or after the grant of planning permission, the submission of an overall Energy Assessment will be needed, and where relevant its findings will need to be incorporated into the overall development.

5 Community Benefits

5.0.1 Welsh Government guidance acknowledges that there may be a need to mitigate the impact of some renewable or low carbon energy developments and recognises the established principle of such measures being made the subject of conditions or legal agreements / obligations required to make the proposal acceptable and allow planning permission to be granted. A clear distinction is however drawn between requirements of this type which are necessary to make a proposal acceptable and voluntary arrangements entered into by developers which secure benefits for host communities but should have no influence on the determination of any planning application.

5.0.2 Paragraph 12.10.5 of PPW states:

'The Welsh Government supports the principle of securing sustainable community benefits for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97.'

5.0.3 Paragraph 2.16 of TAN 8 - Planning for Renewable Energy also states:

'Experience has shown that there are opportunities to achieve community benefits through major wind farm development. Some benefits can be justified as mitigation of development impacts through the planning process. In addition, developers may offer benefits not directly related to the planning process...Local Planning Authorities, where reasonably practical, should facilitate and encourage such proposals...However, such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.'

5.0.4 An annex attached to the TAN indicates a number of examples of where community benefits have successfully operated. The Welsh Government and a number of major energy generating companies have also signed a document entitled 'Declaration for Community Benefits by Onshore Wind Farm Developers and Operators in Wales'. The declaration makes a promise to ensure that communities are fully engaged and that they receive long term positive benefits.

The Need for a Policy

5.0.5 As a consequence of the identification of the two Strategic Search Areas (Areas E & F) within Neath Port Talbot a large number of wind farm developments have been proposed within the County Borough. There has also been considerable interest in other renewable energy developments, including solar farms, biomass, tidal power and hydro power.

5 . Community Benefits

5.0.6 The impacts associated with such developments are considered in great detail via the planning process. It is acknowledged however that in addition to having an impact upon the environment, such developments can also have an impact upon the communities which host and/or are situated close to the developments. Shorter term impacts are also experienced by those communities located on the construction route of larger scale projects. Despite mitigation against environmental impacts being secured through the planning process via the imposition of a combination of conditions and legal agreements, this is not often perceived to be a benefit to the communities affected by the development. The Council has acknowledged this issue and has a proven track record of securing funds for the communities who are most affected by energy generating developments.

5.0.7 These funds however have been secured on an ad-hoc basis having regard to what has been secured elsewhere. A policy⁽¹⁷⁾ was therefore adopted in 2015 following public consultation to ensure that future funds are negotiated and secured in a consistent manner and the geographical areas of spend identified are reasonable and appropriate to the development. It is also important to ensure that the funds are spent to ensure maximum benefit and outcomes for the community.

5.0.8 Notwithstanding the above, it should be noted that 'community funds' are not a mandatory requirement of developers and cannot be secured to mitigate any potential harm which could be caused as a consequence of a development. Nevertheless, this policy sets out the Council's expectations in relation to these voluntary contributions and also outlines the approach which will be taken with developers to secure a consistent and transparent approach to the securing of such funds. This approach will be applied to all proposals for renewable energy generating developments whether they are to be determined by the Council, by Welsh Ministers under the Developments of National Significance procedure, or by the Secretary of State under the Nationally Significant Infrastructure Projects procedure.

5.0.9 It is also acknowledged that as subsidies from the Government change, the viability of such schemes will also change. This will be taken into account, but evidence has shown that the costs of the plant have generally reduced in line with the reduction in subsidies, and as such most, if not all, energy generating developments can make some contribution towards a community fund. If this is not the case, then a developer should demonstrate to the Council why they are unable to provide the expected contribution.

Appendix A: Refined Strategic Search Areas

Figure A.1 Refined Areas: SSA E

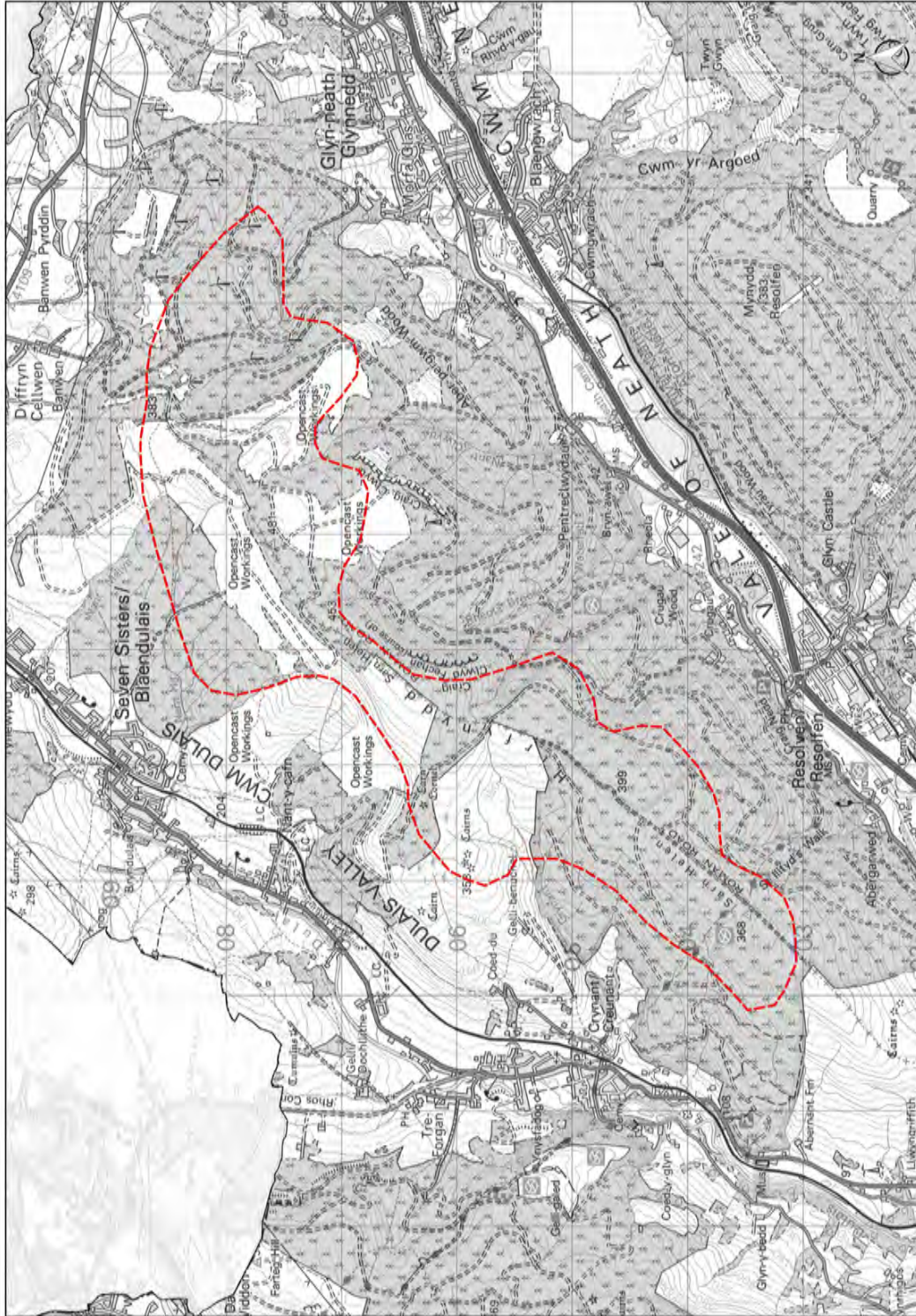
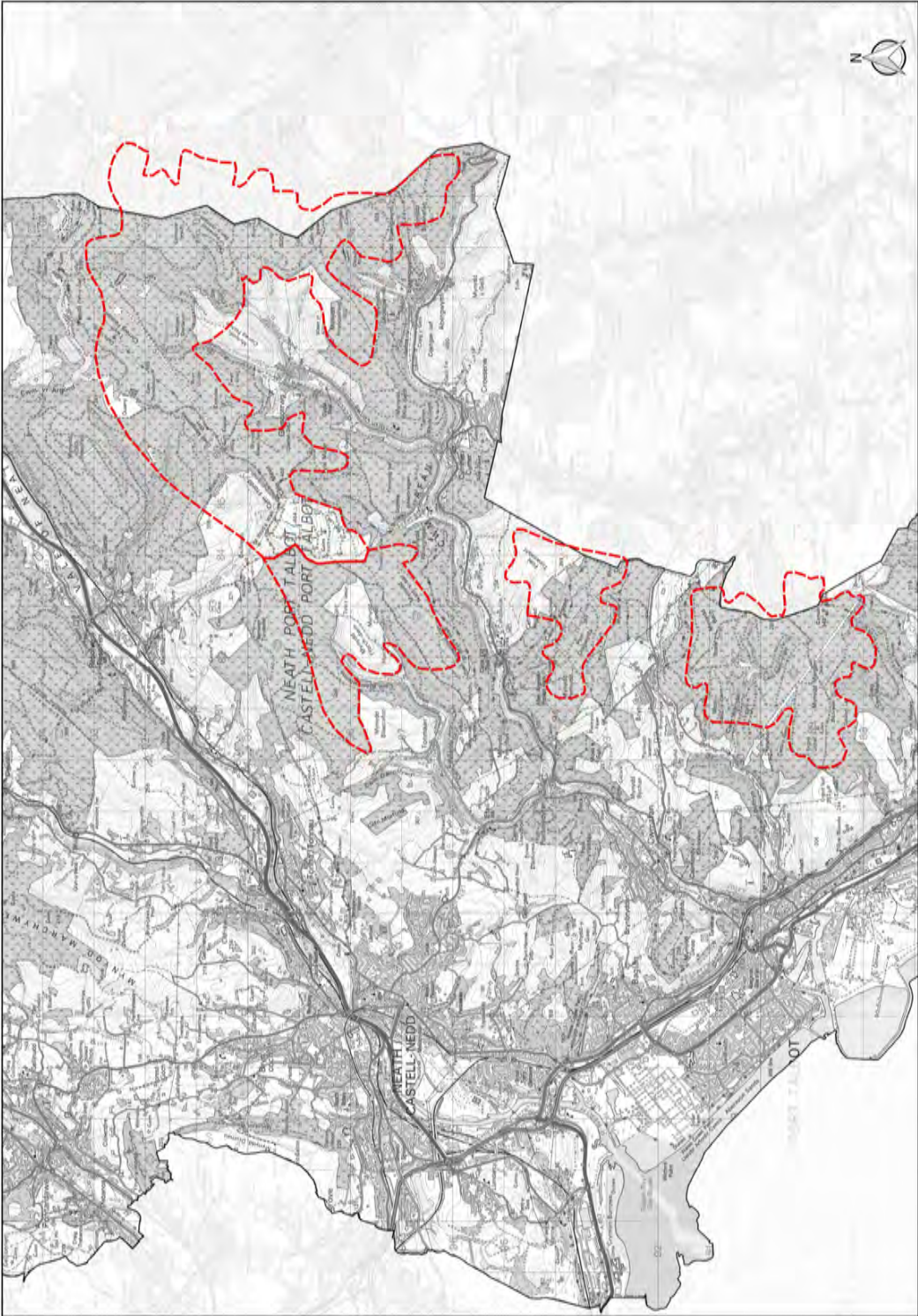


Figure A.2 Refined Areas: SSA F



Appendix B: Renewable / Low Carbon Energy Technologies

B.1 A brief summary of the principal types of renewable and low carbon energy technologies is given below. More detail is given in 'Practice Guidance - Planning Implications of Renewable and Low Carbon Energy'⁽¹⁸⁾.

Wind

B.2 Wind energy is harnessed through a rotor connected to an electrical generator, usually mounted on a tower or mast. On-shore turbines range from 5 watt battery charging models up to 2-3 megawatt commercial scale turbines. The number of turbines used per site ranges from the deployment of single turbines up to large groups of turbines (wind farms) capable of generating tens of megawatts.

Biomass

B.3 Biomass is material of recent biological origin, derived from plant or animal matter. 'Dry' biomass is commonly combusted either to generate heat or to produce electricity. Other types of biomass can be anaerobically digested to generate 'biogas' or used to produce transport 'biofuel'. Biomass can be used as fuel for heating systems, electricity generation or combined heat and power (CHP) plant. The most common types of biomass include woodfuel from forestry sources, energy crops or wood waste, agricultural residues and the biodegradable fraction of municipal solid waste.

Anaerobic Digestion

B.4 Anaerobic Digestion (AD) is a process which uses bacteria to break down plant or animal matter by microbial action in the absence of air, to produce a gas with a high methane content which can be used as a substitute for fossil gas. Sewage sludge, farm slurry, and some elements of municipal solid waste are the main types of organic feedstock, and in addition to gas the process produces a nitrogen-rich liquor (digestate) and residual solid by-products which can be used as fertiliser or soil conditioner. An anaerobic digestion plant normally comprises a digester tank, equipment buildings, a biogas storage tank, a flare stack, and pipework.

Biofuels

B.5 Biofuels are biomass-derived liquids that are used as transport fuel. They are usually produced from plant materials blended with mineral fuels. Bioethanol is made from fermenting crops (e.g. sugar cane, wheat or maize), while biodiesel is made from soy and oilseed rape or similar, or by processing oily wastes such as used cooking oil and animal fats.

Hydropower

B.6 Hydropower uses flowing water to generate electricity using a turbine or Archimedes screws. The energy generated is proportional to the volume of water and vertical drop or head. Schemes can be small scale 'run of river' systems with no water storage necessary, or may be developed in conjunction with water storage / reservoirs. Key elements are a water source with sufficient flow and head, an inlet pipeline (penstock) to direct water, turbine generating equipment and housing, a tailrace to return water to the watercourse, and electricity transmission equipment. In some cases appropriate fish ladders or other mechanisms may be required to avoid harm to wildlife.

Solar

B.7 Solar energy generation involves either the provision of hot water via solar thermal systems or electricity via solar photovoltaic (PV) systems. Solar thermal systems use solar collectors, usually placed on the roof of a building, to heat water, while solar PV systems use solar cells (normally grouped together into roof mounted panels) to generate electricity. Other forms of solar PV technology include solar tiles, which can be integrated into new buildings or refurbishments alongside conventional roofing tiles or slates. Commercial scale solar PV schemes consist of freestanding arrays of solar panels mounted on fixed frames or systems that track the sun and which feed their electricity into the national grid, either roof mounted on large flat roofs, or on the ground.

Heat Pumps

B.8 Heat pump systems capture thermal energy from air, water or the ground. The heat energy is absorbed into a fluid and passed through a compressor to raise its temperature. They can be used for space heating, water heating, heat recovery, space cooling and dehumidification. Although all the heat delivered by heat pumps comes from renewable energy, a supply of electricity is required to pump the system, which may or may not come from renewable sources.

Geothermal

B.9 Geothermal energy consists of heat within the rocks below the earth's surface resulting from the radioactive decay of minerals deep within the earth. It can be used as a direct source of renewable heat, or to generate electricity. Use of geothermal energy generally involves the drilling of wells or boreholes several kilometres deep. Carbon dioxide emissions from geothermal plant are usually very low as fossil fuels are not used.

Fuel Cells

B.10 Fuel cells are electrochemical energy conversion devices that produce electricity from the energy contained in a fuel. The normal fuel cell process uses oxygen (usually obtained from the air) to react with hydrogen to produce electricity, heat and water, with no other emissions. Overall emissions will depend on the process used to produce the hydrogen. Fuel cells are used in a wide range of applications including power storage, transport and to drive Combined Heat and Power plants.

Combined Heat and Power

B.11 Combined Heat and Power (CHP) plants produce both electricity and useful heat or heat, power and chilling (known as Combined Cooling, Heat and Power (CCHP) or Trigeneration). This can be a more efficient use of fuel than using thermal processes to produce electricity only, but depends on the balance of demand for power and heat being appropriate and the plant being located close to the source of heat demand. CHP is often used in industry and also in district heating schemes. Whether a CHP scheme is a renewable or a low carbon energy technology will depend on the fuel source.

District Heating

B.12 District heating describes the provision of heating and hot water to multiple buildings from a central heat source through a network of pipes. This is normally a more efficient way of generating and delivering heat and/or electricity or cooling than multiple individual systems. In particular, it has the following potential benefits:

- It allows larger combustion plant to be used which tend to be more efficient than smaller equipment, potentially reducing the cost and increasing the carbon efficiency of heating;
- It supports the use of Combined Heat and Power technology by providing the means to distribute the heat produced for beneficial use; and
- In areas where air quality is an issue, it can allow the combustion process to be moved to a different location thereby avoiding the introduction of additional pollutants into the local atmosphere.

B.13 Normally, systems include an energy centre, a network of insulated pipes and a series of heat exchangers with heat meters in buildings being supplied with heat.

B.14 The scale of systems can range from a single boiler supplying a group of dwellings to large scale schemes supplying a whole district or community. A wide range of energy sources can be used, which can help to future-proof the system to technological advances.

Picture B.1 District Heating System



Waste Heat

B.15 Waste heat refers to heat produced by machines, electrical equipment and industrial processes etc. which is unused and regarded as a waste by-product. When an end-use can then be found for this heat, it can be considered a low carbon technology as the source fuel is then being used more efficiently and will offset the need for additional heating fuel by the new end-user. Larger sources of waste heat can also be used to supply district heating systems serving nearby homes and businesses.

Energy from Waste

B.16 Energy can be recovered from waste by either combustion or thermal processing, and can take the form of electricity or heat. Schemes are commonly associated with municipal recycling facilities.

Appendix C: Energy Assessment Requirements

C.1 Energy Assessments, as required by Policy RE2 for larger scale developments, will be expected to investigate fully the feasibility of incorporating any type of renewable or low carbon energy into new development schemes. An assessment will be expected to include the following information:

1. The likely energy demand of the development;
2. The potential for renewable / low carbon energy generation on the site;
3. The availability and potential to connect to existing sources of renewable / low carbon energy;
4. The potential for incorporating or being part of a District Heating System; and
5. The potential to share renewable / low carbon energy generated on the site.

C.2 These requirements are considered in more detail below.

[1] Energy Demand Assessment

C.3 Decisions about which technologies are the most suitable to be used in any new development should be based on information about the predicted energy demand of that development. This could include information on how energy is used at different times of the day and year, how this breaks down between different uses and whether the energy use is discretionary (i.e. variable depending on specific changing requirements) or non-discretionary (i.e. more constant and predictable demand such as lighting, heating, hot water etc.). An Energy Demand Assessment should be used to analyse and understand how this breaks down.

C.4 Understanding the predicted energy demand allows decisions to be made about which type(s) of renewable / low carbon technology are most appropriate. It would also allow the ability of existing electricity or gas networks to supply a new development to be assessed (which might require a developer to put more investment into reducing energy demand or increasing energy efficiency etc.).

C.5 An understanding of how demand varies across the day and the year can then be used to inform decisions about the best and most suitable renewable energy technologies to meet the demand profile.

[2] Renewable / Low Carbon Energy Generation Potential On-Site

C.6 The Energy Assessment will need to consider the feasibility of making provision for renewable / low carbon energy generation within the development site. All relevant types of energy generation should be addressed (see **Appendix B**). Detailed information about renewable / low carbon energy technologies is given in 'Practice Guidance - Planning Implications of Renewable and Low Carbon Energy'⁽¹⁹⁾.

C.7 In order to fully assess the on-site potential, the factors set out in the following sections should be fully assessed and incorporated into the appraisal.

Energy Supply Issues

C.8 Some renewable / low carbon technologies are 'intermittent' while others are capable of constant generation. Intermittent technologies such as wind or solar power cannot supply electricity continuously but will vary depending on the availability of their energy source. Baseload technologies including biomass, gas CHP, heat pumps and fuel cells can provide a continuous supply. These characteristics should be evaluated and the most appropriate technology/ies to serve the development proposed should be identified accordingly. Further information on these matters is available from Planning Implications of Renewable and Low Carbon Energy⁽²⁰⁾.

C.9 More specific issues that should be considered include the predictability and timing of maximum and minimum energy generation. For example, PV technology will normally generate maximum amounts of power in the middle of the day during the summer when demand is low. The suitability of the technology for a particular development will therefore depend on the area available for the technology and winter/night time back-up may be required, or capacity to absorb excess generation.

C.10 There may be opportunities however to combine technologies based on their supply characteristics. For example, wind turbines will generate more electricity in the winter and can also generate at night. This can complement PV systems which generate more electricity in the summer and only during the day.

Development Scale

C.11 Larger scale developments will generally have a larger demand for energy and can therefore select renewable / low carbon technologies that can operate at a larger scale. For example, larger employment development can have more opportunity to integrate energy generation with any industrial processes within the building. Developments taking larger areas of land are also generally able to create more space for energy generation schemes which allows a greater choice of technologies.

C.12 Larger residential and mixed use developments can also offer more opportunities for larger scale technology or possibly centralised energy generation options. These can have cost advantages over smaller scale schemes and also offer the opportunity to consider

19 Practice Guidance - Planning Implications of Renewable and Low Carbon Energy (Welsh Government 2011): <http://gov.wales/topics/planning/policy/guidanceandleaflets/planningimplications/?lang=en>

20 Practice Guidance: Planning Implications of Renewable and Low Carbon Energy (Welsh Government 2011).

links to other surrounding developments to achieve greater economies of scale. In this respect, the potential for community involvement to increase the market size of a development is potentially important.

Site Topography and Orientation

C.13 The topographical nature of a site will have significant implications for its suitability for exploiting naturally occurring renewable / low carbon energy resources. In particular, the exposure of a site to prevailing winds will significantly influence its potential for benefiting from wind energy generation. Similarly, its orientation and the potential to deliver a site layout incorporating south facing buildings or structures will significantly influence the potential for solar power generation.

Proposed Site Layout

C.14 Proposed site layouts and the siting of buildings, structures and spaces should be assessed for their suitability for the installation of renewable / low carbon energy technologies, in particular solar panels. If the planned layout is not suitable, the possibility of amendments should be investigated to make it more suitable and maximise the benefits available.

Suitability of the Locality

C.15 Nearby existing uses may be sensitive to the installation of renewable / low carbon technologies and there may be potential impacts on the amenity of nearby properties, all of which should be carefully assessed. There may be avoidance or mitigation measures that should be implemented to overcome such issues.

Viability and Cost Effectiveness

C.16 The aim of the policy is to incorporate renewable / low carbon energy into developments for environmental reasons rather than to provide cost savings for the occupiers, although this will often also be achieved. If there is no immediate financial benefit from renewable / low carbon energy installations or it is deemed not 'cost effective', this would not be a reason in itself for provision under the policy to be waived. However, if the cost of installing renewable / low carbon energy technologies is such that the financial viability of the development is called into question, this aspect could be taken into consideration in final decisions about the technologies required. Where appropriate, information about development viability would therefore be relevant in some circumstances.

[3] Potential to Connect to Existing Renewable / Low Carbon Energy Sources

C.17 The Energy Assessment should examine any relevant existing local renewable / low carbon energy schemes and where appropriate fully assess the feasibility of connecting the proposed development to any suitable sources of energy. Energy from any of the energy technologies set out in **Appendix B** may be available, and suitable sources that could meet or partially meet the energy demands of the proposed development should be fully investigated and included in the Energy Assessment.

[4] Potential for District Heating Systems

C.18 District heating systems involve the provision of heating to buildings or dwellings etc. through the use of a pipe network that distributes heat from the location where it is generated to a location where it can be beneficially used (see **Appendix B** Para.B12).

C.19 Although there may be high investment costs associated with a district energy scheme, the addition of a commercial or industrial load, or connection to users beyond the development or provision on a mixed use development could help to overcome this issue. These aspects should be further investigated in cases where district heating has potential. As indicated in Section 2, studies have been undertaken into the potential for district heating systems within Neath Port Talbot, and these should be referred to for further information (refer to Para 2.2.3).

[5] Potential to Share On-Site Renewable / Low Carbon Energy

C.20 Similarly, renewable / low carbon energy generated on a site that would be surplus to on-site requirements or not suitable for use within the proposed development could be made available to use by other nearby developments including but not limited to, residential areas etc. Where appropriate, the potential for this type of energy sharing should be fully investigated and implemented.



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



Local Development Plan
Cynllun Datblygu Lleol

APPENDIX 4

Design SPG
(July 2017 – Tracked Changes)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Design

Supplementary Planning Guidance (July 2017 - Tracked Changes)



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Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Summer of 2017 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on [Date].

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or [01639] 686821.

1 . Introduction

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) provides information in respect of design issues in Neath Port Talbot and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the County Borough.

1.0.2 The Council's planning policy is set out in the Neath Port Talbot Local Development Plan (LDP)⁽¹⁾, namely Strategic Policy SP21 (Built Environment and Historic Heritage) and detailed Policy BE1 (Design) and this SPG should be read in the context of these policies and explanatory text.

1.0.3 The LDP guides the future development of the County Borough over the period 2011-2026, setting out the policy framework for where, when and how much development can take place. Delivering high quality, well designed buildings, neighbourhoods, streets and spaces is fundamental to achieving the overall vision and objectives of the LDP. Furthermore, the importance of design in creating attractive and safe communities should not be understated, with the concept of good quality, inclusive design that respects the character and local context of the area being paramount in creating places where people want to live and work, and helping create prosperous, sustainable and healthy communities.

1.0.4 Design is defined in Planning Policy Wales (PPW)⁽²⁾ as:

'...the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings'.

1.0.5 'Design' can refer to a wide range of factors including the physical appearance of a new building; the ease of access for all; the impacts on existing development; and the protection of natural resources. No one specific objective takes precedent over the other and the key to achieving good design is maintaining a holistic overarching view of the development as a whole. This requires a multi-disciplinary approach to design, including at the earliest possible stages, input from relevant consultees and stakeholders.

1.0.6 When designing new development, it is important to consider all design related issues and to take an approach that ensures all considerations are addressed. This holistic approach to design encompasses many different specialist and technical aspects, but the overall aim is to promote relevant and logical design which accords with these overarching principles and results in characterful buildings and spaces within which people will enjoy living and working.

Structure and Content

1.0.7 The purpose of this SPG is to provide detailed guidance on how the Council will implement the design policy contained within the LDP. Accordingly, the SPG is structured into the following parts⁽³⁾:

- **Part 1: Introduction and Background** - the first part sets out an introduction (*Chapter 1*), the character and context of Neath Port Talbot (*Chapter 2*) and the national and local policy context (*Chapter 3*);
- **Part 2: Implementation of Policy BE1** - the second part provides detailed guidance on the implementation of Policy BE1 (*Chapter 4*), specifically focusing on the design principles associated with each of the individual criterion; and
- **Part 3: Development Sites and Types** - the third part sets out site-specific design guidance for the Council's key strategic development sites (*Chapter 5*) along with detailed guidance on specific types of development including residential (*Chapter 6*) and commercial (*Chapter 7*).

2 . Character and Context of Neath Port Talbot

2 Character and Context of Neath Port Talbot

2.1 Character and Context

2.1.1 Neath Port Talbot County Borough Council covers a diverse area of urban and industrial development. Rural areas range from the farmland of the coastal plain, beaches and dunes and marshland, to upland moorland and forested areas cut by steep sided valleys.

2.1.2 The built environment is varied and distinctive, with important remains, structures and buildings still in evidence from all periods from prehistory onwards. These range from Iron Age hill forts and burial mounds, Roman military infrastructure and medieval ecclesiastical buildings through to the industrial developments and associated extensive areas of housing from the 19th and 20th Centuries. In the 21st Century, the availability of significant areas of former industrial land has enabled the establishment of new, modern high-tech industries, educational establishments and housing developments, embracing a variety of contemporary, modernist, post modern and more traditional styles.

2.1.3 Within the more densely populated coastal corridor area, centres of population have grown up around the towns of Neath and Port Talbot. The town of Neath retains the character of a traditional market town with its predominantly medieval origins and layout, while much of the centre of Port Talbot has a more modernist character having been substantially rebuilt in the mid 1970s with the construction of a new road system, the Aberafan shopping centre, the civic centre and associated developments.

2.1.4 The key characteristics of most of the County Borough's other towns and villages derives largely from the area's industrial heritage, from the mining and metal working of the early industrial revolution through to the large scale steel and petro-chemical industries of the 20th Century.

2.1.5 The historic heritage of the area is reflected by a range of formal designations, including two designated Landscapes of Historic Interest, six Historic Parks and Gardens, six Conservation Areas, 92 Ancient Monuments and 391 Listed Buildings. In relation to the countryside and landscapes of the County Borough, there are six Special Landscape Areas, five Green Wedges and an area designated as undeveloped coast, all of which have additional controls over the types of development that will be allowed. Further designations provide protection to areas of ecological importance across the County Borough.

2.2 Design and Planning

2.2.1 Whilst design is only one consideration in determining a planning application, it is not limited to the look of the buildings alone, or the materials used. Design has a place within the highway layout, the creation of public and private spaces, security and crime reduction, enhancing people's well-being and benefiting the wider socio-economic health of the County Borough.

2 . Character and Context of Neath Port Talbot

2.2.2 Places that are well designed can regenerate areas and change people's perceptions of a place or area. As such the objectives of good design go through every aspect of development and can affect the everyday lives of everyone interacting with it.

2.2.3 Good design also requires an early and initial assessment of not only what the function and needs of the development are (the '*vision*'), but also an assessment of the site itself, and how the existing site interrelates, or not, with the surrounding development and/or environment. This document considers the overarching issues that are considered relevant for all types of development, although it should be acknowledged that some issues may be more relevant to specific development types.



2.2.4 The need to consider all aspects of design, including how occupiers and users of places interact with the built environment and the spaces around them, are key in ensuring that developments are successful, provide benefits for the area within which they are sited, not just for the short term, but also provide positive outcomes for the future.

2.3 Engagement and Consultation

2.3.1 Design is an iterative process (i.e. it evolves over time), and there are many competing and often conflicting aspects that can pull the evolution of a development proposal from one solution to another. The key to ensuring that all of the important considerations are identified is consultation and engagement with the Planning Department at the earliest stage.

2.3.2 There are varying degrees of engagement dependant on the scale and type of development proposed, but the importance of this process prior to fixing key design principles is paramount in reducing unnecessary delay and costs.

2.3.3 The Council seeks and encourages developers to propose innovative designs and to justify alternative approaches to development that serves to enhance and create places to the benefit of the wider County Borough. The creation of unique developments, that do not follow standard layouts and designs, will be explored and considered at all times.

2.3.4 Whilst it is accepted that in some circumstances this cannot be achieved, the prime objective of this guidance document is to assist in creating places that are distinctive and defined by their design and character, rather than replicating development that appears to be of a standard design.

3 Policy Context

3.1 National Policy Context

Planning Policy Wales (PPW) Edition 9 (2016)

3.1.1 PPW provides the overarching planning framework for sustainable development in Wales and supports the principles of the 'Well-being of Future Generations (Wales) Act 2015'. As one of the key factors in achieving sustainable development, good design can protect and enhance environmental quality; consider the impact of climate change; help to attract business and investment; promote social inclusion, and improve the quality of life.

3.1.2 PPW emphasises that '*...meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals*⁽⁴⁾. Furthermore, PPW stipulates that good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers flexibility in use, and provides buildings and environments that are convenient and enjoyable to use for everyone.

3.1.3 Illustrated in Figure 3.1 below, these objectives are categorised into five key aspects of good design:

- Access;
- Character;
- Community Safety;
- Environmental Sustainability; and
- Movement.

Figure 3.1 Objectives of Good Design (PPW 2016)



Technical Advice Note (TAN) 12: Design (2016)

3.1.4 TAN12 supplements PPW and provides detailed guidance on the design of new development, providing advice on how '*promoting sustainability through good design*' and '*planning for sustainable building*' can be facilitated through the planning system.

3.1.5 The TAN recognises the importance of good design, both in terms of its role in articulating culture and its importance to quality of life and the quality of the landscape and townscape.

3.1.6 The TAN places a focus on collaboration, creativeness, inclusiveness, the process of problem solving and innovation, embracing sustainability, architecture, place making, public realm, landscape, and infrastructure. The document notes that the suggested holistic approach requires a shift in emphasis away from a total reliance on prescriptive standards, to avoid stifling innovation and creativity.

3.1.7 Early considerations of design and collaboration in the process are identified as essential in achieving good design.

3.2 Local Policy Context

3.2.1 The policy framework for design is contained within Policies SP21 and BE1. Policy SP21 is the strategic policy which sets the context for the detailed policies and seeks to conserve and enhance the built environment and heritage of the whole County Borough.

3 . Policy Context

Policy BE1 aims to ensure that all development proposals will complement and enhance the area generally, including the arterial gateways, townscapes, landscape and seascape, and retain existing character where this is desirable.

3.2.2 Strategic Policy SP21 Built Environment and Historic Heritage

Policy SP21

Built Environment and Historic Heritage

The built environment and historic heritage will, where appropriate, be conserved and enhanced through the following measures:

1. Encouraging high quality design standards in all development proposals;
2. Protecting arterial gateways from intrusive and inappropriate development;
3. Safeguarding features of historic and cultural importance;
4. The identification of the following designated sites to enable their protection and where appropriate enhancement:
 - (a) Landscapes of Historic Interest;
 - (b) Historic Parks and Gardens;
 - (c) Conservation Areas;
 - (d) Scheduled Ancient Monuments; and
 - (e) Listed Buildings and their curtilage.

LDP Objectives: OB 2, OB 23 and OB 24

3.2.3 Policy BE1 Design

Policy BE1

Design

All development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;
6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);
7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
8. It uses resources, including land and energy, as efficiently as possible through:
 - (a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;
 - (b) The layout and form of the development does not preclude the reasonable use of other adjacent land;
 - (c) Developing brownfield land in preference to greenfield land where possible;
 - (d) Minimising building exposure while maximising solar gain.
9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;
10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.

3 . Policy Context

3.2.4 Whilst Policy BE1 provides detailed design criteria, all policies within the LDP are interrelated and must be read together to understand their combined effect upon any planning proposal. The principle of good design is therefore intrinsically linked to a number of other policies within the LDP, including:

- Policy H1 (Housing Sites);
- Policy AH2 (Affordable Housing Exception Sites);
- Policy GT2 (Proposals for New Gypsy and Traveller Sites);
- Policy EC1 (Employment Allocations);
- Policy EC6 (Live-work Units);
- Policy R1 (Retail Allocations);
- Policy R2 (Proposals Within Retail Centres);
- Policy R3 (Out of Centre Retail Proposals);
- Policy EN4 (Replacement Dwellings in the Countryside);
- Policy EN5 (Conversion and Extension of Existing Buildings in the Countryside);
- Policy EN6 (Important Biodiversity and Geodiversity Sites);
- Policy EN7 (Important Natural Features);
- Policy TR2 (Design and Access of New Development); and
- Policy BE2 (Buildings of Local Importance).

4 . Implementation of Policy BE1 Design

4 Implementation of Policy BE1 Design

4.0.1 Acknowledging that new development has the potential to have a major influence on the character of an area, Policy BE1 sets out ten criteria that development proposals will need to satisfy.

4.0.2 The sections below take each of the ten criterion in turn providing guidance on their implementation. It should be noted however that the policy criterion should not be considered in isolation, as all are interrelated with each criterion needing to be addressed to ensure high quality design that considers the built, historic and natural environment.

4.1 Character and Appearance (Criterion 1)

Criterion 1: *'It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment'.*

Creation of Character - Diversity and Choice

4.1.1 The character of a development can affect how it is perceived, and affect how people use and respond to it. This character can be respectful of the existing local area, or respond in a more individual or distinctive way. Dependant on the scale of the development proposed it can also provide distinctive character areas that respond to both the local context or specific uses or requirements. This can be influenced by the locality's position in the place/movement hierarchy⁽⁵⁾ and in detailed design matters such as building lines, scale, density and massing of buildings, and the enclosure of spaces.

4.1.2 Formal and informal spaces can be created through a variation in all of these providing visual interest and legibility. Key junctions and buildings can be identified to provide 'way-markers' within sites. On smaller more self-contained sites, a specific character can provide a distinctive environment and create places of genuine quality and visual interest.

4.1.3 The Council seeks to ensure that sites provide a distinctiveness that allows innovation and quality to be provided within the public realm and design of the buildings themselves, rather than a uniformity of house type and character that could be 'anywhere'.

5 Defining a Place and Movement Hierarchy is a method for defining the relative importance of particular streets/roads in terms of place and movement functions, not solely on the basis of traffic functions. See Manual for Streets (2007) for further information.

4 . Implementation of Policy BE1 Design

Site Assessment - Character and Context

4.1.4 All development, no matter its scale or use, does not sit alone within the confines of its application site boundary. The key to understanding how a site relates now or in the past to its immediate and wider community or area is often a key step in understanding how a site can be developed. This important stage in the design process is often omitted or considered after the initial designs have been set out. Further information about site context assessment is provided in Section 4.2.



Site Design Issues

4.1.5 Criterion 1 of Policy BE1 refers specifically to the detailed design of a site or building in terms of siting, appearance, scale, height, massing and elevation treatment. These aspects are critical in ensuring that a new development is appropriate within its context.

4.1.6 The design response to the site's context and setting in terms of building heights / verticality, plot widths and setback etc. will be central to this, and can result in modern materials, construction methods and design responses that are in keeping with their surroundings. Existing building forms, architectural character, boundary treatments and building materials should be analysed and interpreted in order to inform this process. Dominant local building materials and building forms may be identified to influence the design.

4.1.7 Other detailed site design aspects that should be considered include measures such as the increase of building heights on corners or in prominent locations, the articulation of buildings around corners and the detailing of facades at the end of vistas.

4.1.8 Further advice on these topics is available from the Planning Officers Society for Wales Design Guide⁽⁶⁾ and the Welsh Government 'Site and Context Analysis Guide'⁽⁷⁾, and 'Building for Life 12



4 . Implementation of Policy BE1 Design

Wales⁽⁸⁾. Further information on the use of materials is given in Section 4.3. For small scale householder developments, further detail is provided in **Appendix B** (Householder Design Guide).

Key Principle: Developers will be expected to define and identify where and how their development proposals have had due regard to the creation of distinctiveness and enhancement of the character of the area where it is located.

4.2 Wider Context (Criterion 2)

Criterion 2: *'It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges'.*

4.2.1 Understanding the context surrounding the site, and the character (good or bad) within which a development will sit is key to understanding some fundamentals that can inform how the site is developed. It also provides the developer with justification for why specific design decisions or choices were taken, and informs the process in discussions with the client and/or the Council.

4.2.2 Introducing new development into the context of an existing established landscape, townscape and/or near to existing buildings is a key part of the design process and analysis of the site and its context has a fundamental role in achieving good design. Advice on site and context analysis and how this should be used to inform the development design is given in the Welsh Government publication 'Site and Context Analysis Guide: Capturing the Value of a Site'⁽⁹⁾ which also includes further references to other relevant publications.

4.2.3 The policy requires consideration to be given to the following topics:

- Landscape;
- Arterial Gateways;
- Townscape;
- Historic and Cultural Heritage; and
- Site topography, skylines and ridges.



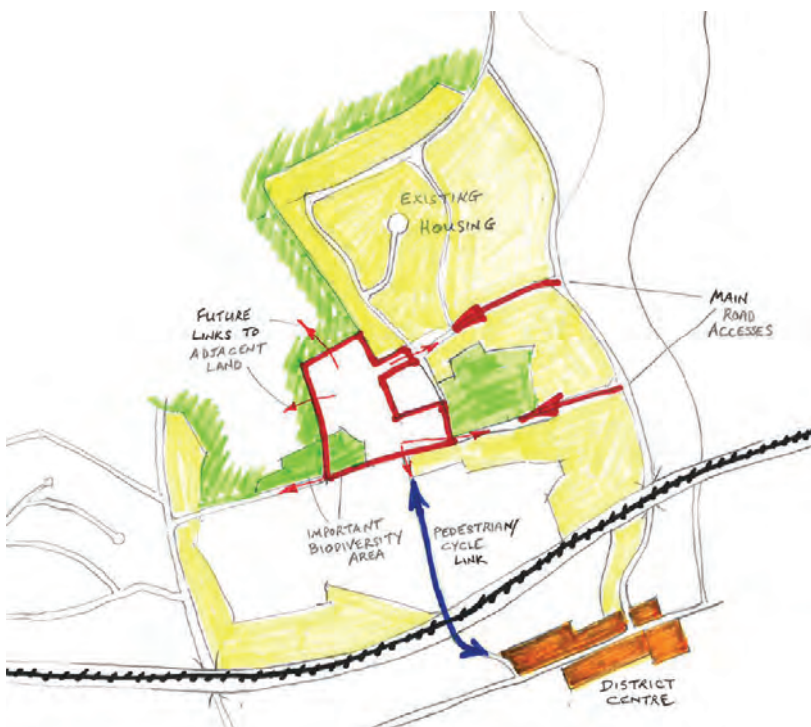
8 Building for Life 12 Wales (2015 Welsh Edition edited by Design Commission for Wales).
9 Site and Context Analysis Guide: Capturing the Value of a Site (2016 - Welsh Government).

4 . Implementation of Policy BE1 Design

4.2.4 Within these topics, the following factors should be addressed:

- Existing topography, key views, existing features within or near to the development site;
- The existing pattern of development including density, scale, massing;
- Features or characteristics of the area that are important and valued;
- Connectivity, not only public and private transport, but pedestrian and cycling linkages (refer to Criterion 7);
- Location of community facilities, shops, schools, parks, open spaces etc; and
- Ecological issues including water features, trees, habitats etc (refer to Criterion 5).

4.2.5 A simple sketch on a plan or map of the area, starts to identify some important local context. This information can be used to consider where access onto the existing highway network would be best located, where occupiers or users of the site would wish to travel in the area, what aspects of the site are important to be retained, and what constraints need to be removed or engaged with.



4.2.6 This stage of assessment can eliminate costly re-designs, but also ensures that the development takes advantage of the site's positive aspects and integrates with surrounding development and movement patterns, rather than working against them. Benefits of understanding the wider area can also reduce potential on-site requirements, if access to adjoining facilities are considered early. In addition, the benefit of retaining natural features and routes within the site also reduces the need for replacements or costly

re-routing etc. (refer to Criterion 5). Clearly the scale of the development will dictate the extent of this process on a case-by-case basis, but this process is still beneficial for a single residential plot.

4 . Implementation of Policy BE1 Design

Landscape

4.2.7 Criterion 2 of Policy BE1 firstly refers to landscape and requires new developments to respect the site's place within the local landscape. Landscape context is fundamental to good design and should be the starting point in the design process. New development can have a significant effect on the landscape, and while design that responds and relates to the landscape can enhance landscape character, proposals that do not, will have a negative impact⁽¹⁰⁾. In designing new development, the issues set out below will need particular consideration in relation to the landscape.



[1] Landscape Designations

4.2.8 There are a number of designations at a national and local level that can apply to sensitive or notable landscapes. In the local context, the main relevant nationally recognised area of landscape importance is the 'Brecon Beacons National Park' (located immediately adjacent to the north eastern boundary of the County Borough). Additionally, there are a number of LDP designations that relate mainly, or in part, to landscape issues. These factors are considered in greater detail below.

Brecon Beacons National Park

4.2.9 The Brecon Beacons National Park was originally designated in 1957 for its landscape quality. Under the Environment Act 1995, there are two statutory National Park purposes:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the understanding and enjoyment of the National Park by the public.

4.2.10 Under Section 62(2) of the Environment Act, all authorities must have regard to the National Park purposes when performing any functions affecting land in the National Park. Consequently, any development within Neath Port Talbot that could have a visual or sensory impact on the National Park will need to take into account National Park purposes and the effects on its landscapes.

LDP Designations: Settlement Limits (LDP Policy SC1)

4.2.11 The LDP defines settlement limits (i.e. a line drawn around all settlements in Neath Port Talbot that are listed within the LDP Settlement Hierarchy, excluding the smallest groups of dwellings which are defined as 'dormitory settlements'). Within settlement limits, development that is proportionate in scale and form to the role and function of the settlement will generally be acceptable, while outside these limits development is much more restricted (refer to Policy SC1).

4.2.12 The aims of this designation are partly to encourage development within sustainable locations and the development of sustainable communities, but also to prevent the coalescence of settlements, ribbon development and fragmented development and to prevent inappropriate development in the open countryside.

4.2.13 The settlement limits policy is therefore an important factor in the conservation of the countryside and the landscape generally. In design terms, developments that meet the requirements for location outside settlement limits and are therefore deemed to be appropriate in the countryside will still need to take into account their rural location and be sited as far as possible adjacent to existing buildings and be appropriate in scale and form. Larger scale, more massive or prominent buildings that contrast with their surroundings and are highly visible within the landscape should be avoided, and developments should be designed to have a scale and appearance that is appropriate to their rural surroundings.

LDP Designations: Special Landscape Areas (LDP Policy EN2)

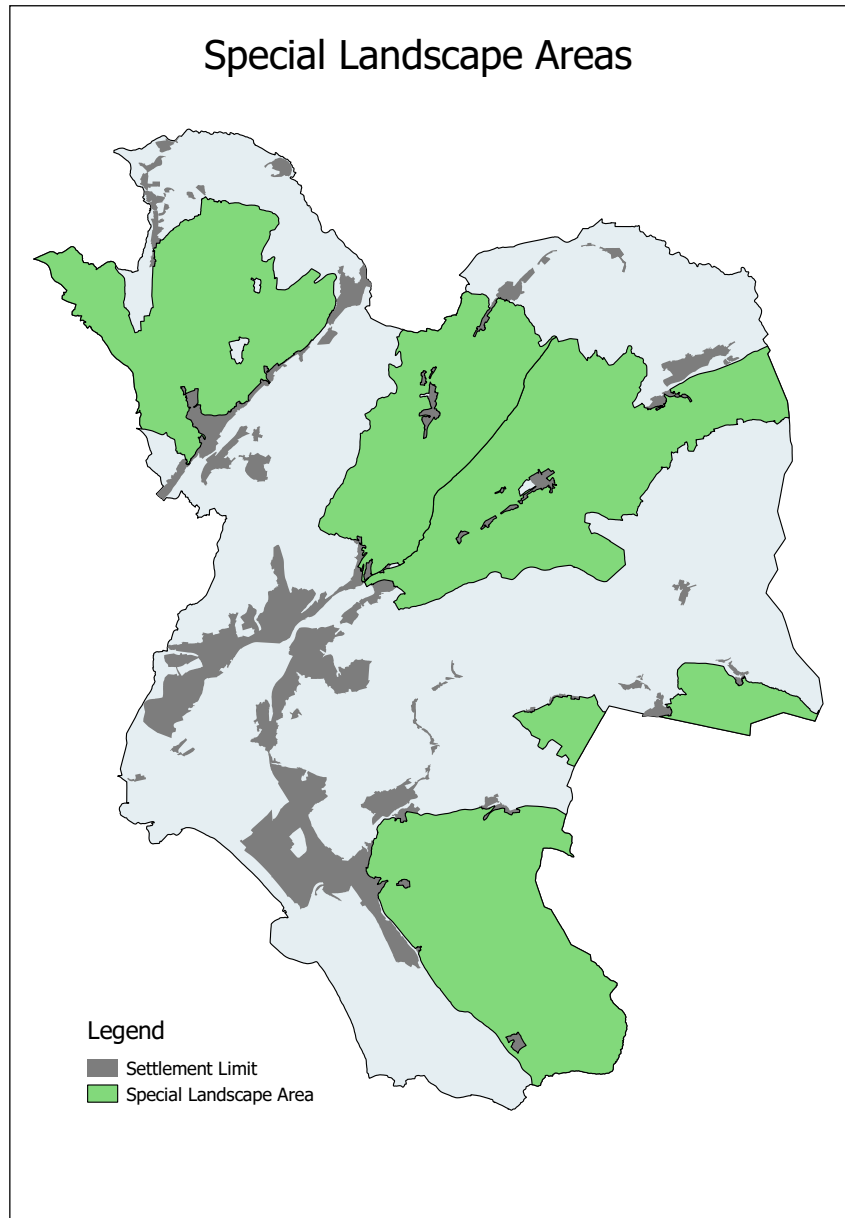
4.2.14 Six Special Landscape Areas (SLAs) have been designated under LDP Policy EN2. SLAs are areas of high landscape quality which are intended to be protected from any development which would harm their distinctive features or characteristics. The SLAs have been identified using the designation criteria in the LANDMAP Guidance Note 1 (2008) and LANDMAP data (refer below for further information). The SLAs designated in Policy EN2 are illustrated in Figure 4.1 below.

4.2.15 Within the designated SLAs, the emphasis is on protecting the landscape from any development that would harm their identified distinctive features or characteristics. The features and characteristics that led to the identification of each SLA are set out in the Landscape Advice Study⁽¹¹⁾ prepared to inform the LDP preparation process.

4.2.16 SLAs are landscapes that are particularly sensitive to new development and proposals for any type of development within an SLA will be expected to be designed taking full account of the special features and characteristics of the landscape and the site and its immediate surroundings, and will be expected to conserve and where possible enhance the appearance and character of the landscape.

4 . Implementation of Policy BE1 Design

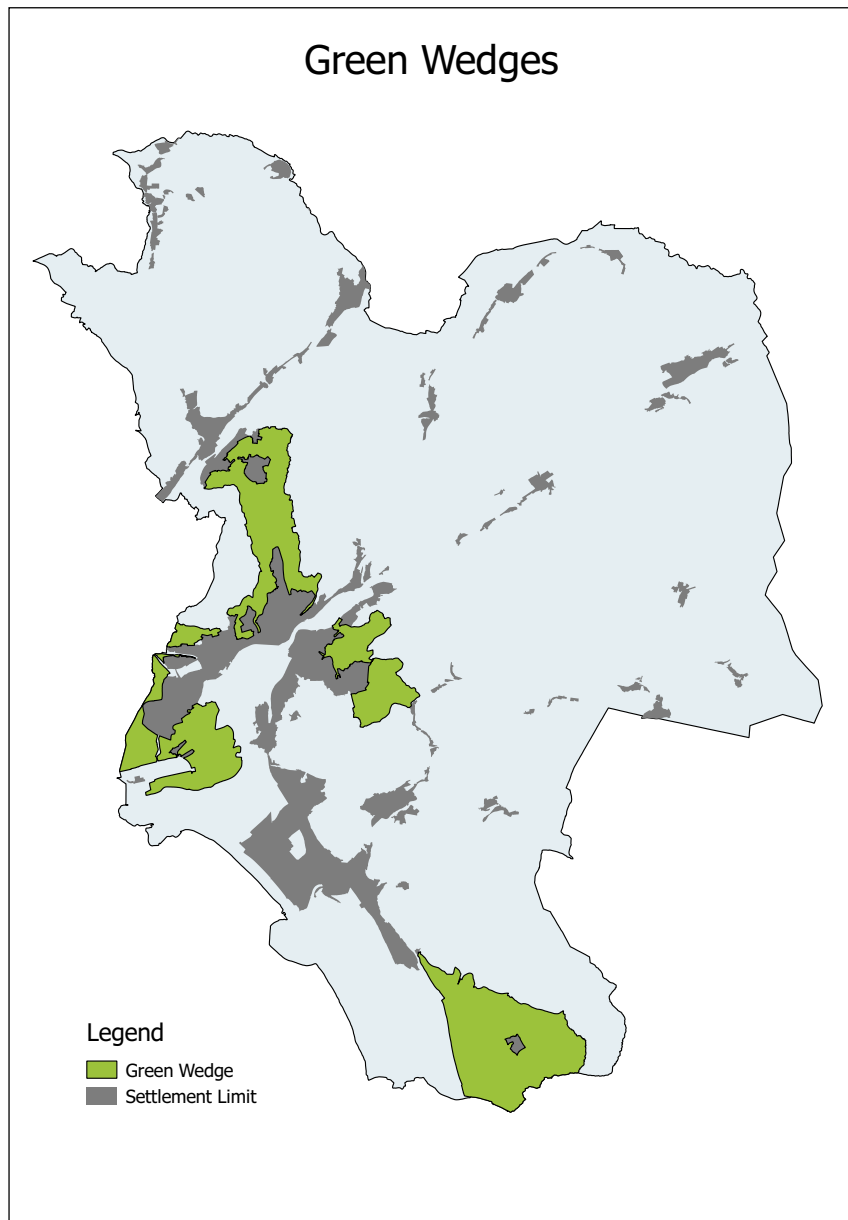
Figure 4.1 Special Landscape Areas (LDP Policy EN2)



LDP Designations: Green Wedges (LDP Policy EN3)

4.2.17 Green wedges are areas identified for protection in order to prevent the coalescence of settlements and to protect the setting of urban areas. Five green wedges have been identified within Neath Port Talbot, within which development is strictly controlled by being limited to the categories set out in national policy⁽¹²⁾. The green wedges designated in Policy EN3 are illustrated in Figure 4.2 below.

Figure 4.2 Green Wedges (LDP Policy EN3)



4.2.18 'Appropriate Development' within a green wedge is limited to: justified rural enterprise needs; essential outdoor sport / recreation facilities and cemeteries etc; extension / alteration or replacement of existing dwellings and small scale diversification within farm complexes. The aim in all cases is to maintain the openness of the green wedge.

4.2.19 In the very limited circumstances in which development may be allowed within a green wedge, proposals will be required to demonstrate that their impacts on the openness of the green wedge is minimised and that they will maintain the character and appearance of the area and the functions for which the green wedge has been identified.

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[2] Other Designations

4.2.20 Other designations that are not primarily relating to the landscape, but which may have landscape implications include those relating to biodiversity and geodiversity, including internationally recognised sites such as Special Areas of Conservation (SACs) or Ramsar Sites, nationally designated sites such as Sites of Special Scientific Interest (SSSIs) or local biodiversity and geodiversity designations such as Regionally Important Geological Sites (RIGS) or Local Nature Reserves (LNRs). More information on biodiversity issues is given in Section 4.5 below.

[3] LANDMAP

4.2.21 LANDMAP⁽¹³⁾ is a landscape assessment process developed by the Countryside Council for Wales (now Natural Resources Wales) to provide a system to cover the whole of Wales. LANDMAP separately assesses five different aspects of the landscape: geological; visual and sensory; habitat; historic and cultural.

4.2.22 Using this methodology, White Consultants undertook a LANDMAP Landscape Assessment for Neath Port Talbot in 2004⁽¹⁴⁾, identifying and describing landscape character areas covering the whole of the County Borough. This study therefore identified the relevant features of the landscape in all parts of the County Borough, and should be the starting point for assessments of landscape and the potential impacts of development proposals as part of the design process.

Design Implications of Landscape Issues

4.2.23 Taking into account the matters summarised above, the following issues relating to landscape should be taken into consideration and incorporated into the design process where appropriate:

- The site layout, building location, orientation and massing should be carefully considered in order to fully take into account the existing landscape setting and character of the area;
- Existing landscape features of value which could add character to a development, be of value to wildlife and integrate development into surrounding areas should be incorporated into the scheme and be protected throughout the site clearance and construction process;
- A landscape framework should be prepared at the outset of the scheme design process, including the creation of features such as green corridors and the integration of buildings and spaces within the wider context;
- Existing or new landscape features should be considered to provide natural wind shelter in exposed locations.

13 Landscape Assessment and Decision Making Process.

14 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants 2004).

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4.2.24 Further information and guidance on landscape matters will be given in the Council's Landscape and Seascape SPG.

Arterial Gateways

Definitions

4.2.25 Criterion 2 of Policy BE1 relates to arterial gateways. These are defined in the LDP as areas adjacent to the County Borough boundary which are prominent when entering or leaving Neath Port Talbot and help to define the character and image of the area.

4.2.26 The LDP also identifies the primary and core road networks within the County Borough. The primary network comprises the M4 motorway, the A465 (T) and the A483 dual carriageway (Fabian Way). The core network comprises the A48, A4109, A4107, A474, A4067, A4221 and A4069. The most significant 'gateways' are therefore identified as being those located where the primary road network and/or main line railway enter the County Borough, with other key gateways being located along other important main roads.

4.2.27 The extent of the areas within which impacts on the gateways will need to be considered will depend on the nature and importance of the transport route and the character of the landscape, countryside or townscape in the vicinity of the gateway. Policy BE1 (2) states that proposals should respect the development site's '*...place within the local landscape, including its impact on the important arterial gateways into the County Borough...*'. Whether a development has an impact on the gateway will depend on whether it would be visible to people entering or leaving Neath Port Talbot via that route and if so whether it would be prominent and have a significant effect (positive or negative) on the character of its surroundings in the locality.

4.2.28 An outline of the locations, individual locational characteristics, and potential impacts of new developments for each primary and core network gateway is provided in **Appendix A**⁽¹⁵⁾.

Townscape and Historic and Cultural Heritage

4.2.29 When a site is being developed within an existing built-up area or town, the site and context analysis will need to include all the aspects listed in paragraph 4.2.3 above, and depending on the size and significance of the site and development, this will need input from a range of specialists, co-ordinated by the designers, agent or project managers. Developers are also advised to instigate pre-application discussions with the Planning Department at an early stage⁽¹⁶⁾.

4.2.30 Where a site is in an old-established or historic area, context analysis will need to take into account any statutory or local designations of buildings, features or areas including Ancient Monuments, Listed Buildings, Buildings of Local Importance (refer to

15 Further information will also be available from the Council's Landscape and Seascape SPG.

16 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website: <http://www.npt.gov.uk/default.aspx?page=2219>

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LDP Policy BE2) and Conservation Areas, but should also be extended to include the character and appearance of the wider area and the existing and potential role of the site within it.

4.2.31 Further advice on context analysis is given in the Welsh Government's 'Site and Context Analysis Guide'⁽¹⁷⁾.

Site Topography and Prominent Skylines or Ridges

4.2.32 As a result of the nature and topography of the County Borough, many development sites will be in prominent locations, on hillsides or valley locations, potentially visible from a wide area. In such cases, strategic landscape assessment should be undertaken at the start of the design process analysing the impact and prominence of the site and taking into account the existence of prominent skylines and ridges. The site should be designed from general layout to building mass, orientation and design, to ensure that any noticeable intrusion affecting important landscape features is minimised.

Key Principle: Developers will be expected to show how local context and character has been addressed, including the wider landscape, townscape and heritage of the area where appropriate, and how this has informed key design decisions.

4.3 Materials and Landscaping (Criterion 3)

Criterion 3: *'It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate'.*

Materials

4.3.1 The use of materials will have a significant bearing on the character and appearance of any development, not just in respect of the buildings themselves but also within the public realm and highway. The choice of materials should be informed by the intended use of the development, the existing character of the area, the local context and its appropriateness within the setting of the proposed development area.

4.3.2 The choice of materials can have a positive impact on the likely use and perception of the development. The use of materials within the public realm can define private and public spaces, car parking, shared areas etc. Used with variation in the highway specification, they can also be used to control traffic and slow traffic speeds.

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4.3.3 The choice of materials will also need to take into account inclusive design principles, to ensure that the materials used will promote equal access for all. Surfacing of roads, pavements and amenity areas should be accessible to all and take into account the needs of partially sighted people or those with impaired mobility (refer to Section 4.10).

4.3.4 Consideration should be given to the longevity of any materials used, considering the potential lifespan of the materials, how the materials are likely to weather and how robust or durable they will be for the intended use.

Materials and Sustainability

4.3.5 The choice of materials, finishes and construction techniques has the potential to have significant impacts on the overall sustainability of a development through enhanced insulation, passive climate control, enabling efficient rainwater harvesting, reducing energy use before, during and after the construction phase, and enabling energy generation from renewable sources.

4.3.6 The incorporation of solar power generation technologies within cladding systems or integrated into roofs at the design stage can have visual and efficiency benefits. Further guidance on energy generation is available in the Council's Renewable and Low Carbon Energy SPG⁽¹⁸⁾. Similarly, the use of innovative concepts such as green roofs⁽¹⁹⁾ and eco-friendly products such as bat-friendly roof membranes can be beneficial in terms of biodiversity, energy efficiency and visual impact.

4.3.7 The amount of energy used within buildings, and during the construction period can be influenced considerably by the type of materials used. Careful consideration should be given to the use of sustainable materials that are durable and have low embodied energy⁽²⁰⁾ in their production and transportation to site.

4.3.8 Where it is appropriate or realistically possible, any existing materials on site should be re-used, and waste minimised. Under LDP Policy W3⁽²¹⁾ all new built development is required to demonstrate that provision has been made for the management of waste both during the construction and the occupation phases, and larger proposals will be required to produce a Site Waste Management Plan.

18 SPG: Renewable and Low Carbon Energy (July 2017).

19 Roofs partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane.

20 Embodied energy is the total amount of energy taken to produce any product, as embodied in the product itself.

21 LDP Policy W3 Waste Management in New Development

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Detailing and Quality Specification

4.3.9 The quality and specification of a build can affect the overall feel and character of a place, and defining these issues at the planning stage can ensure that the quality of a development is maintained beyond the planning process. This can include:

- Specification drawings for means of enclosure;
- Signage and lighting, and other public realm street furniture;
- Detailing of public realm finishes, such as paving;
- The location of sub-stations and other infrastructure;
- Meter-boxes and vent locations;
- Open spaces / gardens / soft landscaping.



Landscaping and Screening

4.3.10 Landscaping is often considered after the layout has been fixed, utilising land left over, or introduced in areas that are not able to be fully developed. This is not considered to be the right approach, as landscaping, including the provision of open spaces, natural features and street tree planting can provide a significant difference to the character of a site. The landscaping strategy for a site should be considered at an early stage, both integrating and enhancing existing natural features, and creating a sense of character and individual place-making.

4.3.11 The use of wildlife friendly species and those of a local provenance can further enhance a development, rooting any development to its local context. In certain circumstances, it may be appropriate to screen a development from sensitive areas or viewpoints through the use of tree planting or landscaping belts.

Key Principle: Developers should explain and justify the use of materials and landscaping within the development, including the public realm, and how these promote and inform the legibility and distinctiveness of the development, enhance the local area and its natural resources and promote energy efficiency.

4.4 Highway Safety and Amenity (Criterion 4)

Criterion 4: *'It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community'.*

Highway Safety

4.4.1 A wide range of types of development can have a significant impact on highway safety, from householder developments involving garages and driveways, to major housing and industrial sites. In order to ensure that developments do not have adverse effects on highway safety, they will need to comply with the Highway Authority's requirements.



4.4.2 National policy relating to highway design matters is set out in Planning Policy Wales and TAN18⁽²²⁾. More detailed advice on the design and layout of developments and the approach that should be taken to balancing design and place-making aspects, connectivity, permeability and vehicular access provision, is set out in 'Manual for Streets'⁽²³⁾.

4.4.3 More detailed technical specifications are contained within the Neath Port Talbot Highways Technical Design Guide⁽²⁴⁾, which sets out the standards that will be applied in specific cases.

Parking

4.4.4 Parking may be required for development of any scale or type, and although the promotion of sustainable forms of transport will remain a priority, incorporating parking for occupiers, staff and visitors will still be required. Poor parking arrangements can cause both unacceptable visual impacts, and also result in conflict and crime. Parking should normally be located close to the development it serves, be safe to use, and be designed to reflect the character and street scene proposed.



22 Technical Advice Note 18: Transport (2007)

23 Manual for Streets (Welsh Government / Department of Transport - 2007).

24 Neath Port Talbot Highway Technical Design Guide for Residential and Commercial Developments (Consultation Draft - May 2017).

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4.4.5 Traditional parking options such as hard surfaced drives fronting on to the side of properties can result in a dominant feature within streets. It can also be difficult to accommodate parking and adhere to traditional patterns of development when developing small infill sites. On-street and frontage parking can interrupt the continuity and enclosure of street frontages, while conversely courtyard parking if undertaken poorly, can result in crime, or a fear of crime.

4.4.6 Very often, these issues can be mitigated through specific design approaches:

- Frontage and driveway parking can be inter-mixed with landscaping and can be partially screened through the use of boundary treatments.
- Garages should be of sufficient size to accommodate cars, bikes and storage.
- Parking courtyards should be accessible, overlooked and provided with enclosure to define them as semi-private spaces.
- On-street parking should be integrated with the highway design and landscaping, creating parking squares, that can provide alternative informal community spaces, and add to the character of an area, creating a sense of place.

4.4.7 Further information and guidance on the standards that will need to be achieved in respect of parking provision is set out in the Council's Parking Standards SPG⁽²⁵⁾.

Residential / Community Amenity

4.4.8 Residential amenity has an important influence on the quality of life experienced by residents. The relationships between buildings, in terms of their height, position and the positioning of windows and other features all have an impact on the privacy of residents and neighbouring properties and the level of general residential amenity experienced.

4.4.9 In relation to residential amenity and privacy issues, the Council has prepared guidance relating to householder and residential developments which sets out standards which should be adhered to in order to safeguard these concerns. These guidelines cover matters such as distances between habitable room windows (to avoid overlooking), the size and massing of new buildings including domestic extensions and alterations to roofs (to avoid loss of outlook or light and to safeguard the overall appearance and character of the area). These guidelines are available in appendix B.

Noise

4.4.10 The potential sources of and transmission of noise should be considered within the design process to ensure that any such issues do not adversely impact on quality of life for residents. This is particularly important if the proposed development is located close

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to external sources of noise, such as busy roads and railway lines, or potentially noisy uses are being proposed within a noise sensitive area. Further guidance on noise matters is available in the Council's Pollution SPG⁽²⁶⁾ and TAN 11: Noise⁽²⁷⁾.

Key Principles:

- Developers will be expected to show that a development proposal will not have any adverse effects on highway safety or residential / community amenity either for existing residents of the area or for occupiers of the site.
- It should be demonstrated that the visual impact of parking has been considered as an integral part of the design process, and that the provision of parking does not undermine the overall urban design aspirations for the development, or lead to crime or a fear of crime.

4.5 Retention of Important Features (Criterion 5)

Criterion 5: *'Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible'.*

4.5.1 Criteria 1 and 2 of Policy BE1 require all development proposals to take into account the natural, historical and built environmental context. In support of this principle, Criterion 5 requires the retention and enhancement (where possible) of local features which form an important part of this context, including buildings, amenity areas and green spaces.

4.5.2 Distinctive local features of the types listed can play a significant role in defining the unique character of places, and this can very easily be lost unnecessarily if such features are removed when new developments take place. Opportunities should therefore be taken whenever possible to retain and integrate such features within the new scheme.

26 SPG: Pollution (October 2016).

27 Technical Advice Note 11: Noise (1997 - Welsh Government)

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Buildings



4.5.3 Distinctive existing buildings (including those of interesting design or that are of significance to the local community as well as structures of historic interest) can provide a clear distinctive character and sense of place. Many such buildings will have been identified by being listed, being included within a conservation area or by being identified as Buildings of Local Importance (LDP Policy BE2), and will consequently have some statutory or policy protection, but others may not be protected in this way despite having a character or appearance that enhances (or could enhance) the locality.

4.5.4 Where buildings are protected by such designations, specific separate consents may be required for any demolition or alteration, and national and local planning policy will require full consideration to be given to their retention. In all such cases, whether buildings are separately protected or not, careful consideration should be given to their role within the local areas and community and the possibility of retention or part retention should be fully addressed where this is appropriate⁽²⁸⁾.

Amenity Areas, Green Spaces and Green Infrastructure

4.5.5 Development sites can often incorporate existing areas that provide green space or amenity space that is important in the local area, including areas that can be considered to be 'green infrastructure'⁽²⁹⁾. Other policy requirements may require the provision of equivalent or additional areas as part of a new development, but as with distinctive local buildings and other features, existing open/green spaces can help to provide a distinctive character and sense of place that can easily be lost if they are removed and replaced with alternative provision.

4.5.6 The contribution that such areas make to the character and distinctiveness of their locality should therefore be assessed and taken into consideration as part of the site context assessment, and where possible such areas that are important in the local context should be retained within new development areas.

28 Further information on the historic environment will be available from the Council's Historic Environment SPG.

29 'Green Infrastructure' can include green corridors, roofs, walls etc. that provide regulating services including mitigating flood risk, providing habitat and moderating extremes of temperature in urban areas.

Biodiversity and Ecological Connectivity

4.5.7 Many sites have some biodiversity value, and this may not always be obvious. Even previously developed vacant sites, or derelict buildings can offer valuable habitats to many species, including those that may have legal protection. Sites may form part of a network of areas and corridors important for biodiversity, or have the potential to enhance such networks and improve ecological connectivity. As such, early consideration of the biodiversity value of the site will be integral within the design process.



4.5.8 Areas of a development site with biodiversity value should be retained and/or enhanced within the development proposals, and existing hedgerows, trees and natural features integrated within the site layout⁽³⁰⁾. This will not only enhance the biodiversity value of the area, but will also enhance the specific character of the site. Where possible, opportunities for wildlife should be incorporated within the design of buildings such as by providing or maintaining access through the use of bird or bat bricks etc.

4.5.9 Where there is a loss or impact, mitigation will be required, and this should relate to the development proposed, the habitat lost, or species affected. This can often be integrated within the site layout, building design and infrastructure provided. Innovation within this area is welcomed, and often the integration of biodiversity enhancements within the infrastructure (such as SuDS) or open space/play provision can provide a more viable alternative. Where space is limited other less traditional technologies such as green roofs and walls can be incorporated. As a last resort, compensation measures may be appropriate, to enhance biodiversity elsewhere to compensate for losses on a site⁽³¹⁾.

4.5.10 The concept of 'multiple benefits' should be at the forefront of this process, which can not only be a good use of limited space, but also financially beneficial. A single space can be biodiversity rich, an informal open space/play area can be used for sustainable drainage in addition to providing visual and health benefits.

4.5.11 The Council requires developers of sites, no matter how small, to seek to maintain and enhance biodiversity. The Council has produced 'Biodiversity in Planning - A Basic Guide for Developers'⁽³²⁾ to highlight how these issues can be addressed. The Council's Countryside and Wildlife team can also offer guidance and advice at the pre-application stage and further information will be available in the Biodiversity and Geodiversity SPG.

30 Refer to LDP Policy EN7.

31 Further information on mitigation and compensation will be available from the Council's Biodiversity and Geodiversity SPG.

32 [Biodiversity in Planning - A Basic Guide for Developers](#)

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Key Principles:

- Developers will be expected to identify the important local features that exist within a site, their role in the creation of the character / individuality of the place and how these will be enhanced and/or protected and integrated appropriately within the development proposals.
- The design of the site should integrate with and connect to existing features, and provide a logical hierarchy of formal and informal spaces, that are usable for all. The developer should demonstrate that this adds to the overall design of the site, and improves biodiversity and ecological connectivity through the use of wildlife friendly and native species.
- Building design should incorporate features that provide opportunities for wildlife wherever possible.

4.6 Community Safety (Criterion 6)

Criterion 6: *'It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement).'*

4.6.1 Local Authorities are required to have due regard to crime and disorder prevention in the exercise of their functions under Section 17 of the Crime and Disorder Act 1998. This is reinforced within PPW and TAN 12: Design with the main objectives being to:

- Ensure attractive, safe public spaces; and
- Achieve security through natural surveillance.

4.6.2 'Secured By Design' (SBD) is the UK Police flagship initiative that is founded on the principles of designing out crime and crime prevention. At its core, SBD aims to bring together elements of physical security with environmental design, layout and construction.

4.6.3 Development of any scale, whether it be an extension to an individual property or a large residential or commercial development, should consider both the security of the development and how the layout of a site can impact positively upon both crime reduction and reducing the fear of crime. Overlooked public spaces, pedestrian links, boundary treatments, and the defining of private/public spaces can all provide positive outcomes.

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4.6.4 Achieving good design, appropriate site layouts and landscaping can help to create a safer and more secure environment for residents, support community cohesion, reduce instances of criminal and anti-social behaviour and have a positive impact on people's quality of life and perceptions of an area.

4.6.5 Sites across the County Borough can offer specific challenges, especially in relation to topographical constraints and pedestrian connectivity. The design and layout of parking, the integration of open space (whether it be formal or informal) and the perceived safety of pedestrian linkages are especially relevant considerations.

4.6.6 The Council consults the South Wales Police Architectural Liaison Officer on all major developments. Their comments and guidance will be a material consideration in the determination of any application. Their advice can also be sought at pre-application stage by the LPA, with further information available on their website⁽³³⁾.

Secured by Design - General Principles

4.6.7 Development in Neath Port Talbot will be expected to consider Secured by Design principles, and should:

- Encourage high design standards, ensuring that all development is designed to reduce crime, anti-social behaviour and the fear of crime;
- Enhance the quality of life for residents to make Neath Port Talbot a place where people want to live and work;
- Create places that encourage healthier communities, providing safe and usable amenity areas and safe walking and cycling routes;
- Support community cohesion and encourage social interaction through creating spaces that encourage use by community members and providing access to all;
- Design development with natural surveillance to enhance security; and
- Design areas to allow for convenient and safe movement for all users and transport modes to prevent conflict.

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Layout and Movement

4.6.8 The layout of a development should consider how people will move around the development, and should encourage use by all transport modes. All routes should be well lit, convenient, have natural surveillance and meet the needs of people with all abilities. Routes should connect to the existing road network to promote the sense of identity of the community and prevent segregation.



4.6.9 Vehicular and pedestrian routes should be visually open and integrate to other networks. For residential sites, the design and layout of streets can help to naturally lower traffic speeds, creating a safer environment for residents.

4.6.10 Parking areas should be located within close proximity of dwellings, and where possible be well lit, visible from surrounding properties, and have a safe and direct pedestrian link.

Access and Footpaths

4.6.11 Footpaths and cycleways provide important connections and should be provided in locations that encourage use. Paths should have good visibility along the route, avoid narrow corridors and be well-lit. Bus stops and shelters should be located in areas with good surveillance and should be part of the active street frontage.

4.6.12 Generally, any footpaths or cycleways should not be located at the rear of buildings or provide access to gardens. If this is unavoidable, access from the rear should be controlled and designed to maximise security. Any planting along routes will need to be considered, to ensure that the types and species used do not overhang or provide hiding places. The use of suitable planting should enhance natural surveillance.



Open Spaces and Communal Areas

4.6.13 Public open spaces and amenity areas are an important element of new development, and can influence the character of the development. Due to the important contribution such areas make towards sustainable and healthy communities, it is important they are designed to ensure they are safe, usable and inviting. They should be located and designed to be overlooked by buildings to allow natural surveillance and should not be located in areas that are isolated or poorly lit.

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4.6.14 Where possible, private rear boundaries should not back onto public open spaces. If appropriate, design measures should incorporate features to prevent unauthorised vehicular access onto public open spaces.

Key Principle: Developers will be expected to identify how a development has had due regard to reducing crime and the fear of crime through the layout and design of the development.

4.7 Integrated Transport and Linkages (Criterion 7)

Criterion 7: *'It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community'*.

Integrated Networks

4.7.1 The accessibility of a site and ease of movement are critical to the success of the development and for the well-being of people using and accessing the development. Developments with well designed streets and connections help shape sustainable communities and create places for people to live and work. Good design and connectivity are more likely to encourage walking and cycling and create attractive places which are more likely to encourage social interaction.

4.7.2 The layout of new development should provide a coherent and legible street network that connects people to local facilities, public transport and walking and cycling routes. The layout should be easy to navigate and provide safe, convenient access around the development and to connecting areas.

4.7.3 Whilst new development needs to integrate and connect with the existing community and network, consideration should also be given to whether the new development provides the opportunity to improve the accessibility and legibility of the wider area by creating new routes and safer connections. Applicants should refer to Manual for Streets⁽³⁴⁾ and have regard for the principles contained within it.

Streets as Social Spaces

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4.7.4 The function of a street is far more than just movement, having a wider function in strengthening and building communities that are safe and accessible. The design process should provide for a more holistic approach, creating a sense of place and recognising that streets are multi functioning areas that are focal points within new developments, allowing for social interaction and for safe, convenient movement.



4.7.5 In the past, developments have been centred around the use of the private car, with walking and cycling routes often segregated. Design that is focused purely around vehicle movement can erode the character of the area and discourage walking and cycling.

4.7.6 Streets should be designed as social spaces, as they serve many functions and uses, with the design of streets having a strong emphasis on place-making and pedestrian movement. The needs of pedestrians, cyclists, public transport, and emergency service vehicles should be at the heart of the design process and dependent on the street's function in the overall network, these users should be put above the needs of motorists.



4.7.7 Streets should encourage walking and cycling, and have adequate building frontage to provide natural surveillance and enhance public safety to encourage their use. Pedestrian only links should have generous widths, be short in length and ensure they are overlooked, to create links that encourage use and feel safer to use. The image below illustrates a good example of a pedestrian link that provides generous open space, is short in length, with tree planting and surveillance from buildings.

Connectivity, Linkages and Movement

4.7.8 The Council seeks a collaborative design approach, within which vehicular, pedestrian and cycle linkages are designed in conjunction with the 'urban design' for the development site.

4.7.9 The pattern of movement, and 'desire lines' for connectivity to key facilities, or services within and around a site can set a basic framework within which development parcels sit. However, this framework should be flexible, logical and legible, and relevant to the overall character and needs for the development it serves. Vehicular traffic volumes require specific carriageway widths, and the need to accommodate parking and servicing are important factors to consider. **Page 232**

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4.7.10 The overriding aim is to create places within which people and buildings can function at a human scale, and where the infrastructure reflects this, not only in scale but also in its detailed design and materials. The Council's technical guide to highway design⁽³⁵⁾ gives more detailed information on detailed technical requirements for the construction of streets and roads.

4.7.11 Larger development should distinguish between primary routes, secondary routes and tertiary routes by varying the character and scale of the routes through a site, creating a sense of place, and character areas. This approach can help to reinforce a hierarchy of streets and spaces that makes the development legible and easier to understand. It can also be key in defining areas that are public and those that are solely for residents, helping to discourage crime and create places that are attractive for people to live in.

4.7.12 Sites should be permeable and interconnected allowing for pedestrian and cycle movement, but also be designed for low vehicle speeds. The road alignment, materials, landscaping including street planting and variation in building lines can all contribute to this, without the need for obvious traffic calming or the need for an over-proliferation of signing or traffic orders.

4.7.13 For each street and space in the hierarchy within a development, the applicant should be able to describe its desired character and role within the wider structure of the development, its accessibility and traffic function, and its design characteristics.

4.7.14 The developer should be able to identify and justify pedestrian and cycle routes, that are both logical, integrated and safe to use for all ages and abilities. Developers will need to pay particular regard to the Council's emerging Active Travel 'Integrated Network Map'.

4.7.15 Further advice on these topics is available within 'Building for Life 12 Wales'⁽³⁶⁾.

Key Principle: Developers will be expected to show how movement and connectivity have been addressed for all modes of transport and that the development design is legible, reduces traffic speeds, and creates a network hierarchy that adds to the creation of character areas and interconnected spaces.

4.8 Resource Efficiency (Criterion 8)

Criterion 8:

'It uses resources, including land and energy, as efficiently as possible through:

35 Neath Port Talbot Highway Technical Design Guide for Residential and Commercial Developments (Consultation Draft - May 2017).

36 Building for Life 12 Wales (2015 Welsh Edition edited by Design Commission for Wales).

4 . Implementation of Policy BE1 Design

(a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;

(b) The layout and form of the development does not preclude the reasonable use of other adjacent land;

(c) Developing brownfield land in preference to greenfield land where possible;

(d) Minimising building exposure while maximising solar gain'.

Housing Density

4.8.1 Land has become a scarce resource and any new development, or redevelopment should ensure land is used as efficiently as possible. Policy BE1 specifies a density of 35 dwellings per hectare (dph) in the Coastal Corridor Strategy Area and 30dph in the Valleys Strategy Area that would normally be expected on all new development proposals. These densities were established through an analysis of the delivered housing density on sites across all the LDP spatial areas over recent years.

4.8.2 All new development should aim to meet the specified densities as a minimum, and the development should be designed to create a sustainable development pattern which incorporates dwellings and other features, such as open space as part of the development concept. The density of the development should be considered at an early stage within the design process, and should be integral to the overall vision for the site.

4.8.3 There are a number of design approaches that can be used within the overall site design concept to ensure that higher density can be achieved successfully without compromising principles of sustainable development. These include:

- Provision of high quality open space to provide visual relief and recreation opportunities, preferably located around concentrations of services and facilities;
- The provision of some usable private open space for all dwellings, for example patios and balconies;
- Clear demarcation between public and private spaces;
- The integration of car parking provision more efficiently into the overall concept, avoiding the domination of the street scene.

4.8.4 Whilst it is important to make the best use of land, the site layout and design will be influenced by the character and setting of the development. There may be instances where the topography of the site, or specific features of the development site may not

4 . Implementation of Policy BE1 Design

allow development to meet the specified densities. Should the applicant be able to demonstrate that constraints, or important site features require development to adopt a lower density, developments below the specified densities will be considered.

4.8.5 In some locations, building densities higher than the specified 35dph and 30dph will be appropriate. This applies in particular to sites with high levels of accessibility, or close to concentrations of local services and facilities, such as town centre and beach front locations. Building at higher densities can provide a range of benefits, and can respond positively to linking to local services and amenities and public transport. Higher density development provides the opportunity to include design elements that define the space and can create active frontages to main streets. LDP Policy H1: Housing Sites provides a list of allocated housing sites where higher density development will be expected.

Calculating Housing Density

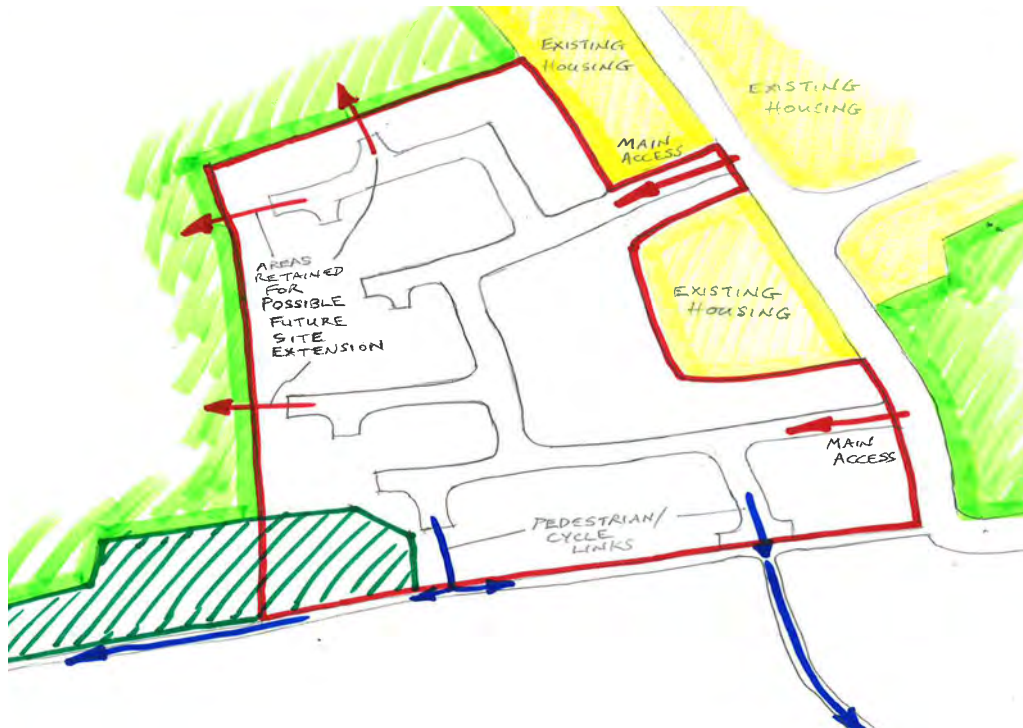
4.8.6 To calculate the density of a site, the site area needs to be measured in hectares. On larger housing development, or developments containing multiple dwellings, the whole site area, including any access roads and amenity spaces will be included in the site area. On single unit schemes, the site area will be taken from the front boundary and include the total size of the plot.

$$\text{Dwellings Per Hectare} = \text{Number of Dwellings} / \text{Site Area (Hectares)}$$

Site Layout

4.8.7 The layout and form of a development site should take into account its surroundings, existing and future movement patterns, connectivity and permeability. Where a development site is adjacent to undeveloped land or land currently developed but not publicly accessible, a site should be designed to make provision for future potential connectivity, including in cases where connections are not feasible at the time of construction but may become so in the future. This design principle is illustrated below⁽³⁷⁾:

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Preference for Brownfield Development

4.8.8 PPW indicates that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites⁽³⁸⁾. This will depend on the suitability of the site in question, and it is recognised that some previously developed land may not be suitable for re-use because of the presence of protected species or valuable habitats, industrial heritage, or contamination.

Orientation

4.8.9 The final part of Criterion 8 indicates that developments and building orientation should be planned to minimise building exposure while maximising solar gain. A range of factors will influence the overall orientation and positioning of buildings within a site, but within the particular constraints of topography, highways considerations and other design expectations, careful consideration should be given to levels of exposure of different parts of the site (including an evaluation of prevailing winds and natural existing shelter due to topography, tree belts etc.), and the design and general orientation of the development layout and of individual buildings planned accordingly to minimise exposure.

4.8.10 Orientation of individual buildings is also important in terms of solar gain, and building layouts should be planned to ensure that this is maximised within the constraints of the site taking it into account in the design of buildings where possible, ensuring that larger windows and habitable rooms are located on southerly facing elevations if practicable.

38 Previously developed land is that which is, or was, occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed infrastructure. A full definition is provided in Figure 4.4 of PPW.

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However, care should be taken to avoid overheating. The potential for siting solar panels on southerly facing roofs and surfaces should also be maximised. Further advice is available from the Welsh Government Practice Guidance - Planning for Sustainable Buildings⁽³⁹⁾.

Key Principle: Developers will be expected to show how the planning, layout and overall orientation of the development has maximised the efficient use of land and other resources taking into account the constraints of the site.

4.9 Drainage Systems (Criterion 9)

Criterion 9: *'Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution'.*

4.9.1 New developments should be designed to ensure there is no detrimental impact on water quality or flood risk (either within the site or elsewhere). The use of sustainable and efficient drainage systems within developments provides an opportunity to better manage the run-off of surface water.

4.9.2 The use of Sustainable Drainage Systems (SuDS) can be an effective drainage solution, providing a more efficient alternative to conventional drainage systems. Traditional methods, such as piped drainage, can cause increased run-off rates, which can result in soil erosion, flood risk and polluted water supply, whereas SuDS interventions can improve the quality and quantity of surface water run-off and can slow down the rate of water flow.

SuDS: Policy Context

4.9.3 Schedule 3 of The Flood and Water Management Act (2010) will require all new developments to include SuDS features to comply with national standards. To date, this Schedule has not yet commenced.

4.9.4 Until Schedule 3 is commenced, the Welsh Government has, in 2016, published interim advisory national standards. The recommended non-statutory standards⁽⁴⁰⁾ advise on effective ways of embedding SuDS principles into new developments, providing detail of the design, construction, operation and maintenance of SuDS.

4.9.5 Prior to the commencement of Schedule 3, developers should have consideration for the Welsh Government guidance. Within the local policy context, Policy BE1 (9) requires development proposals to design drainage systems to limit surface water run-off and prevent flood risk and pollution.

39 Welsh Government Practice Guidance - Planning for Sustainable Buildings (July 2014).

40 Recommended Non-Statutory Standards for Sustainable Drainage (SuDS) in Wales - Designing, Constructing, Operating and Maintaining Surface Water Drainage (September 2016 - Welsh Government).

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Opportunities

4.9.6 There are many benefits and opportunities presented by the use of SuDS. Dependent on how SuDS are implemented within a scheme, it can reduce volumes of surface water, reduce pressure on sewer infrastructure by enabling the network to better cope with the flow of discharge and improve the quality of water by using processes such as filtration to remove pollutants from the water supply. If implemented successfully, SuDS can also reduce long term costs as blockages can be easily identified above ground and remedied more readily.

4.9.7 New development has the potential to increase the total volume and flow of surface water run-off by replacing natural drainage with impermeable surfaces, which could make areas more susceptible to localised flood risk. Introducing SuDS into new development can, depending on design, help by reducing the risk of flood by slowing down the speed of water flow and provide areas for water storage to allow water to infiltrate into the ground.

4.9.8 The use of SuDS can contribute to increase areas of amenity space and green infrastructure, which contribute to creating safe, attractive and better places for people to live. There are a number of ways where the use of amenity space can be incorporated, including the delivery of dual use areas, using attenuation and water storage areas for green spaces and amenity space. The use of SuDS as amenity / green spaces can also have a positive impact on air quality, as the use of certain SuDS principles, such as trees, swales and basins can help to absorb certain pollutants. Future maintenance and adoption of such areas, including requirements for commuted sums, must be discussed with the Council early on in the design process and whilst the Council may adopt the drainage systems, amenity areas may not be part of the adoption agreement.

4.9.9 SuDS can increase the amount of green spaces within a development, and provide opportunities to create suitable places for a range of species, and use vegetations to help attenuate and slow the flow of water. SuDS should be sensitively designed and located to enhance biodiversity interest.

4.9.10 In built up and more urban areas, the use of SuDS can introduce small areas of green space which help to break up the prominence of buildings on the street scene and can make areas more attractive places and can help to encourage visitors and investment.

4.9.11 Whilst the use of SuDS is generally applied to new developments, there are a number of ways SuDS can be incorporated into existing developments to address sewerage capacity and local flood risk problems.

Planning Applications

4.9.12 All new development should consider the use of SuDS for the disposal of surface water. Considering SuDS early on in the design process will help to create a better functioning drainage scheme, and provide opportunities for SuDS to enhance the overall site design and maximise the functional benefits SuDS can provide. Individual SuDS features can improve water management, however it can be more effective when considered for the site as a whole and on a site-wide basis.

4 . Implementation of Policy BE1 Design

4.9.13 Developments should aim to reduce the existing rate of surface water run-off. Where this is not possible, developments must demonstrate that there is no net additional increase in run-off rates. Depending on the type and scale of development and the existing topography and water catchment, a comprehensive drainage strategy may be required as part of a planning application. Applications will be required to provide details of run-off, peak flow, discharge volumes and attenuation.

4.9.14 Furthermore, SuDS should be designed with consideration for the long term maintenance and longevity of the scheme, to ensure functionality and cost effective maintenance for the operational lifetime. Dependent on the proposed development, applicants may be required to provide a detailed management and maintenance plan.

4.9.15 Before commencement of works on site, details on the flow of discharge and acceptable management arrangements should be agreed and approved by the Council. It may be appropriate for developers to contribute towards the costs of provision via a Section 106 Agreement.

4.9.16 The Council has produced a design guide⁽⁴¹⁾ that provides further detail on the design, implementation and adoption of SuDS in Neath Port Talbot and is available on the Council's website.

Key Principle: Developers will be expected to show that sustainable drainage principles have been applied and appropriately implemented as part of the development, taking into account the topographical and hydrological context and future maintenance.

4.10 Inclusive Design (Criterion 10)

Criterion 10: *'The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities'*.

4.10.1 Under the Equality Act 2010, it is unlawful to discriminate against disabled people. The Act requires service providers to take all reasonable steps to ensure a disabled person is not at a substantial disadvantage.

4.10.2 Inclusive design means providing equal access into and around a development to ensure it can be accessed by all. Inclusive design should be incorporated into development proposals by putting people at the centre of the development, ensuring good access is provided to developments, buildings and places to ensure everyone can use services, facilities and places safely and with ease.

41 Design Guide for Sustainable Urban Drainage Systems in Neath Port Talbot (2012): www.npt.gov.uk/pdf/DESIGNGUIDEFORSUDS1.pdf

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4.10.3 Principles of inclusive design should be considered from the outset and be a key consideration throughout the design process, ensuring all new development is accessible to all users. Having an inclusive approach to the design of new developments will allow all users to equally, safely and independently access streets, buildings and public spaces. The latest building regulations, local and national policies and statutory guidance should be considered and the vision for the development should include objectives for achieving inclusive access.

4.10.4 New development will be expected to:

- Ensure it meets the needs of all, including those with visual and hearing impairments and those with limited mobility;
- Ensure all streets and public spaces are safe and accessible and should not provide any additional barriers to any users, such as wheelchair users, people with restricted mobility or people with pushchairs.
- Reflect the diversity of the community who will be using the spaces and allow ease of and equal access to all, irrespective of a person's mobility, age, gender, sex or ethnicity;
- Have consideration for the location and design of street furniture, signage, lighting and paving and design these to reflect the needs of all potential users; and
- Ensure the use of materials does not provide any barriers to access. The surfacing of roads, pavements and amenity areas should consider the needs of partially sighted people or those with impaired mobility.

Key Principle: Developers should demonstrate that the development allows for safe access and use for people of all ages and abilities.

4 . Implementation of Policy BE1 Design

5 . Key Strategic Development Areas

5 Key Strategic Development Areas

5.0.1 There are four key strategic development areas within Neath Port Talbot which, because of their importance, size and self-contained nature, have masterplans and specific design guidance or design codes that apply within the specific areas only. This section summarises the design issues in relation to each of these areas.

5.1 Coed Darcy, Neath

5.1.1 The development of Coed Darcy will see the extensive remediation and redevelopment of the former BP oil refinery at Llandarcy. This significant and ambitious regeneration project is being delivered in partnership between the developer [St. Modwen Developments Limited (SMDL)], 'The Prince's Foundation' and the Council.

5.1.2 The site is allocated for mixed use development in the LDP and designated as a Strategic Regeneration Area (Policy SRA1). 'Coed Darcy Urban Village' was granted outline planning permission in 2008 for approximately 4,000 dwellings with associated employment, retail, commercial, education and community uses.

5.1.3 As illustrated in the adjacent image, the initial phases of development have already been constructed with the remaining areas to be developed over the life of the LDP and beyond.



5.1.4 The 'Coed Darcy Masterplan' (illustrated in Figure 5.1 below) establishes the vision for the development as a whole and provides an indication of the broad proposals of the location and different development uses on the site. In addition, the more detailed 'Coed Darcy Town Code'⁽⁴²⁾ establishes detailed standards and guiding principles for the residential element of the development, including guidelines for the design of the neighbourhood scenes and the open spaces / amenities.

5 . Key Strategic Development Areas

Figure 5.1 Coed Darcy Masterplan



Supplementary Planning Guidance: Design (July 2017) TRACKED CHANGES

5 . Key Strategic Development Areas

5.2 Fabian Way Corridor

5.2.1 In order to coordinate development along the Fabian Way corridor, a draft masterplan framework⁽⁴³⁾ has been produced jointly by Neath Port Talbot County Borough Council and the City and County of Swansea.

5.2.2 The Fabian Way corridor stretches for 5km along the A483 Fabian Way, covering the area from the Amazon roundabout in Neath Port Talbot to the eastern bank of the River Tawe adjacent to Swansea City Centre.

5.2.3 The vision is for an 'Innovation Corridor', building upon a number of prestigious, high profile developments, either already developed or proposed to be developed along the corridor, which provide significant opportunity for growth in the region including the Swansea University Science and Innovation Campus, Tidal Lagoon Swansea Bay (TLSB) and the University of Wales Trinity St. David Campus (UWTSD). Such development has the potential to support growth in the knowledge based economy.

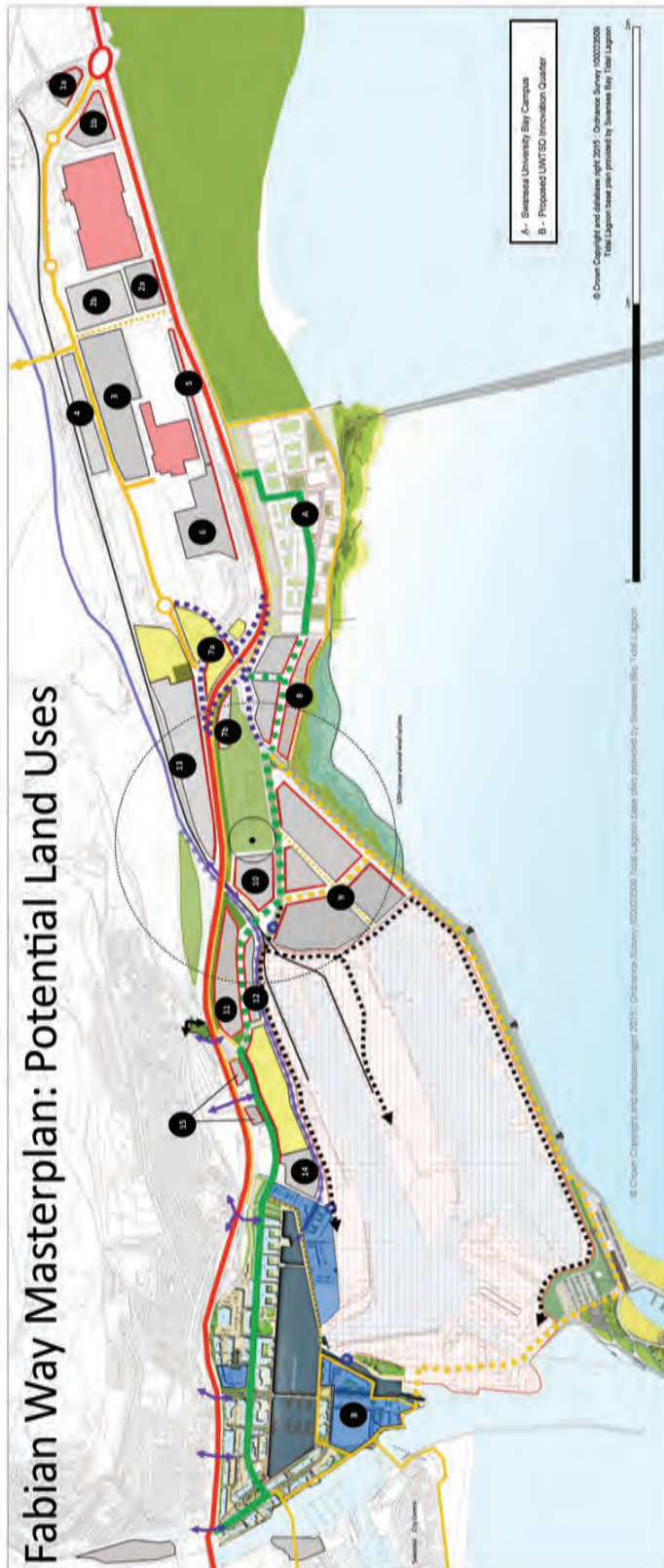
5.2.4 The draft masterplan (illustrated in Figure 5.2 below) provides a land use framework for an integrated approach to maximise the benefits of the area and overcome the existing site constraints. The corridor is one of the key approaches from the M4 into Swansea and is at the heart of the City Region. The design principles set out in the framework seek to enhance its gateway function, maximise accessibility and better integrate the communities and land uses either side of Fabian Way.



5.2.5 With detailed masterplans already existing for the Swansea University's Bay Campus and UWTSD SA1 areas, the draft SPG focuses on the intervening land and splits the corridor into four distinct (but overlapping) 'place making' areas: Eastern Gateway, City Approach, Eastern Waterfront and Spine Streets.

5.2.6 Each area provides a specific land use that would be permitted on each development plot and an analysis and range of design principles for each area is set, focusing on plot definition, scale and public realm. The SPG document should be referred to for guidance about any proposed development within the overall corridor.

Figure 5.2 Fabian Way Masterplan



Ref.	Ownership	Area	Potential use / Capacity
1a	Wales Government	1.2 ha	A research 'University Development' to a minimum of 3 stories (up to 81m) with ancillary retail to provide potential accommodation for high technology and R&D business to support the development of the Knowledge Economy Cluster that will complement the function of the nearby Bay Campus. This should not include user that are more appropriate in a city centre location.
1b	Wales Government	2.5 ha	Potential for R1 use to provide accommodation for high technology and research and development business to support the development of a Knowledge Economy Cluster that will complement the function of the nearby Bay Campus. This should not include user that are more appropriate in a city centre location. Redevelopment need contribute to a strong active heritage for Fabian Way. The site is currently used for Amazon car parking. If developed the displaced parking must be accommodated at a suitable alternative location.
2a	Wales Government	1.7 ha	Site with potential to accommodate dispersed parking (visiting to the Amazon site, in the event of the re-development of Plot 2a).
2b	Wales Government	3 ha	Potential means users to support Swansea Bay Station. Redevelopment must provide an active heritage to Ffordd Arfon.
3	Wales Govt, WPT/CBC, Swansea Uni, Prospect	6 ha	Potential to accommodate a Park and Ride service with up to 100 spaces.
4	Wales Government	1.3 ha	Potential to accommodate 1 Park and Ride service with up to 100 spaces.
5	Coventry Business Park, Swansea Bay Campus	1.3 ha	Physical reuse of existing office space for re-development to a minimum of 3 stories (up to 81m) with ancillary retail to provide potential accommodation for media users to support Swansea Bay Station. High technology and research and development business to support the development of a Knowledge Economy Cluster that will complement the function of the nearby Bay Campus. This should not include user that are more appropriate in a city centre location. Consideration given to large 'big box' development at this location. Redevelopment need contribute to a strong active heritage for Fabian Way.
6	Coventry Business Park	4 ha	Allocation within the WPT (LP 2/11/18) for 50 residential units. Development must create strong active heritage with Swansea Crescent.
7a	Multiple ownerships	9.8 ha	Potential road improvements to the Swansea Bridge Junction (Residential study underway). There are a number of existing businesses located within this area which is seen as a longer term re-development opportunity.
7b	Four Counties	9.8 ha	Potential for employment R2D users to a minimum of 3 stories once the access has been improved as part of the Swansea Bridge Junction project.
8	SI Mackay - Swansea University ASP	0.7 ha	Priority area for university expansion with potential for academic teaching space and R2D. On the south of the site are affected by the wind turbine and WWTW (which there could be potential for student accommodation (within the 4,000 bedrooms on Bay Campus), but this is currently precluded by the C2 flood risk status of the land. Users must create active heritage.
9	ASP land with Swansea Bay	1.1 ha	Potential for employment R2D users. Development must create active heritage of minimum 3 stories (up to 81m) and floor use which preclude petroleum users such as residential. Potential for employment buffer (user (pink 50m deep) alongside operational docks.
10	Marineyard land	3.0 ha	Potential for more direct route of Ffordd Arfon access road through this site. *note additional 1.8ha available at eastern end of Chatham Dock is offered. *Size 0.2ha of site within west Swansea lagoon zone.
11	Marineyard land	3.0 ha	This site is affected by the excavation zone due to wind turbine and WWTW which precludes sensitive users such as residential on the eastern parts of the site. Potential for higher density residential development including open space on western parts of the site (low rise apartments and town houses similar to S41) with a density range of 40pp-50pp-capacity of approx. 40-75 houses) as part of mixed use scheme and employment R2D users and food needs retail on the eastern end. The eastern end includes the projected new route for the Port Transport Canal.
12	Marineyard land	1.0 ha	Potential for employment buffer (user (pink 50m deep) alongside operational docks. Footage onto spine street must be compatible with potential residential use opposite. Southern part of site includes permitted route of canal.
13	Marine Park	1.0 ha	This site is affected by the excavation zone due to wind turbine and WWTW which precludes sensitive users such as residential. It is considered that this site has potential for employment R2D users once the access has been improved as part of the Swansea Bridge Junction Project.
14	Multiple	1.0 ha	Potential for residential users (local end) and employment buffer users (seafront end) alongside operational docks. Southern part of site includes prohibited route of canal.
15	Multiple	1.0 ha	Potential for residential development of 2-3 stories with heritage uses (Fabian Way) and open space.

5 . Key Strategic Development Areas

5.3 Baglan Energy Park, Port Talbot

5.3.1 Baglan Energy Park is situated in a coastal location mid way between Port Talbot, Neath and Swansea. It consists of a number of distinct existing and proposed employment developments, most of which are redevelopments of former industrial land, including the sites of metal working complexes and a petro-chemical works.

5.3.2 Part of the overall site is allocated in the LDP for new employment uses [Policy EC1/1 (75 hectares)], with the remainder being identified as being safeguarded for employment uses [Policy EC2/6]. The whole area can be divided into four distinct character areas, two of which are older established industrial estates with a traditional 20th Century design and layout approach. The other two areas comprise the first phase of Baglan Energy Park, which has been partly developed over the past 15 years or so; and the former chemical works site.

5.3.3 The original Energy Park was designed and developed in accordance with the Baglan Energy Park Design Framework⁽⁴⁴⁾ and includes extensive areas of landscaping and planting with the aim of giving a spacious and attractive appearance. A number of buildings within the Energy Park are of innovative and striking design.

5.3.4 The Baglan Energy Park Development Framework SPG⁽⁴⁵⁾ sets out the framework for the future expansion of employment uses within the LDP allocations. The Development Framework takes a zoned approach to the area, setting out appropriate uses, constraints and the required design approach for each zone depending on its existing character and envisaged future types of uses. The four zones are illustrated on the Masterplan in Figure 5.3.

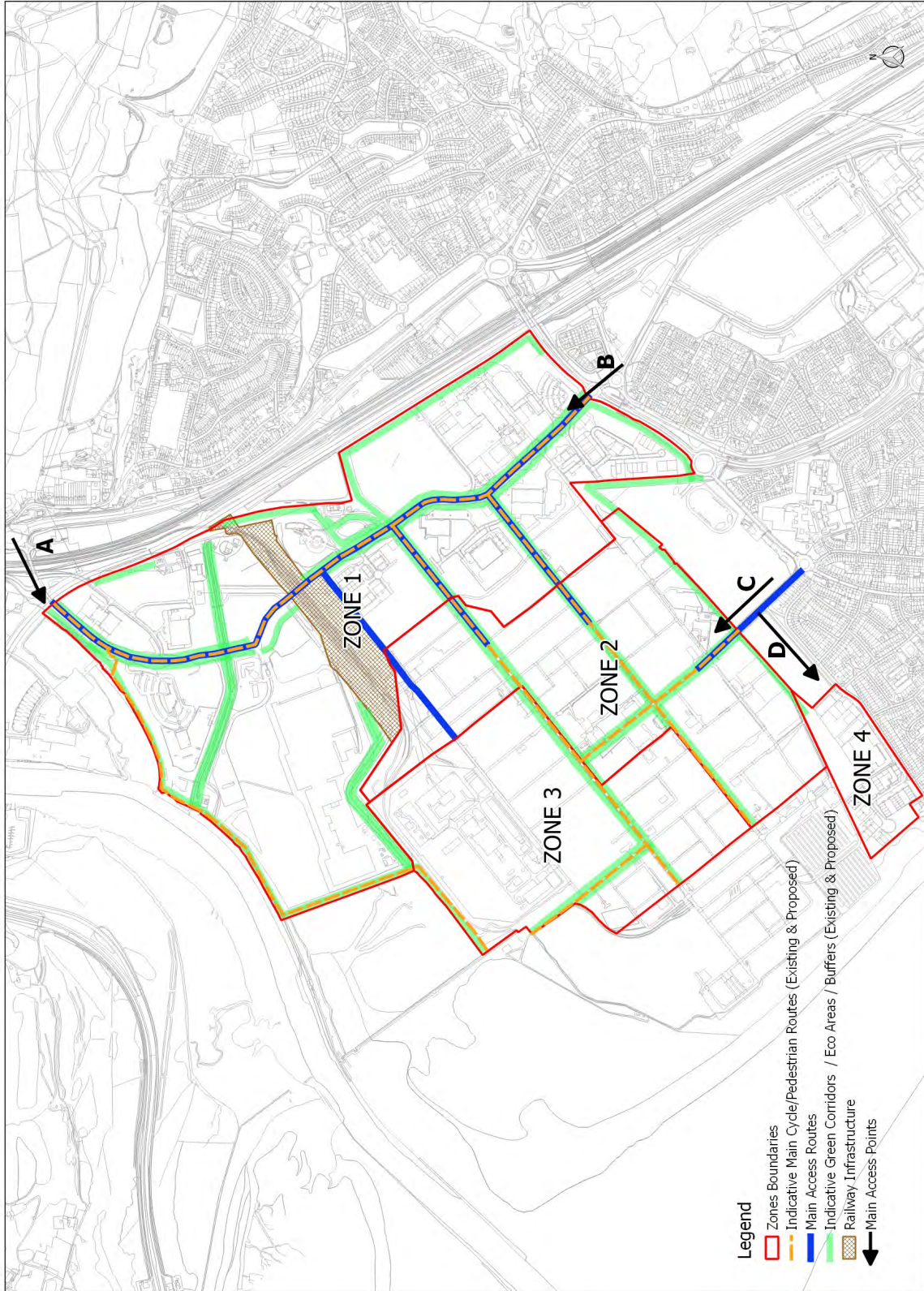


5.3.5 The design approach for each of the zones is set out within the SPG. Zone 1 includes the original Baglan Energy Park and additional areas that are envisaged to be developed in accordance with the principles of the original 2003 Urban Design Framework. The SPG incorporates the detailed Design Framework principles, suitably updated and the document should be referred to for guidance about any proposed development within the overall Baglan Energy Park.

44 Baglan Energy Park Urban Design Framework: Wyn Thomas Gordon Lewis (March 2003).

45 SPG: Baglan Energy Park Development Framework (MTCBC - October 2016).

Figure 5.3 Baglan Energy Park Masterplan



5 . Key Strategic Development Areas

5.4 Harbourside, Port Talbot

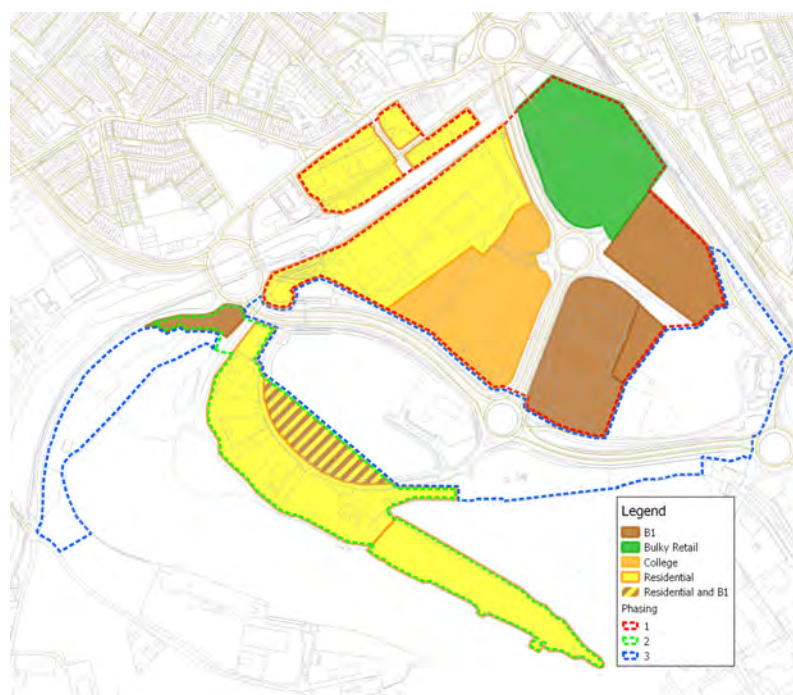
5.4.1 The Harbourside Strategic Regeneration Area (SRA) benefits from a central location within Port Talbot, near to the town centre with good transport links. It comprises an extensive area of brownfield land around Port Talbot docks and contains major regeneration sites suitable for employment and residential uses.

5.4.2 Harbourside is designated as a Strategic Development Area in the LDP (Policy SRA2), within which residential (385 units), employment (7 hectares) and bulky goods retail uses (3.37 hectares) are envisaged. The new Harbour Way distributor road links the area from the M4 at Margam to the south east and the A48/M4 at Baglan to the north west. Parcels of land within Harbourside have already been redeveloped, including a new Justice Centre, a Research and Development (R&D) Centre and residential development.



5.4.3 The 'Harbourside Masterplan' (illustrated in Figure 5.4 below) gives an indication of the broad proposals for the SRA (although this may be subject to change). Full details will be given in the Council's 'Port Talbot Harbourside & Town Centre Development Framework' SPG including overall design concepts and envisaged design approaches. The Harbourside SPG should be referred to for further information on design matters within the SRA.

Figure 5.4 Harbourside Masterplan



5 . Key Strategic Development Areas

6 Residential Development

6.1 Infill Development

6.1.1 Infill residential plots within settlement limits raise specific challenges, both in respecting the character and pattern of the existing development in the area, and in achieving current parking and access standards.

6.1.2 Often house designs are chosen prior to plots being identified, and the context and character of an area may consequently not be reflected in the design. When a site is part of an existing built-up area and street scene, applicants should demonstrate how the proposal will fit into the existing development pattern in terms of scale, density, building line, ridge heights and elevations.

6.1.3 Developers should firstly consider the context of their site, and attempt to define what the main characteristics of the area are. Not only in terms of massing, scale and density, but also specific design features and vernacular that define the site context. These can identify both good and bad elements within the context of the site, and further inform the detailed design of the development itself.

6.1.4 The Council encourages innovation in design, and would not expect every infill site to provide a replica or copy of other dwellings in the area, but would encourage developers to justify their chosen design, through an iterative step by step process. The use of modern or alternative finishes, or bespoke design can be appropriate if supported and justified through this logical process. Applicants will need to ensure any innovative or creative design responds positively to the parameters set by the existing local context. The Council can offer pre-application advice in this regard, to inform this process.

Key Principle: Developers should identify how their proposals consider and respect the character of the area within which they are located, promote quality and enhance the street scene.

6.2 Self Build Schemes

6.2.1 Self build schemes, where plots on a housing development site are sold off to individual developers to build their own homes, can provide a popular opportunity for people to construct a dwelling that meets their own specific requirements. However, this brings its own particular challenges in design terms, such as the need to ensure that the site is developed in a coherent way and that the individual buildings comply where appropriate with the overall design and concept for the site. Development briefs, design codes and plot passports can be useful tools to address these challenges.

Development Briefs

6.2.2 Development briefs can inform developers and other interested parties of the constraints and opportunities presented by a site, and the type of development expected or encouraged by local planning policies. They are intended to improve the design quality of the overall development and can include the identification and protection of certain characteristics of a site or its surroundings; the enhancement or responses to features, such as topography, mature landscape, public access or open space; and measures to ensure that new development meets acceptable standards of design and is in keeping with its setting.

6.2.3 Development briefs may be appropriate for larger sites that are being developed, especially where associated infrastructure is required, or the self-built element is part of a larger scheme. The production of a brief could be initiated by pre-application discussions with the Council or by the developer. This can provide clarity on the infrastructure necessary for specific areas of a site, ensuring its delivery alongside the development of the housing itself.

Design Codes

6.2.4 A design code aims to provide clarity over what constitutes acceptable design quality for a particular site and can provide a level of certainty for developers and the local community. Design Codes are invaluable for self build schemes as they can identify the parameters and general design principles that should be followed. For example, they can ensure the buildings are of an appropriate size and position for the plot; provide key information on boundary treatments and other specific details that will provide common and unifying elements such as landscaping and other infrastructure requirements; and can also pick up on any locally important features or context.

6.2.5 Design Codes should also however afford the self-builder a degree of flexibility to vary the design to suit individual circumstances, particularly on larger sites. The Design Code can be produced in discussion with the Council or the developer (as part of a planning application or ideally through the pre-application process) and the Council may condition a Design Code as part of any permission. It may also be useful to develop a template Design Code and to offer this as part of any pre-application discussion.

Plot Passports

6.2.6 A Plot Passport is a summary of the design parameters for a plot in the form of information sheets, containing relevant information relating to the planning permission, design constraints and procedural requirements in an accessible format. The passport should show the plot location, permissible building lines and side spacing requirements, proximity constraints and the developable area of the plot within which the building should be located. Other information may include building height restrictions, the number of dwellings that are appropriate on the plot (generally only one), car parking, access location and so on. Other details, such as finishing materials, fenestration and roof shape may remain flexible, to be decided by the plot developer.

6 . Residential Development

6.2.7 The Plot Passport information sheets can be produced to set out to potential purchasers of individual plots the key design and layout principles set out by the wider Design Code or Development Brief and can be a useful way of ensuring a self-build development has an overall design coherence while allowing for individual differences according to the requirements of the plot owners.

Key Principle: Promoters of self-build sites should be able to show how the overall planning, design and layout of the site will ensure a coherent character and appearance while allowing for individually designed and planned dwellings on individual plots.

6.3 Medium to Large Residential Developments

Larger Schemes - Creating Places and Neighbourhoods

6.3.1 Larger developments, generally defined as developments of 10 houses or more, represent opportunities to design schemes with a clear vision to create new neighbourhoods and define the character.

6.3.2 The vision should take account of the interaction between the development and neighbouring land uses, the network of movement, landscaping, retention of important features and connections to goods and services.

6.3.3 Larger residential developments can raise specific issues that would not always be relevant to smaller sites. These include:

- Location of on-site community facilities, and connections to existing facilities;
- Creation of public transport routes and connections;
- Creation of walkable communities and neighbourhoods; and
- Logical and legible phasing delivery.

6.3.4 Early consideration of any potential on and off-site improvements or facilities can have an impact of the design and layout of a site, and whilst the forgoing objectives are relevant, the use of on-site facilities or services for a wider community may raise other specific challenges. An early initial analysis of the local context and how the site connects to the surrounding area will help to create an overall vision of the development and establish a street hierarchy that connects to the existing network.

6.3.5 Integration with existing communities and neighbourhoods, and impacts upon existing communities and infrastructure will also need to be considered. As such development of this scale often requires a masterplan, and design code, especially where these developments are to be built out over a significant period of time and/or by more than one developer.

Key Principle: Developers may be required to submit a masterplan, phasing plan, design code and/or other supporting information as appropriate in order to justify and explain the proposed layout, location of key infrastructure and community facilities and the overall design of a development.

7 Commercial Development

7.0.1 Many of the forgoing issues are relevant to any form of development, and the key aims and objectives of good design apply equally to commercial and industrial development. There are however specific challenges, especially where there are the specialist needs of an occupier to consider, or alternatively the development is speculative.

7.0.2 Particular attention should be paid to site layout, access, servicing arrangements and parking. The principles and objectives of site context and legibility, outlined elsewhere in this document,⁽⁴⁶⁾ should be applied equally to commercial developments. Although function often dictates form and operational constraints or requirements define the massing and scale of these developments, the external appearance, location of entrances, key views and frontages can be delivered and designed in a way that maintains quality.

7.0.3 The key issues include:

- The creation of a strong frontage, including a clear and legible main entrance and reception.
- Servicing should be readily accessible, but screened from public areas.
- Any external storage areas should be minimised and delimited and defined.
- Careful attention should be paid to the design of parking areas for staff, visitors and customers.
- The approaches taken to the location and installation of plant and machinery should be carefully considered and justified.
- The approaches taken to security matters and general means of enclosure should be integrated with and complement the overall site design concepts.



7.0.4 Entrances and reception areas should front onto streets, public spaces or forecourts. Where appropriate, entrances should be generous and welcoming, and easily identifiable in order to improve legibility and contribute to surveillance.

7.0.5 Where possible, buildings should have active frontages to enhance the street scene with activity generating uses located on principal frontages, adjacent to public streets and spaces. Buildings should not be significantly set back and should respond positively to the surrounding areas in terms of their scale, massing and built form. Large scale buildings should not be the dominant feature in these areas, with the use of landscaping,

7 . Commercial Development

public realm and the street design important tools in ensuring buildings are not the dominant feature. The use of glazing, cladding and facades can also be used to reduce the dominance of buildings.

7.0.6 The choice of materials will have a significant visual impact on the context and appearance of the development. Materials should consider the longevity of their use and respond to the local context, to ensure it integrates into the existing environment and landscape. Careful consideration of materials can also help to reduce the massing and bulk appearance of the building, while green roofs and walls can provide biodiversity resources while benefitting energy efficiency and visual impact.



7.0.7 Service areas should be incorporated within the perimeter of a site and screened where possible, with service areas that front public spaces avoided. Large forecourt areas for parking or servicing should not be located at the front of buildings, and should have appropriate landscaping to ensure that they do not cause visual intrusion.

7.0.8 If parking is to be provided at the front, or near to the front of buildings, smaller forecourt areas with appropriate landscaping should be chosen, with applicants required to demonstrate that the relationship between the parking areas and building line has been designed to ensure an attractive and coherent street scene is created or maintained. The image below illustrates a good example of a modern commercial building with attractive frontage and car parking located at the rear, with planting utilised for screening purposes.

7 . Commercial Development

Picture 7.1 Modern Commercial Building Example



7.0.9 Commercial and employment areas should be accessible by a range of transport means, being located on public transport routes wherever possible having good pedestrian and cycle links to bus / rail stops and adjacent uses.

7.0.10 Larger scale employment / commercial areas should be designed to have a network of connected streets that provide legibility and ease of access throughout with active street frontages. Principal streets throughout the development should be designed to incorporate a range of uses and avoid the dominance of vehicle traffic. Boulevards with appropriate planting and public spaces can help to encourage walking and cycling and provide a multi-functional street scene.

7.0.11 Any signage, branding or advertising should be appropriate to the scale of the development and not be intrusive to the local context. It should be carefully considered as part of the overall development design.

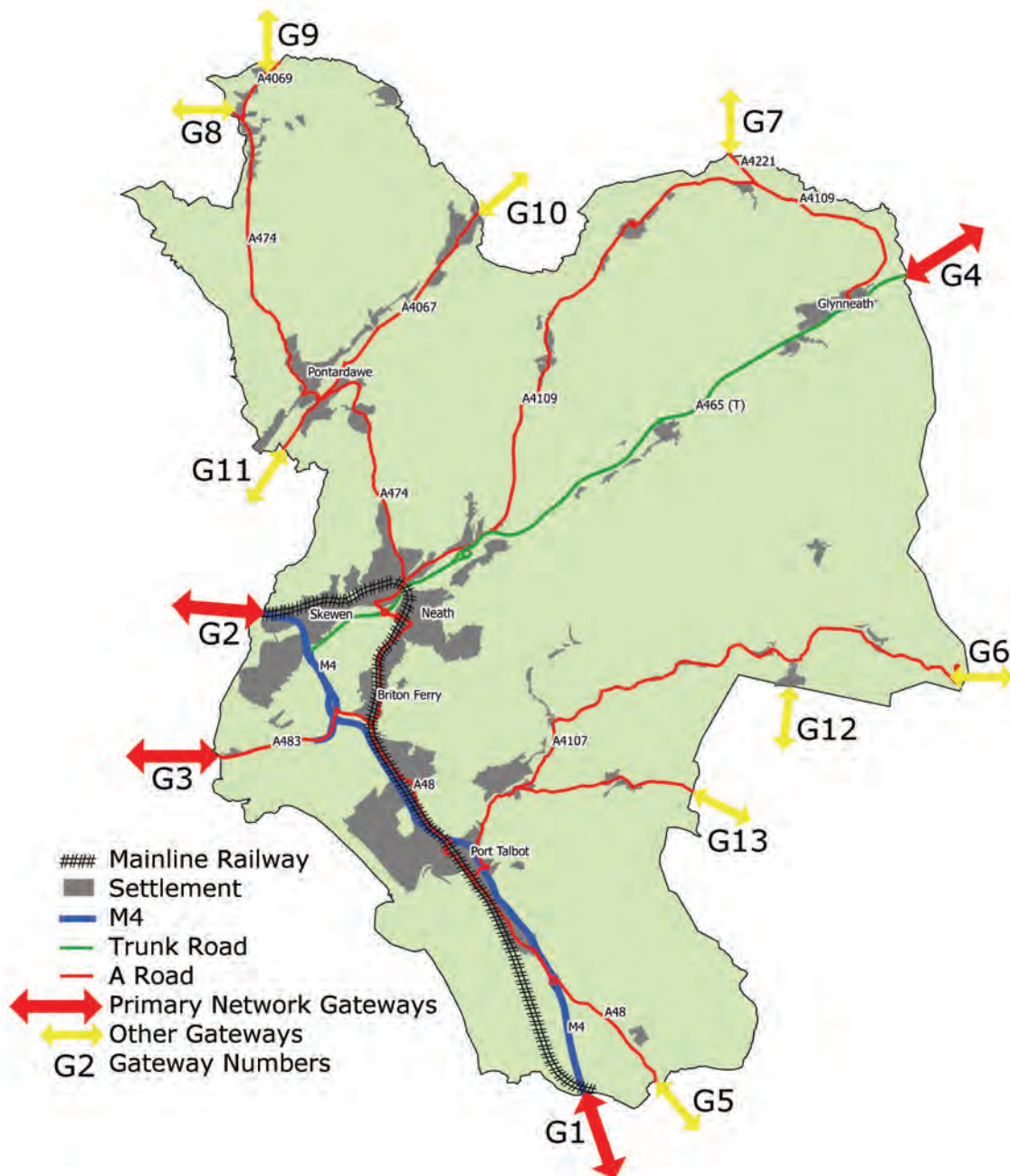
Key Principle: Developers will be expected to justify the design and layout of the development, both in relation to their operational needs but also with regard to the aims and objectives set out in this SPG in specific relation to the key issues identified.

Appendix A: Arterial Gateways

A.0.1 This Appendix gives more detail on the characteristics and features of significance for each gateway locality and sets out the approach that will be taken to the implementation of the gateway policy.

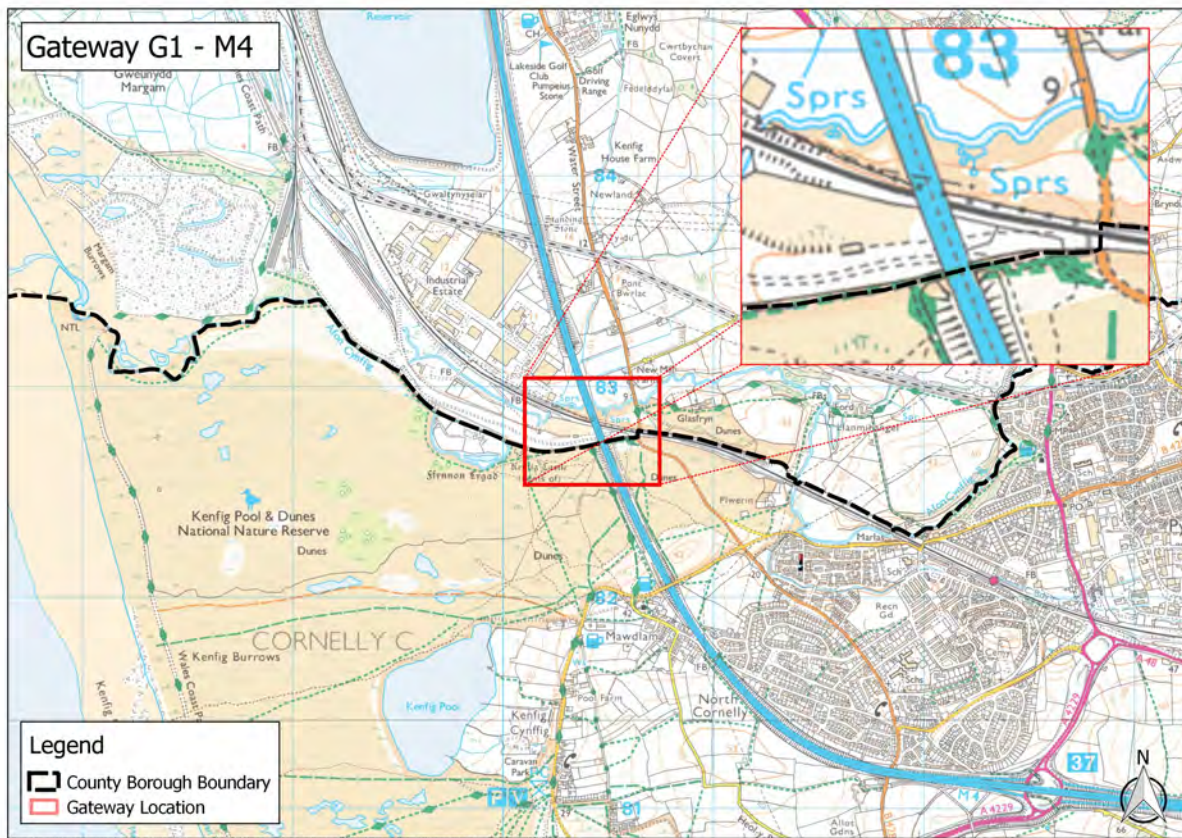
A.0.2 As indicated in Section 4.2, the most significant gateways into the County Borough are considered to be those situated along the primary road network, with other important gateways located along other main road routes. The figure below indicates the locations of the Primary Network Gateways and the other important gateways.

Figure A.1 Location of Gateways



A.1 Primary Network Gateways

A.1.1 Gateway G1: M4 and Mainline Railway at Margam



A.1.1.1 A large proportion of road and rail traffic enters the County Borough via the M4 motorway and mainline railway at Kenfig/Margam. The main prominent features in the landscape at this point are Kenfig Industrial Estate (to the west of the motorway, at a lower level) with sand dunes, Margam Moor and Swansea Bay behind. Views from the rail line are more restricted and comprise coastal sand dunes to the west, followed by closer views of the industrial estate to the east.

Picture A.1 M4 West Side



A.1.1.2 To the east of the motorway is an extensive area of relatively low-lying open countryside of mixed agricultural uses with a distinctively rural character (Picture A.2).

Picture A.2 M4 East Side



A.1.1.3 The backdrop to these views is formed by the steelworks to the north west and by Margam Mountain to the north east. Taking into account the importance of the transport corridor coupled with the open nature of the landscape with its distant views including glimpses of Swansea Bay on one side and more mountainous country on the other, this locality is probably the most significant and important of Neath Port Talbot's gateway locations.

Designations

A.1.1.4 The area of countryside to the east of the M4 at this point is designated as a Green Wedge under LDP Policy EN3, while the area further to the east (on the far side of the A48) is also a Special Landscape Area (SLA) under Policy EN2. In addition, the sand dunes and associated areas at Kenfig are designated as a Special Area of Conservation

(SAC) and as a Site of Special Scientific Interest (SSSI) and there are two other SSSIs in the locality (Eglwys Nynydd Reservoir and Margam Moors). The extent of these designations is shown on the LDP Proposals Map⁽⁴⁷⁾.

LANDMAP

A.1.1.5 The NPT LANDMAP Landscape Assessment identifies six landscape character areas within this locality, three of which are near to the gateway itself (Areas 1 Margam Marsh, 2 Margam Burrows and 4 Coed Hirwaun), with a further three forming the general backdrop (Areas 3 Margam Country Park, 5 Coed Hirwaun and open scarp tops and 50 Port Talbot Docks and Margam Works). Full descriptions of these character areas is given in the NPT LANDMAP Landscape Assessment⁽⁴⁸⁾.

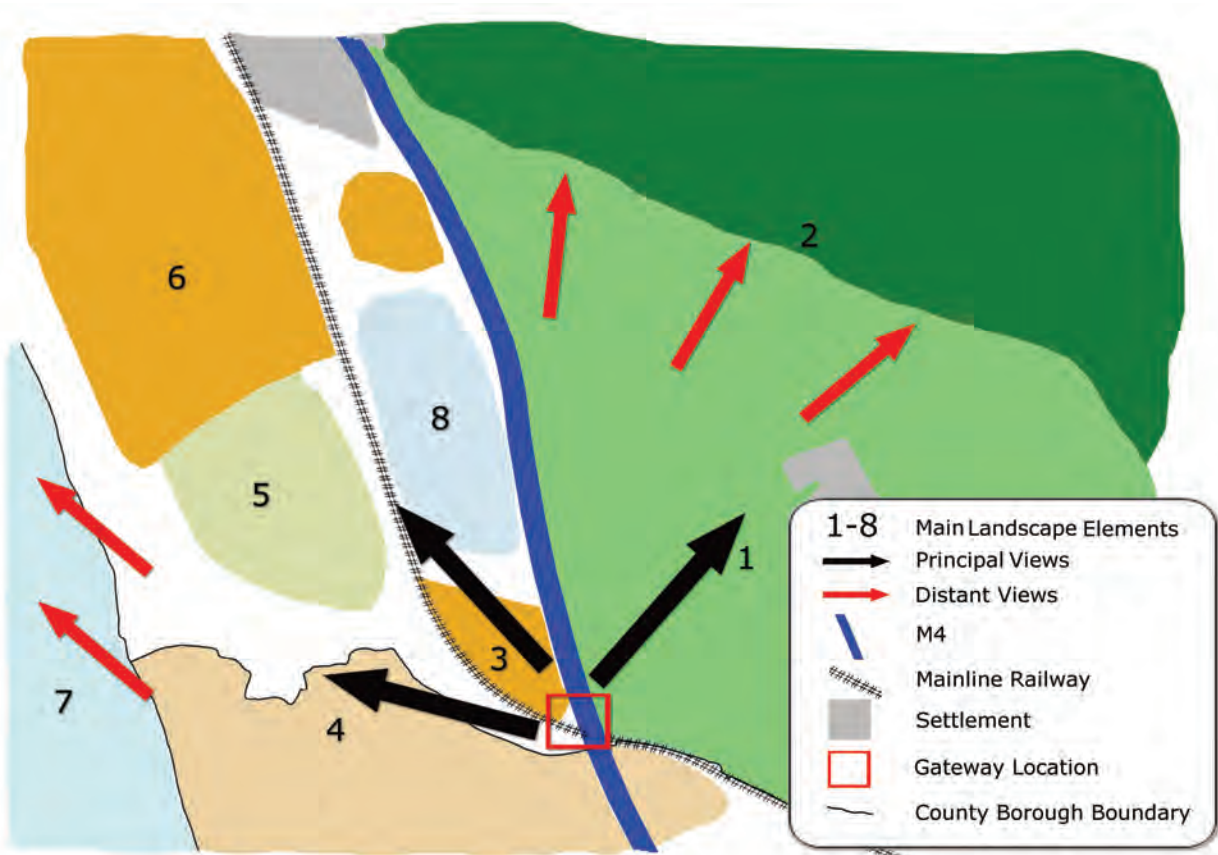
Extent of Area Affected by Gateway Considerations

A.1.1.6 Figure A.2 below broadly indicates the areas within which new developments could affect the character of the gateway area and the main landscape elements that should be taken into account. As a result of the open character of the landscape in the vicinity of this gateway and the extensive views (in particular from the motorway, but also from the railway in places), developments across a wide area could have a significant impact on the overall landscape as seen from the County Borough boundary on entering Neath Port Talbot. Consequently, developments within any of the LANDMAP character areas described above could have an effect depending on the precise location, nature and prominence of what is proposed.

47 <https://www.npt.gov.uk/default.aspx?page=14926>

48 Neath Port Talbot LANDMAP Landscape Assessment (2004) (NPT Landmap Consultants 2004).

Figure A.2 Gateway G1 Margam: Landscape Elements and Important Views



Landscape Elements Key

1. Low-lying mixed agricultural area of small fields, hedges and woodlands. [LANDMAP - Character Area 4: Coed Hirwaun].
2. Southwestern scarp slope of Mynydd Margam. Character changes from mixed lowland pasture enclosed by hedges at the foot of the scarp to upland sheep grazing at the top. [LANDMAP - Character Area 5: Coed Hirwaun and Open Scarp Tops].
3. Kenfig Industrial Estate. Industrial units set in spacious landscaped estate. One- and two-storey buildings below level of motorway. [LANDMAP - part of Character Area 50: Port Talbot Docks and Margam Works].
4. Kenfig Burrows. Extensive area of sand dunes designated as a SAC and SSSI, mostly outside the NPT boundary.
5. Margam Moors. Predominantly flat cattle grazed marshland drained by a network of ditches lined by willows, designated as a SSSI. [LANDMAP - part of Character Area 1: Margam Marsh].

6. Port Talbot Steelworks. Extensive steelworks dominating distant views to the north west. [LANDMAP - part of Character Area 50: Port Talbot Docks and Margam Works].
7. Swansea Bay. Open seascape to west with views visible across bay to Mumbles Head.
8. Eglwys Nynydd Reservoir. Area of open water used for leisure activities including dinghy sailing, designated as a SSSI. [LANDMAP - part of Character Area 1: Margam Marsh].

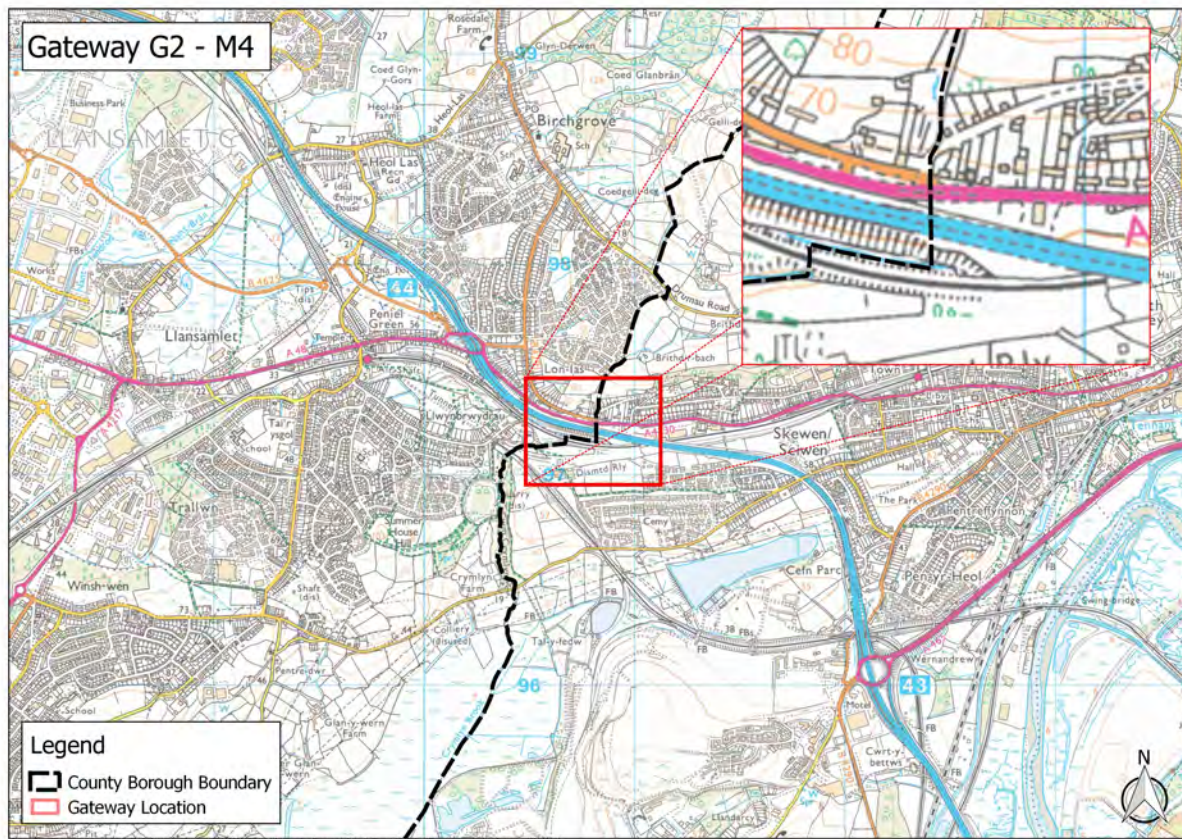
Design Solutions

A.1.1.7 Potential design solutions for new prominent developments within this area will depend on the nature of the proposed development and its location, in particular with reference to the LANDMAP character areas outlined above. Developments in the agricultural / countryside areas to the east and north of the M4 are likely to be smaller in scale and related to rural uses as a result of the requirements of Green Wedge policy. Any new development here should be designed to have a character and scale compatible with traditional rural buildings, and be sited as far as possible within or near to existing groups of buildings, with the aim of ensuring that the rural character of the landscape is maintained or enhanced as far as possible.

A.1.1.8 The character areas to the west of the M4 and railway line are largely either protected marshland or sand dunes, or industrial land either associated with the steel works or Kenfig Industrial Estate. New developments are most likely to take place within the defined industrial estate allocation, and in terms of their gateway impacts, should be designed in appropriate form for this location, avoiding any disproportionately large or prominent structure that will be significantly higher than existing buildings and would therefore be intrusive within the landscape when viewed from the adjacent higher level motorway.

A.1.1.9 All proposed developments within the gateway zone will need to take into consideration possible impacts on the gateway, and this matter will need to be addressed in a design statement including an assessment of the prominence and visual impact of the proposal when viewed from the gateway location and design measures that have been applied to address any issues.

A.1.2 Gateway G2: M4 and Mainline Railway at Lonlas



A.1.2.1 Lonlas is the location of one of the main routes into and out of Swansea as well as being on the main east-west transport corridor. Consequently, a major proportion of the road and rail traffic between Swansea and Neath Port Talbot, as well as traffic from further afield, passes through this area. On entering Neath Port Talbot at this location, views of the surrounding area from both the motorway and railway are much more restricted than at Margam, due to the surrounding topography, tree cover and other screening.

Picture A.3 G2 M4 Gateway



Picture A.4 G2 Rail Gateway



A.1.2.2 To the north of the motorway and railway are the built up areas of Lonlas and Skewen, which are not readily visible from either transport route, in the case of the M4 due to the screening of trees and fencing and in the case of the railway line due to topographical effects and the presence of the motorway. To the south are areas of woodland and farmland together with the housing developments of Crymlyn Park and Crymlyn Road, Skewen which can be seen in places from the motorway near to the gateway location.

Designations

A.1.2.3 To the north of the M4, Lonlas and Skewen are within settlement limits as defined under LDP Policy SC1, where infill developments or redevelopments may be expected. To the south, areas alongside the railway are designated as Green Wedge (LDP Policy

EN3), while parts of the fields beyond are allocated for residential development under LDP Policy H1 (See Fig A3). There is also a housing allocation at Wern Goch (H1/10) which may be visible from the M4 gateway but is unlikely to be prominent. Policy EN3 is likely to prevent any significant built development within the green wedge areas in this location, but housing development is likely on the allocated area as an extension to the Crymlyn Park development within the Plan period.

LANDMAP

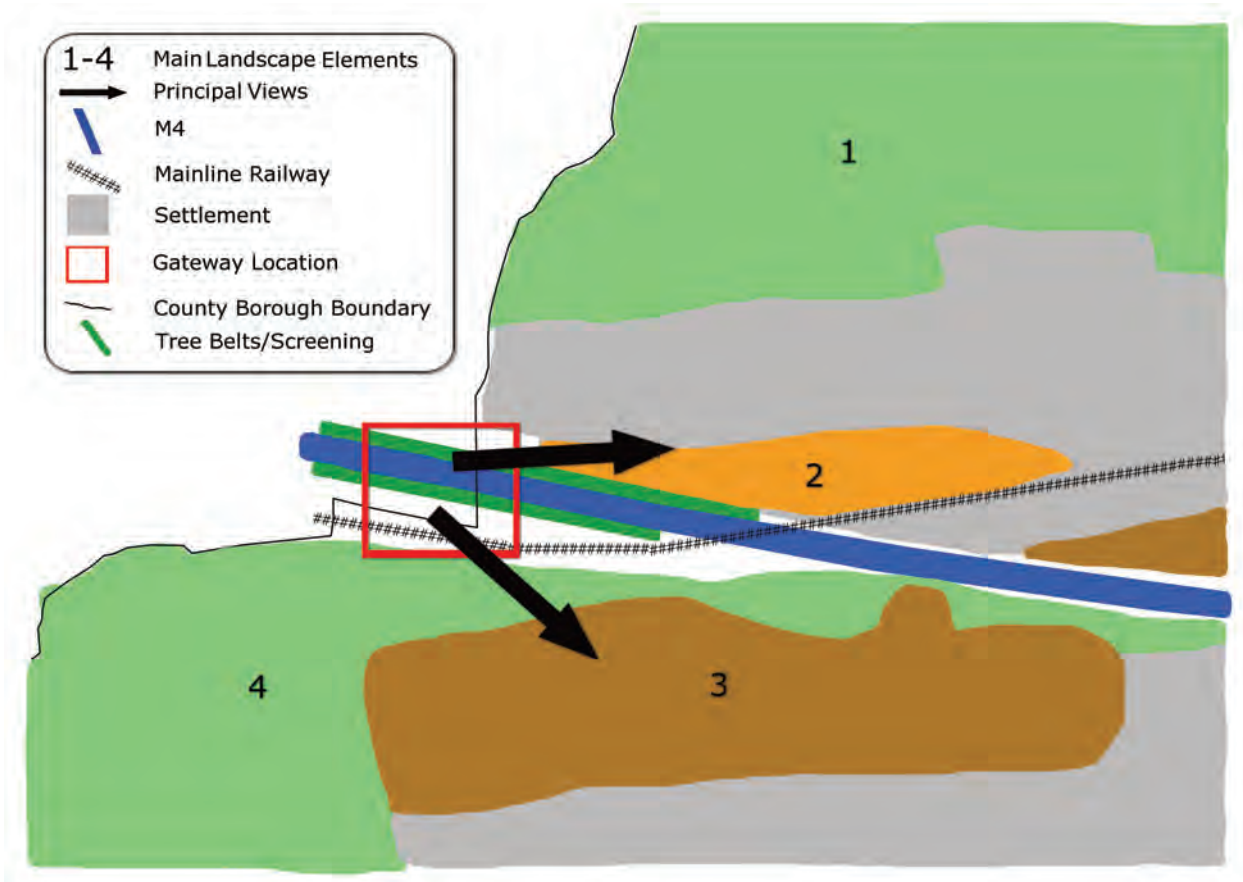
A.1.2.4 The LANDMAP Landscape Assessment identifies two landscape character areas within this locality, areas 40 (Neath) and 46 (Cae'r Hendy). Area 40 comprises the built-up areas of Neath and adjoining settlements, while 46 is the area to the south of the motorway and is characterised as being a small area of pastoral farmland comprising a mosaic of fields bounded by overgrown hedges. This area has been partly changed in character since the compilation of the NPT Landscape Assessment by developments at Crymlyn Park.

Extent of Area Affected by Gateway Considerations

A.1.2.5 Due to the factors outlined above, the area within which gateway factors will need to be considered is relatively restricted. The main impacts are likely to come from the development of the LDP housing allocations (H1/8 and H1/9), with possible redevelopment sites within Lonlas to the north having the potential to be prominent when viewed from the motorway if higher than current screening or if the screening is removed.

A.1.2.6 Any developments within these areas will be required to fully address possible views from the motorway in particular to ensure that the gateway location is not adversely affected. As above, this should be addressed in a design statement including an assessment of the prominence and visual impact of any proposal when viewed from the gateway location, and an explanation of the design measures that have been applied to address any issues.

Figure A.3 Gateway G2 Lonlas: Landscape Elements and Important Views



Landscape Elements Key

1. Lower slopes of Mynydd Drummau. Area of mixed farmland and woodland forming backdrop to the settlements of Birchgrove/Lonlas and Skewen. [LANDMAP - part of Character Area 38 Mynydd Drummau].
2. Area of commercial development within settlement alongside A48, currently largely screened from the motorway.
3. Area of farmland sloping down towards motorway from ridge line at Crymlyn Park. Allocated for housing development in LDP and therefore likely to undergo significant change in character in the next few years. [LANDMAP - part of Character Area 46: Cae'r Hendy].
4. Mixed area of farmland and woodland forming part of the green wedge between Skewen and Swansea. [LANDMAP - part of Character Area 46: Cae'r Hendy].

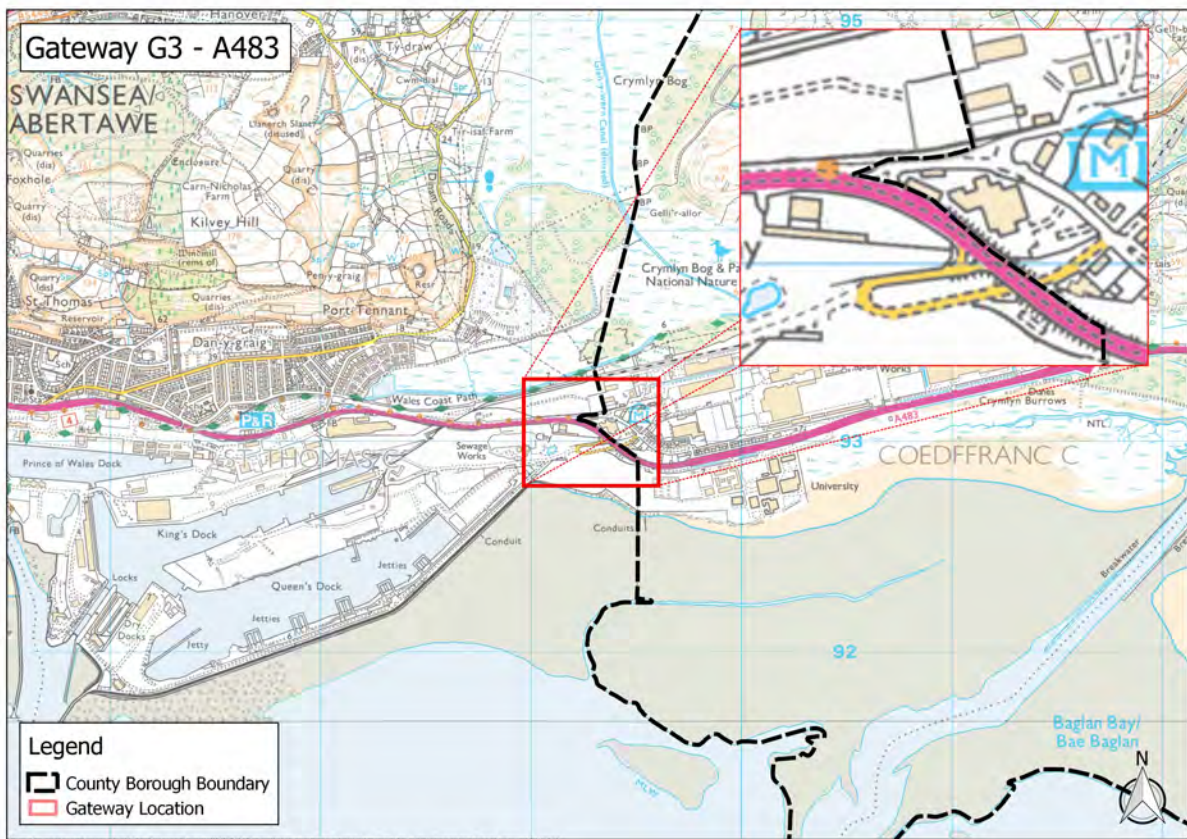
Appendix A: . Arterial Gateways

Design Solutions

A.1.2.7 The identified gateway zone in this area can be split into areas to the north of the motorway, and those to the south. To the north, any new buildings or structures are likely to be within existing sites (or the redevelopment of existing sites) along Park Avenue where existing developments are not prominent from the motorway but new buildings may be. Where buildings or other structures would be visible, the impacts on the gateway will need to be addressed in design terms, including careful consideration of siting, design, appearance, massing, scale and screening in order to comply with Policy BE1. The approach taken should be fully explained in the design statement accompanying the planning application.

A.1.2.8 To the south of the motorway, the most likely development proposals are the continuation of the Crymlyn Park housing development within the LDP housing allocation. At present this site is gently sloping north facing green fields bordered by trees/hedgerows, which are visible at times from both the motorway and railway. The design and layout of new housing developments here should be designed to fit well into the existing landscape and be broken up and screened by the retention of existing features where possible and the addition of new planting and landscaping.

A.1.3 Gateway G3: A483 Fabian Way



A.1.3.1 Fabian Way is one of the main road arteries into central Swansea from the M4 and the east, and is consequently therefore also a main gateway into Neath Port Talbot for traffic leaving Swansea. The boundary between Neath Port Talbot and Swansea is in the vicinity of Baldwins Crescent and the new Swansea University Bay Campus, the gateway location being along a stretch of road at the Baldwins Bridge flyover where areas to the north of the road are within Neath Port Talbot.

A.1.3.2 On entering the County Borough at this location, the main views are of established industrial buildings including the Victorian brick former railway buildings at Gower Chemicals on the north side, followed by the new Bay Campus development to the south.

Picture A.5 Fabian Way North Side



Picture A.6 Fabian Way South Side



Designations

A.1.3.3 Much of the existing industrial land to the north of Fabian Way in the gateway location is designated as an *existing employment area* under LDP Policy EC2. To the north of this area is Crymlyn Bog which is identified as a SAC, a Ramsar site and a SSSI due to its ecological interest and is also identified as a Green Wedge under LDP Policy EN3. Settlement limits identify areas of existing housing and a housing allocation to the

Appendix A: . Arterial Gateways

north of Fabian Way along Baldwins Crescent and Elba Crescent. To the south of Fabian Way and east of the University campus, the dunes and seashore areas are also designated as a SSSI and Green Wedge.

LANDMAP

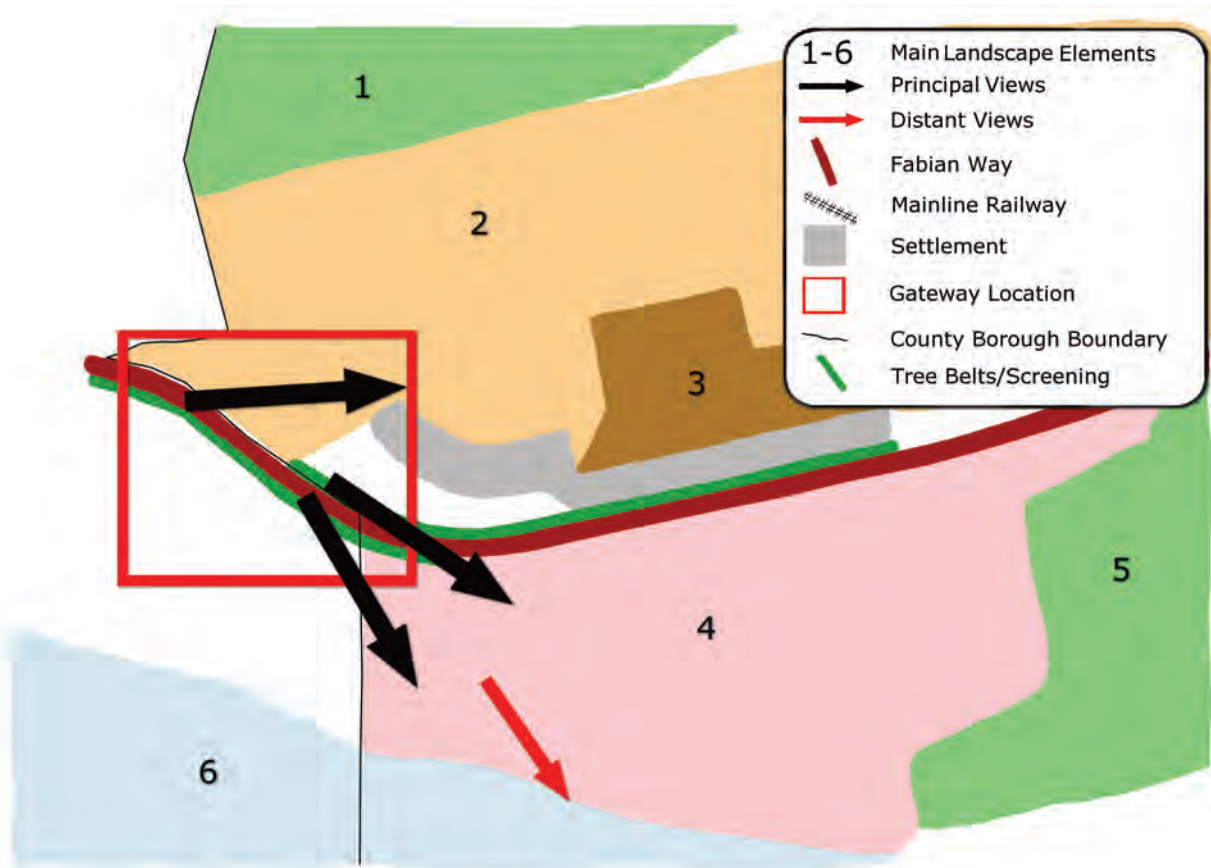
A.1.3.4 The NPT Landscape Assessment identifies the developed areas on both sides of Fabian Way near to the County Borough boundary as being within Character Area 47 (Elba Crescent). It is characterised as being flat lowland adjacent to and straddling the Fabian Way corridor which dominates its character. It is predominantly covered by development, industry, road and rail connections, yet blocks of deciduous woodland help integrate the various elements and create a sense of enclosure in places. The assessment was undertaken before the development of the University campus, which has changed the landscape/seascape character significantly on the south side of Fabian Way.

Extent of Area Affected by Gateway Considerations

A.1.3.5 Again, in this location the area within which gateway factors will need to be considered is relatively restricted. Further developments within the University campus to the south will be significant, while areas to the north of Fabian Way may in the future be redeveloped and could be prominent when entering Neath Port Talbot.

A.1.3.6 Potential road realignments and improvements in the area include the possible changes to the Baldwins Bridge junction and proposals for a new sustainable transport 'spine street' linking Langdon Road/SA1 in Swansea with the University campus, both of which will affect the gateway location⁽⁴⁹⁾. Any developments within these areas should fully address their impacts on views from Fabian Way to ensure that the gateway location is not adversely affected.

Figure A.4 Gateway G3 Fabian Way: Landscape Elements and Important Views



Supplementary Planning Guidance: Design (July 2017) TRACKED CHANGES

Landscape Elements Key

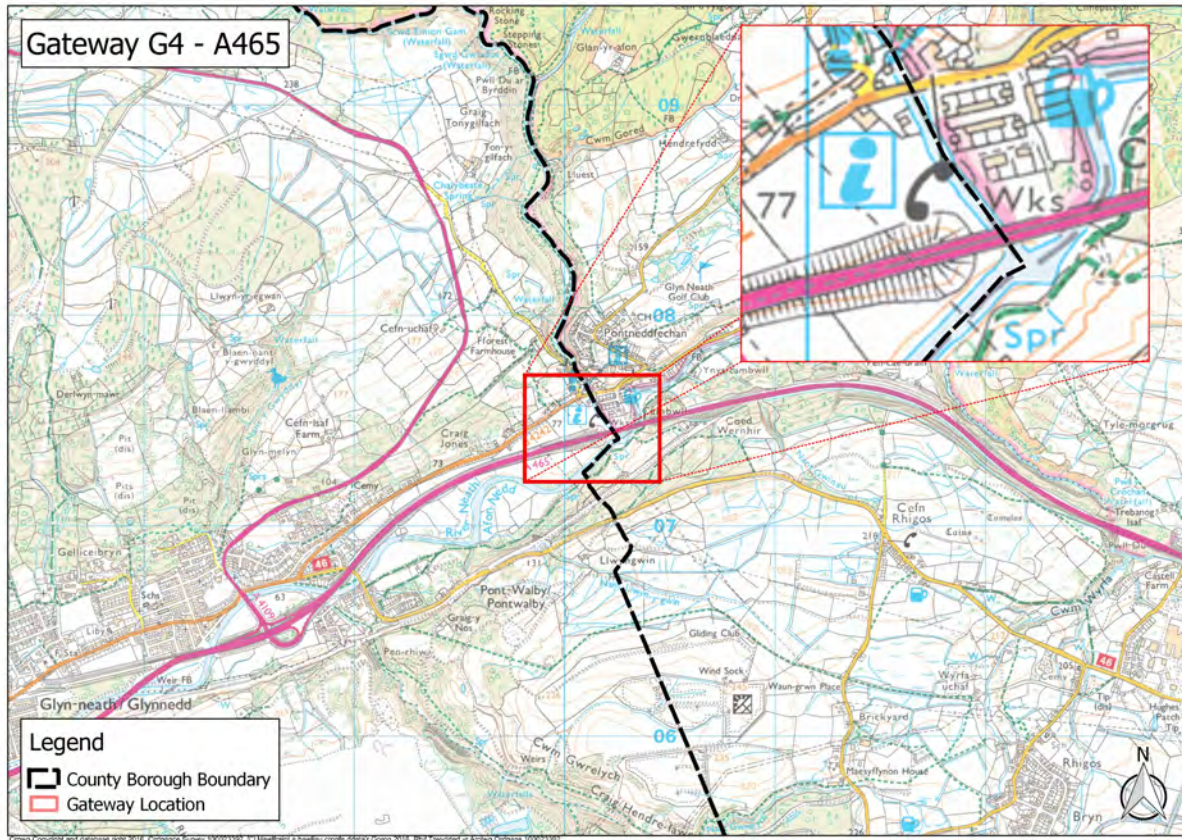
1. Crymlyn Bog. Low lying secluded marshland area with areas of open water including the Tennant and Glan y Wern Canals. Wetland vegetation, marshy grasses, reed beds and wet woodland, bounded to the south by disused and extant mineral railway lines. Designated a SAC, SSSI and NNR. [LANDMAP - Character Area 45: Crymlyn Bog].
2. Fabian Way Employment Area. Established employment area on flat coastal lowland. Predominantly developed with industrial and commercial premises, road and rail connections, interspersed with blocks of woodland. [LANDMAP - part of Character Area 47: Elba Crescent].
3. Elba Crescent housing site. Vacant former industrial land fronting onto Elba Crescent, allocated for residential development in the LDP and therefore likely to undergo significant change in character in the next few years. [LANDMAP - part of Character Area 47: Elba Crescent].

4. Swansea University Bay Campus. Newly developed university campus (currently under construction). Striking and distinctive layout, design and architectural treatments constituting an important new landmark development near to the County Borough boundary with Swansea. [LANDMAP - part of Character Area 47: Elba Crescent (assessed before development of the new campus)].
5. Crymlyn Burrows. Protected area of sand dunes, dune slacks and beach designated as a SSSI. [LANDMAP - part of Character Area 53: Neath Estuary Mouth].
6. Swansea Bay. Open seascape to south with views across Swansea Bay.

Design Solutions

A.1.3.7 Fabian Way is recognised as being an important gateway for both Neath Port Talbot and Swansea, and a separate joint SPG has been prepared by both Councils for the whole of the Fabian Way corridor which sets out design expectations in this area⁽⁵⁰⁾. The SPG should be referred to for further advice about appropriate design approaches in this locality.

A.1.4 Gateway G4: A465(T) at Glynneath



A.1.4.1 The A465(T) dual carriageway trunk road provides a strategic transport corridor linking Swansea and south west Wales with the Heads of the Valleys and the Midlands. Consequently, a significant proportion of traffic from the north enters Neath Port Talbot via this route. The County Borough boundary is located to the north east of Glynneath at Pontneddfechan where it crosses the River Neath.

A.1.4.2 The gateway is located at a point where the road sweeps down into the valley on an embankment from Hirwaun to the north east. This gives extensive views across the open countryside at the top of the valley and a strong sense of entering more pastoral low lying countryside after traversing higher and bleaker moorland. Little built development is noticeable at this point, other than some properties along Pontneathvaughan Road and wind turbines above Glynneath, part of the Maesgwyn Windfarm.

Picture A.7 G4 A465(T) South Side



Picture A.8 G4 A465(T) North Side



Designations

A.1.4.3 The valley sides to the south of the road are designated as part of the Vale of Neath SLA under LDP Policy EN2. Settlement limits delineate the extent of development in Glynneath.

LANDMAP

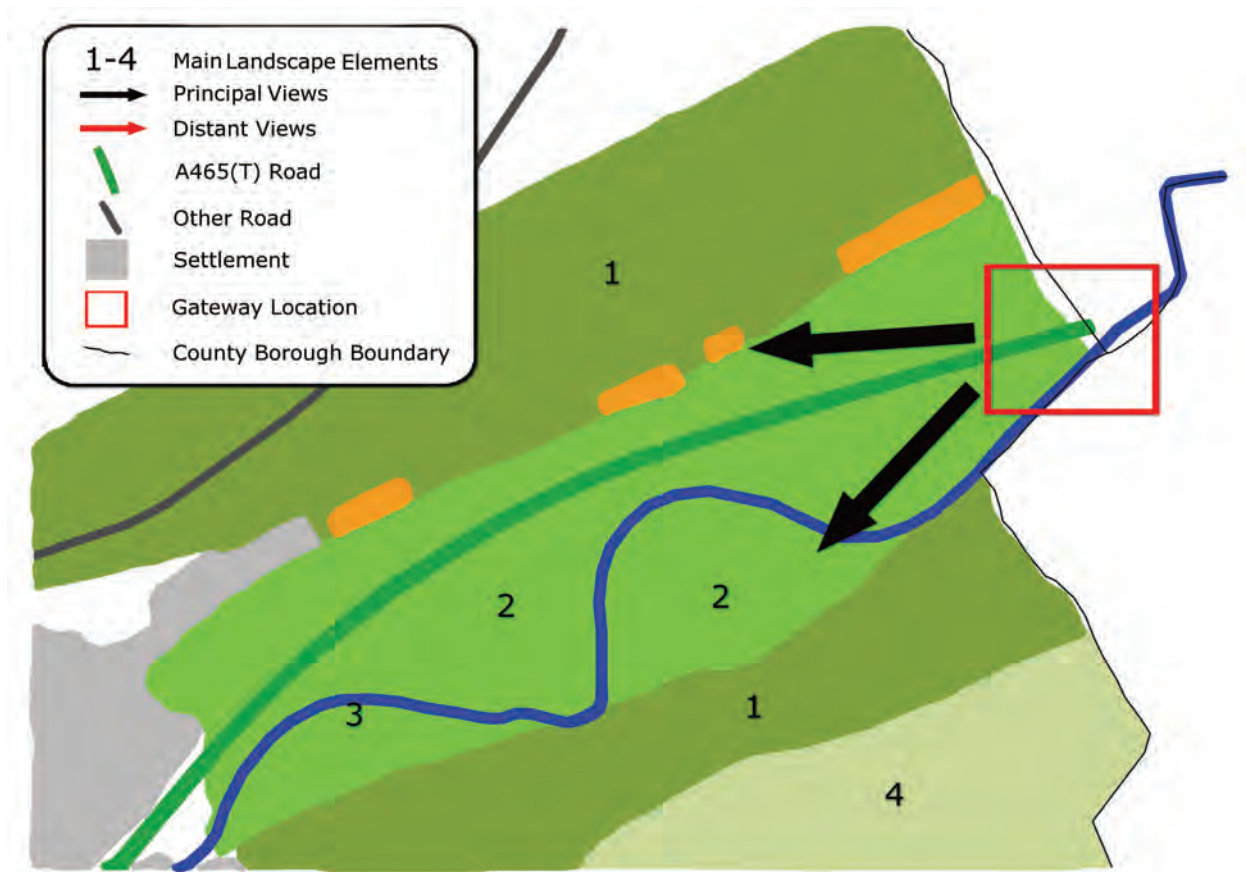
A.1.4.4 The NPT Landscape Assessment identifies the countryside areas on both sides of the dual carriageway near to the County Borough boundary as being within Character Area 19 (Neath Valley), an area that includes the whole valley to the north east of Tonna. This is characterised as being a broad U-shaped valley dominated by flood plains and channel, consisting of alluvium and terrace geology. Within the valley floor a mixture of settlements, individual dwellings and scattered commercial units lie within a mosaic of pasture.

Extent of Area Affected by Gateway Considerations

A.1.4.5 The landscape in this gateway location is more open in character with quite extensive views down the valley towards Glynneath from the dual carriageway road. Developments across a wide area including both the valley bottom and sides could have a significant impact on the overall landscape as seen from the County Borough boundary on entering Neath Port Talbot. The majority of the visible area is open countryside and outside settlement limits where development is likely to be limited, with areas to the south being within the SLA as indicated above.

A.1.4.6 Developments in any part of landscape character area 19 that would be clearly visible from the gateway location will need to take into consideration possible impacts on the gateway, and such proposals will need to be addressed in a design statement including an assessment of the prominence and visual impact of the proposal when viewed from the gateway location and design measures that have been applied to address any issues.

Figure A.5 Gateway G4 Glynneath: Landscape Elements and Important Views



Landscape Elements Key

1. Sloping valley sides. Pastoral and deciduous woodland mosaic, predominantly wooded on the southern side of the valley.

Appendix A: . Arterial Gateways

2. Valley floor. Flat valley bottom comprising small fields, hedges and tree belts.
3. River Neath. Meandering river bisecting the valley floor, lined by belts of trees.
4. Open southern plateau. Higher, more gently sloping open land to the south side of the valley, designated as a Special Landscape Area in the LDP.

LANDMAP: All the above landscape areas are within Character Area 19: Neath Valley.

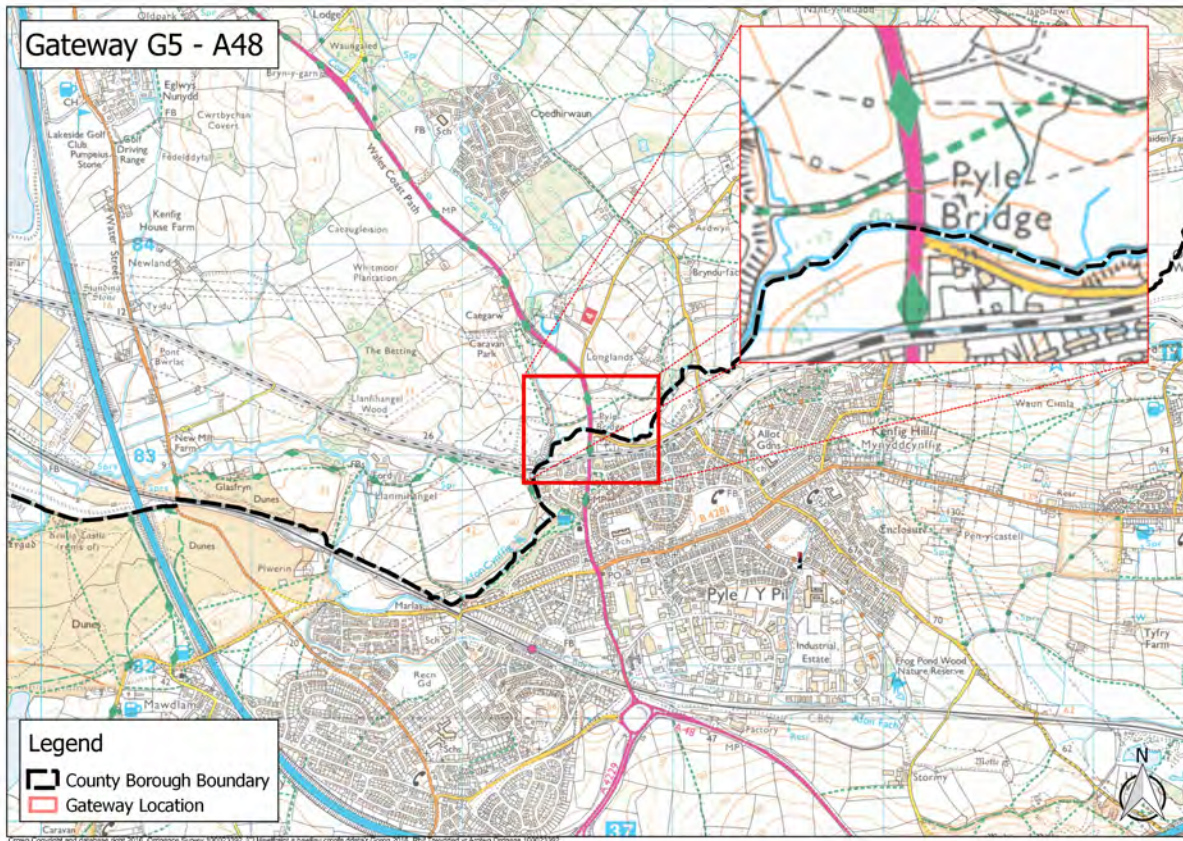
Design Solutions

A.1.4.7 Any proposed buildings in the agricultural/countryside areas visible from the gateway location should be designed to have a character and scale compatible with traditional rural buildings, and be sited as far as possible within or near to existing groups of buildings, with the aim of ensuring that the rural character of the landscape is maintained or enhanced as far as possible.

A.2 Other Gateways

A.2.1 In addition to the four Primary Network Gateways covered in detail above, there are nine other important and significant gateways into the County Borough along main road routes that carry significant traffic. The same general principles should be applied to these additional gateways as have been outlined for the Primary Network Gateways, with developments that are likely to be prominent when seen from the gateway location needing special consideration in respect of their visual and landscape impacts. Detailed information about the LANDMAP Character Areas that relate to each gateway location is available in the NPT LANDMAP Landscape Assessment⁽⁵¹⁾. The additional important gateway locations are outlined in this section.

Gateway G5: A48 at Margam/Pyle



Picture A.9 Gateway G5: A48 Looking North

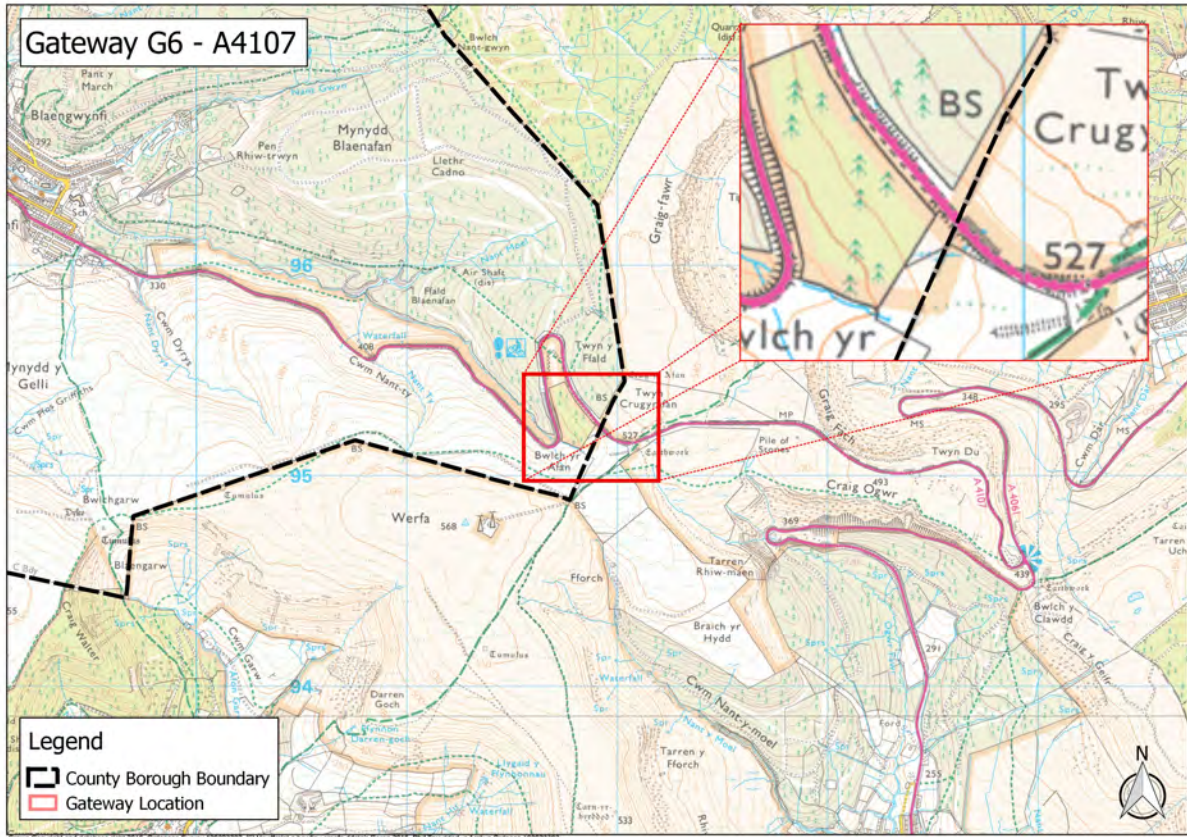


Factors of Note

A.2.2 Open fairly flat and low lying farmland on both sides of the A48 with trees and hedgerows. Less extensive views than from G1 M4 Margam gateway. The countryside on both sides of the road is designated a Green Wedge in the LDP, with land on the east side also designated as a Special Landscape Area (i.e. LDP Policies EN2 and EN3).

Appendix A: . Arterial Gateways

Gateway G6: A4107 above Abergwynfi (Bwlch yr Afan)



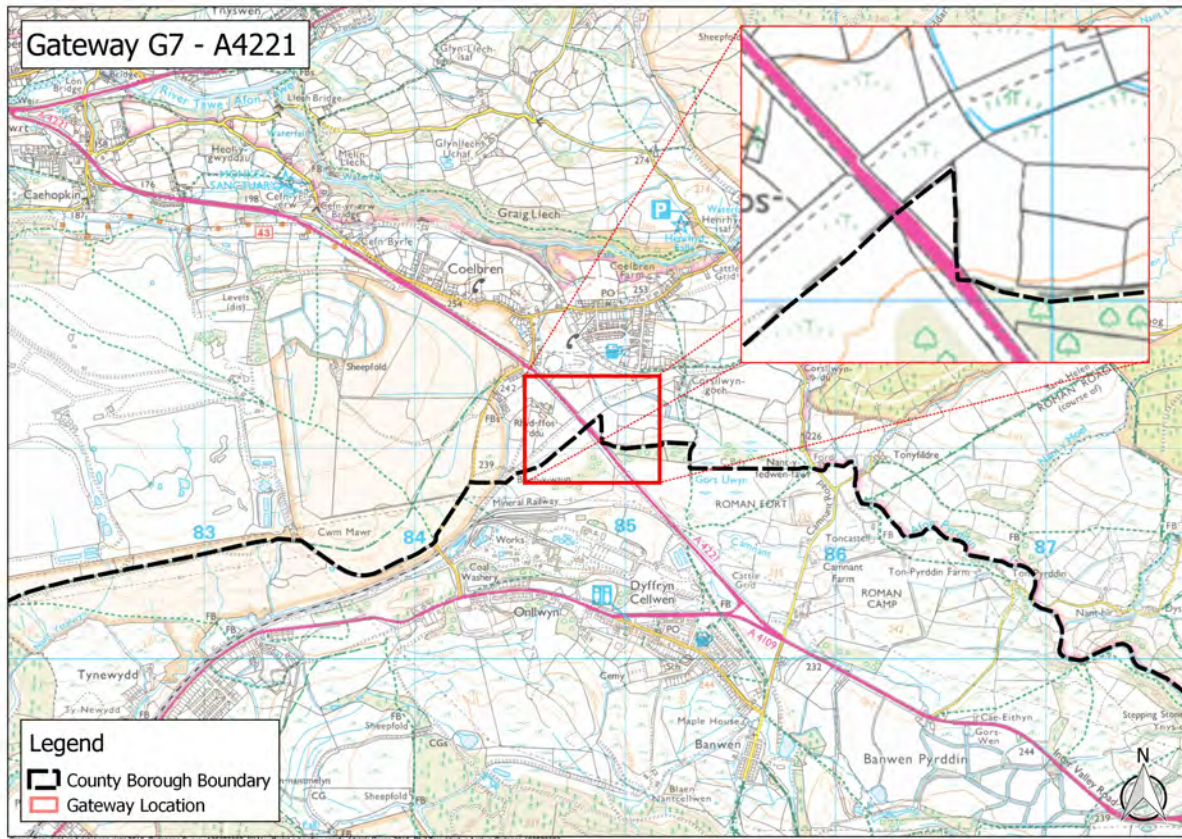
Picture A.10 Gateway G6: A4107 Looking North West



Factors of Note

A.2.3 Open high moorland landscape with conifer plantations and extensive views down into the Afan Valley and beyond. Southern valley side is designated a Special Landscape Area (LDP Policy EN2).

Gateway G7: A4221 at Coelbren



Picture A.11 Gateway G7: A4221 Looking South East

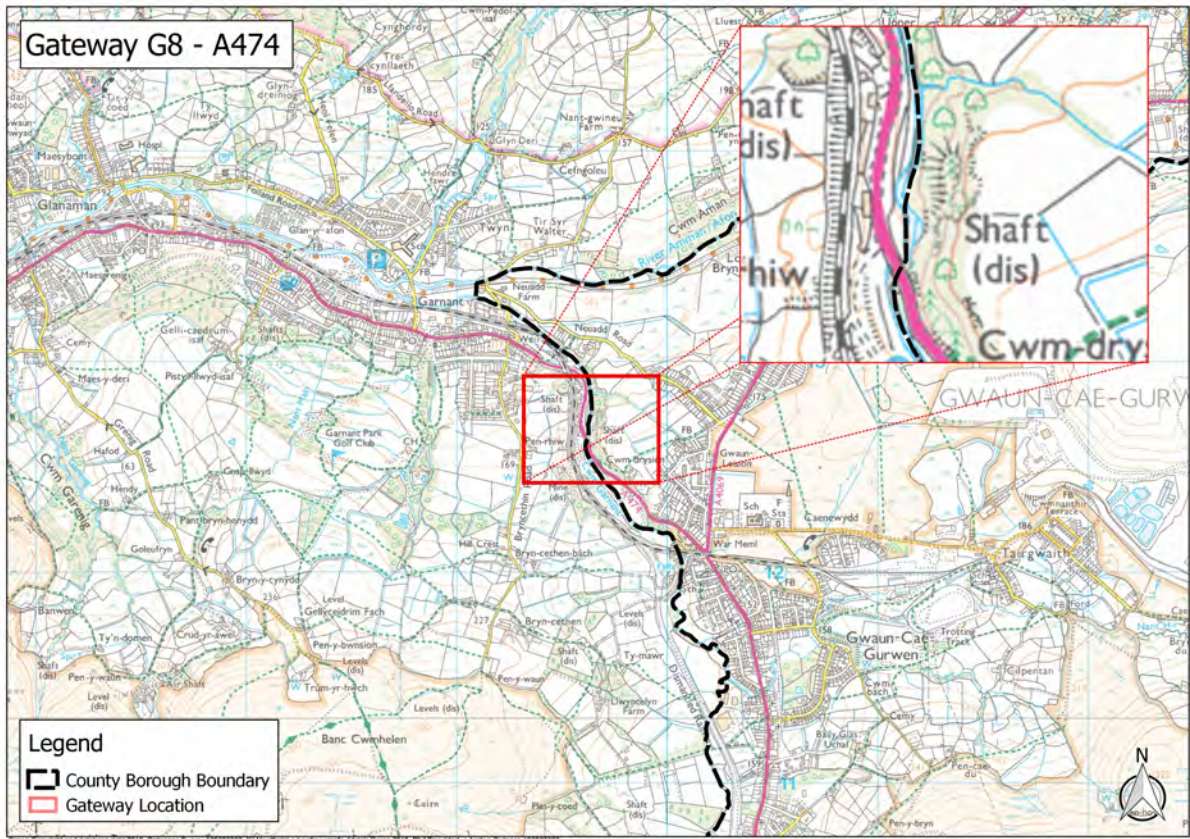


Factors of Note

A.2.4 Open moorland with few trees or buildings other than Onllwyn Washery complex to south. To the north east of the road is the extensive Gors Llwyn SSSI. Extensive open views to both sides of the main road.

Appendix A: . Arterial Gateways

Gateway G8: A474 at Gwaun Cae Gurwen



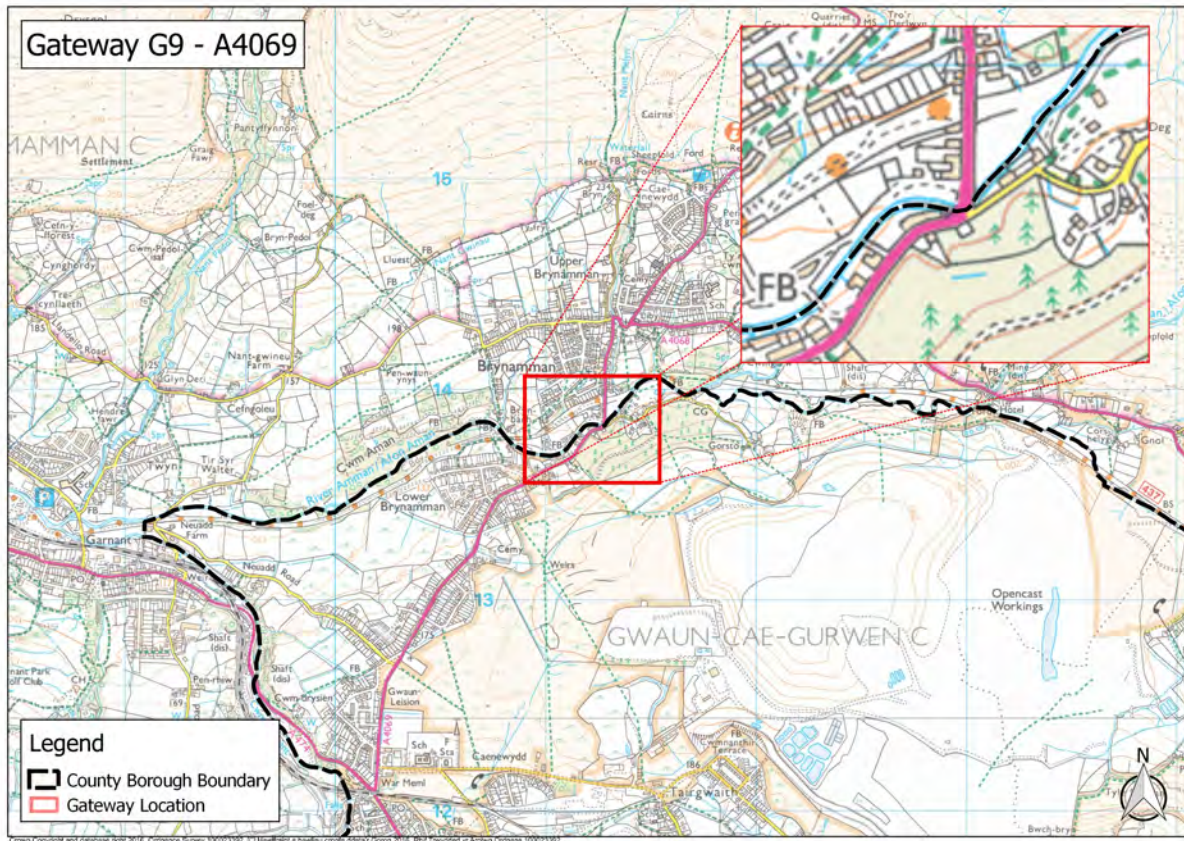
Picture A.12 Gateway G8: A474 at Gwaun Cae Gurwen looking south



Factors of Note

A.2.5 Extensive tree screening and woodland cover result in generally restricted views from the main road at this gateway location.

Gateway G9: A4069 at Brynamman



Picture A.13 Gateway G9: A4069 at Brynamman looking south



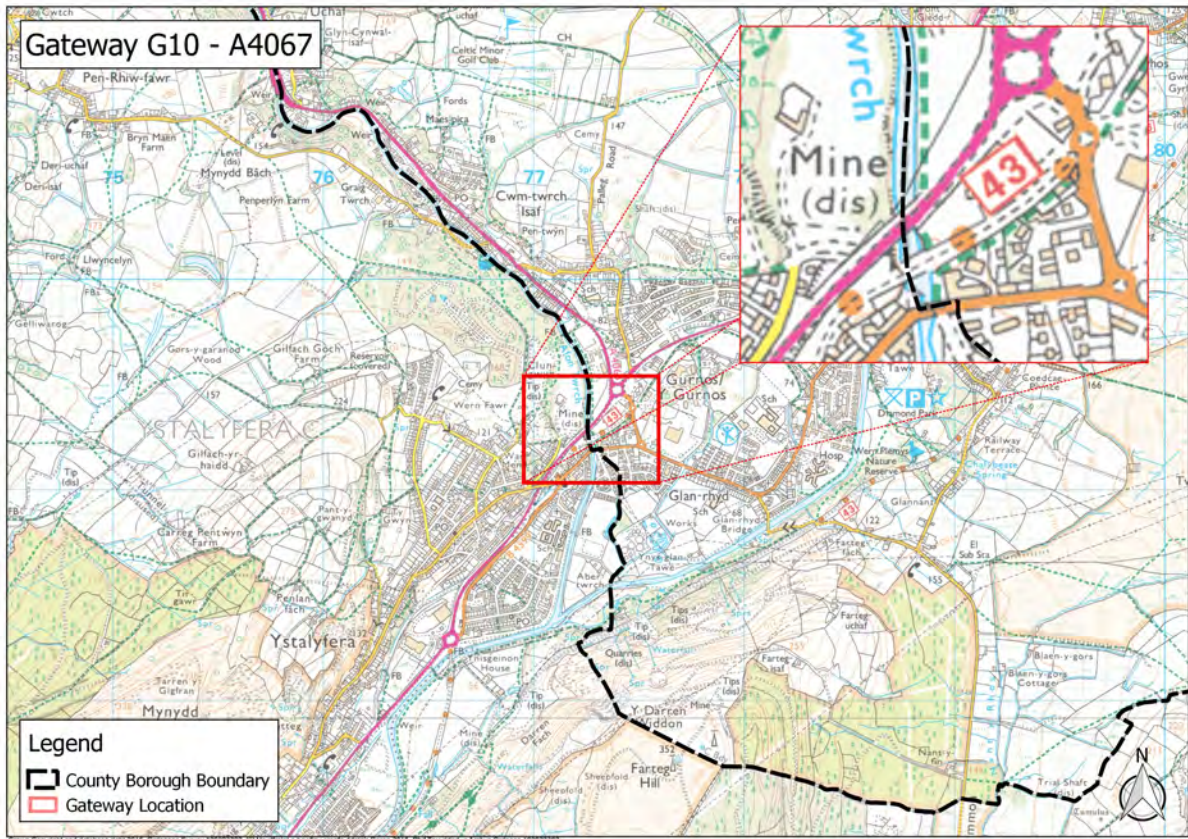
Factors of Note

A.2.6 Restricted views due to topography. River bridge and war memorial (listed) are noticeable features, with wooded area around memorial.

Appendix A: . Arterial Gateways

Supplementary Planning Guidance: Design (July 2017) TRACKED CHANGES

Gateway G10: A4067 at Ystalyfera



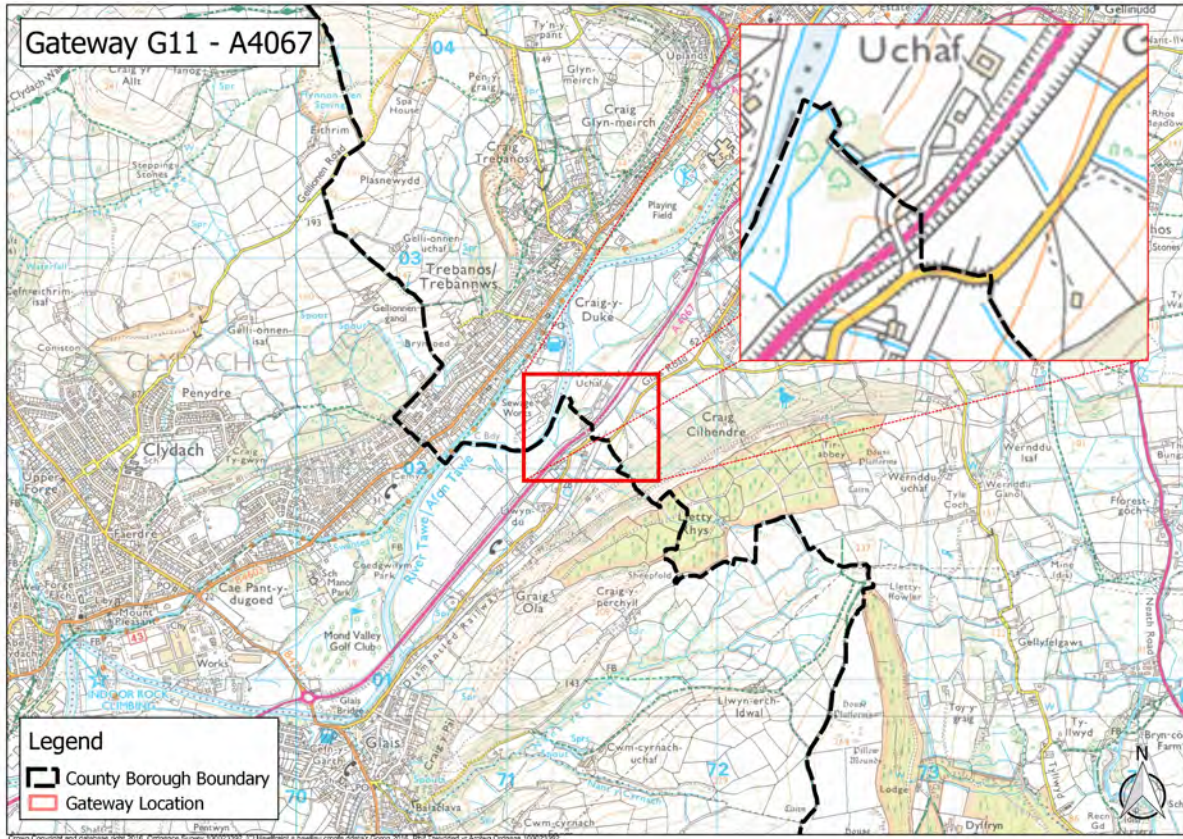
Picture A.14 Gateway G10: A4067 at Ystalyfera looking south west



Factors of Note

A.2.7 Gateway on by-pass road built on former railway alignment. Views largely restricted by trees/screening, but brief distant views of canal aqueduct (ancient monument) and Farteg mountain to south are significant.

Gateway G11: A4067 at Alltwn/Trebanos



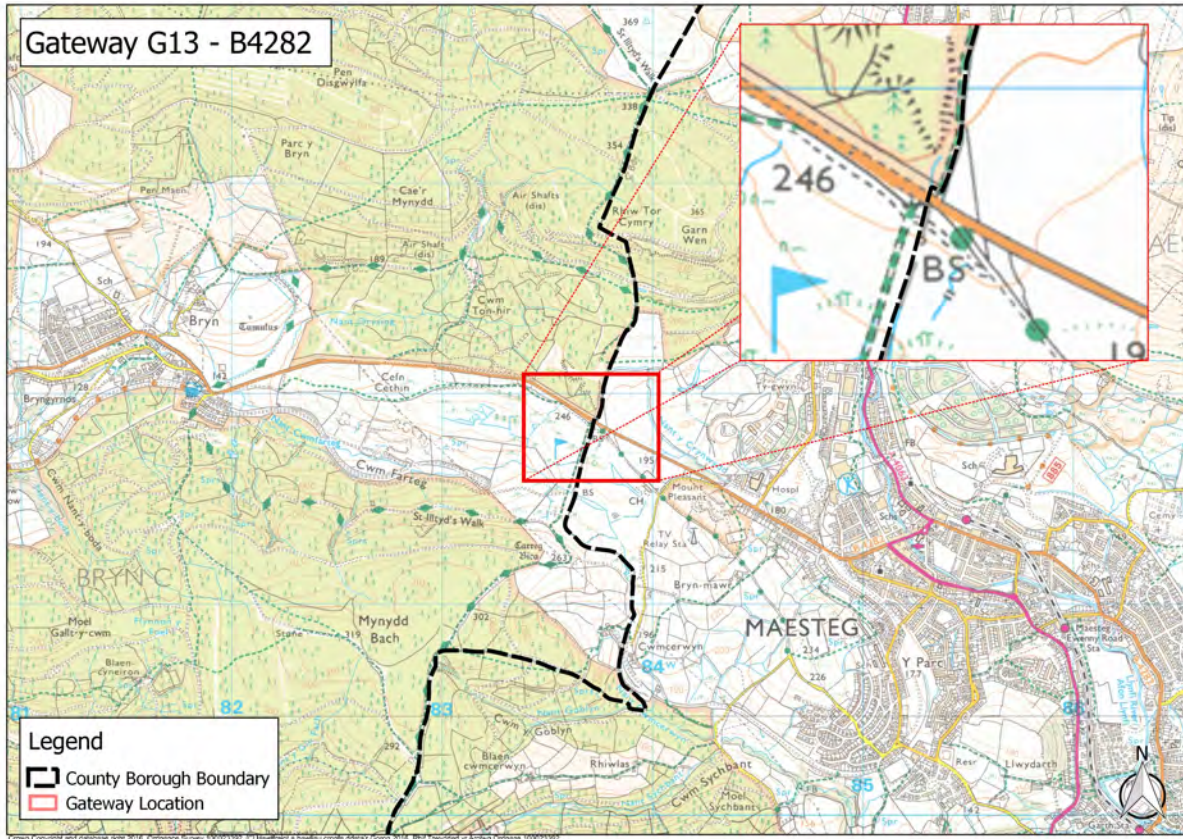
Picture A.15 Gateway G11: A4067 at Alltwn/Trebanos looking north east



Factors of Note

A.2.8 The gateway location is on the by-pass road which runs along the open flat valley floor. Views are generally restricted by trees/screening.

Gateway G13: B4282 Maesteg/Bryn



Picture A.17 Gateway G13: B4282 Maesteg/Bryn looking west



Factors of Note

A.2.10 Extensive open moorland views especially to south side of road, with conifer woodland to north. Land on the south side of the road is designated as a Special Landscape Area (LDP Policy EN2).

Appendix B: Householder Guide

Introduction

B.0.1 On the 30th September 2013, the Welsh Government amended the permitted development rights for householders, through the introduction of the 'Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013'. Permitted development is development that can be added to a property without first requiring planning permission.

B.0.2 The permitted development rights are restricted by a number of controls and conditions that development must meet to benefit from the deemed consent. In the past these controls and conditions have been focused upon a volume restriction approach. However, it was considered that a more appropriate method of control would be an impact led approach.

B.0.3 The Welsh Government has provided a [Householder Guide to Planning](#) as well as [Technical Guidance Note](#) on the specific householder permitted development rights. There is also an interactive model of a house and the relevant permitted development rights available to view on the Planning Portal website: www.planningportal.gov.uk

B.0.4 Planning Policy Wales sets out the Assembly Government's land use planning policy in respect of 'promoting sustainability through good design', which includes the role of local planning authorities in delivering good design. In addition Technical Advice Note 12: Design promotes good design. These documents are available on the Welsh Government Website.

Purpose of the Guidelines

B.0.5 These guidelines are aimed at providing advice to householders and developers, considering alterations or extensions to a residential dwelling, or other developments within the curtilage of a dwelling where planning permission is required. By highlighting clearly and simply, the design and amenity impact criteria against which planning applications will be considered, it is the intention that this guide will aid a consistent approach to all schemes being provided by the Local Planning Authority.

B.0.6 It is the intention for the Local Authority to formally adopt these guidelines, and that these will be a material planning consideration in the determination of relevant planning applications.

B.0.7 This advice has been prepared in part as a response to the design of some extensions that have been constructed in the past including, in particular, the impact that they have had upon neighbouring properties, the design of the host property, and the impacts that unsympathetic extensions and alterations can have on the street scene and the character of the area within which the property is sited.

B.0.8 The main purpose of the guidelines is therefore to ensure that where extensions require planning permission, the design of the extension is sympathetic to the existing property, and the character of the area as a whole whilst ensuring that the amenity of adjoining properties is protected.

B.1 General Overarching Design Principles and Guidelines

B.1.1 Principles & Procedures

Principles

B.1.1.1 The principle behind these new guidelines is a recognition of the potentially conflicting demands of the desire of householders to extend their own properties and the protection of appropriate standards of amenity enjoyed by neighbours. These guidelines attempt to provide a balance between these two demands. In different types of property these different demands may be given differing weight, to ensure that the guidelines do not overly restrict the opportunity to extend specific property types.

B.1.1.2 For example, in older terraced properties there may be a need to provide additional accommodation to ensure basic kitchen and bathroom facilities. There is often no alternative design solution available other than a rear extension.

B.1.1.3 It should be recognised by all householders, that most properties have a limit, beyond which they cannot be extended. This is what is often described as "overdevelopment" of the site.

Procedures

B.1.1.4 The new regulations introduced on 30th September 2013 are more detailed and require a more complex assessment as to whether a proposed development would benefit from permitted development rights or whether planning permission is needed. As such, the Council will now require a Certificate of Lawful Development (Proposed) or (Existing) application, prior to being able to confirm whether planning permission is required. If planning permission would be required, free pre-application advice is given to the applicant as to whether the development would be likely to receive a favourable officer recommendation at the planning stage.

Lawful Development Certificates

B.1.1.5 The application forms for a Certificate of Lawful Development (Proposed) or (Existing) are available to download⁽⁵²⁾ and can be submitted electronically through the Planning Portal⁽⁵³⁾.

B.1.1.6 The current fee for a Certificate of Lawful Development (Proposed) is **£95**, while an application for a Certificate of Lawful Development (Existing) is **£190**. Fees can be paid electronically if the application is submitted via the Planning Portal or can be paid by cheque in other cases. Cheques should be made payable to NPTCBC.

52 <https://www.npt.gov.uk/default.aspx?page=7604>

53 www.planningportal.gov.uk

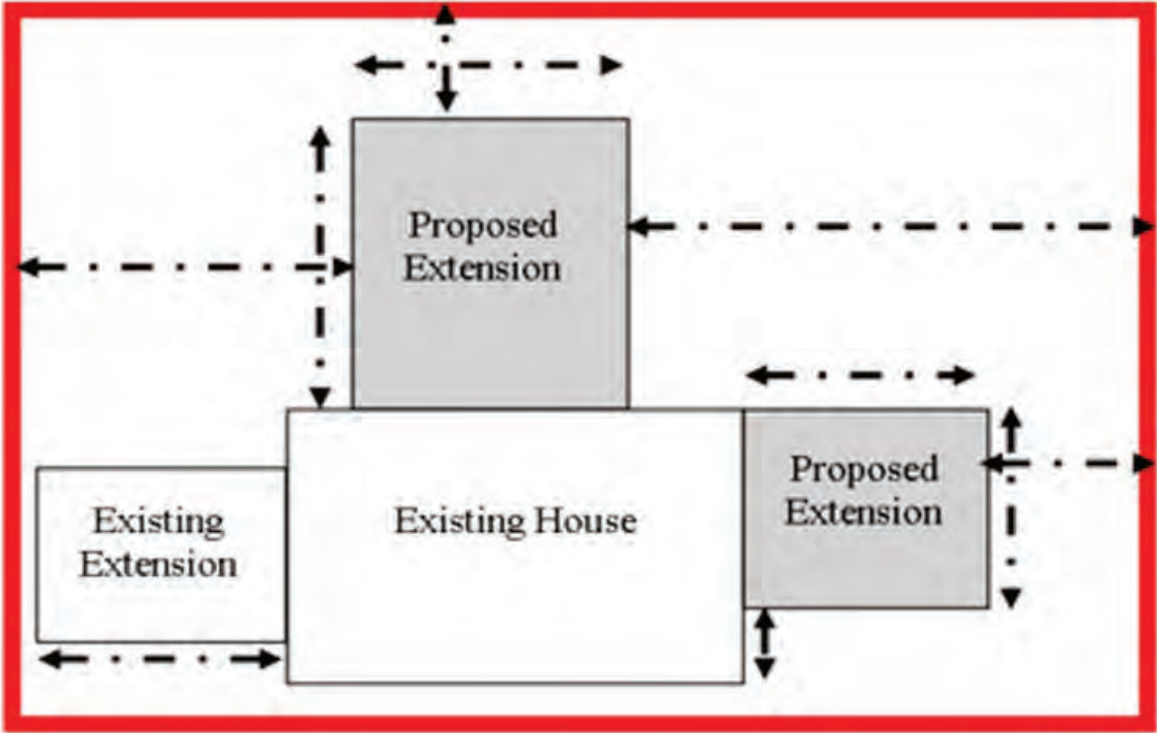
Appendix B: . Householder Guide

Supplementary Planning Guidance: Design (July 2017) TRACKED CHANGES

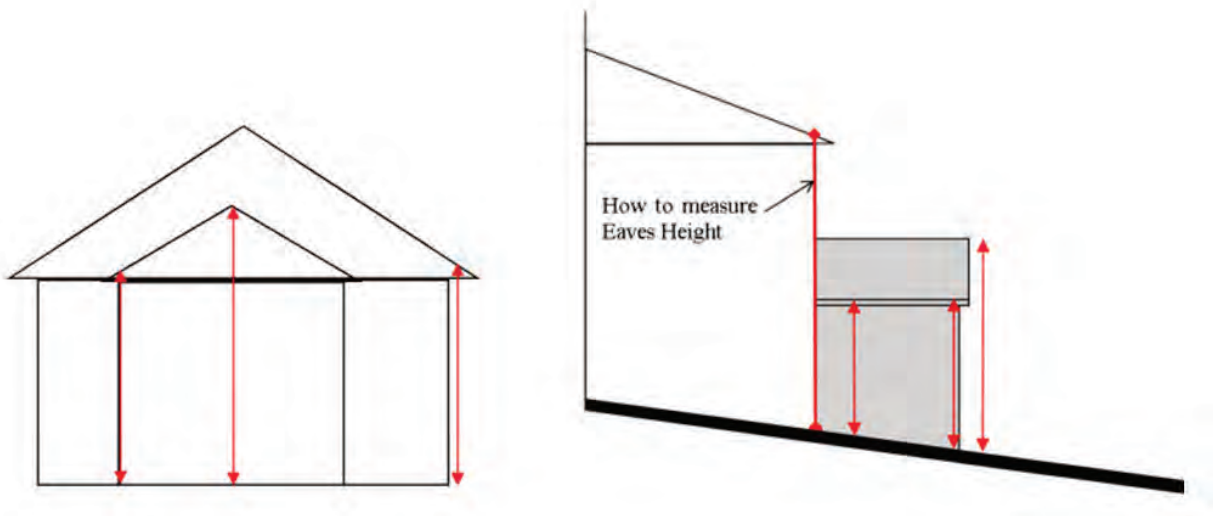
B.1.1.7 Applications should be accompanied by a site location plan ([Ordnance Survey Plan](#)) with the application site outlined in red, at a scale of 1:1,250 and with a north point shown, together with a block plan, proposed elevations and proposed floor plans which at this stage can be annotated with dimensions rather than produced to a stated scale.

B.1.1.8 Whilst the plans do not have to be professionally drawn, they still need to be of a suitable standard to enable the Planning Authority to confirm if planning permission is required. Furthermore, it is essential that these plans and elevations are an accurate statement of the development proposed. Any variation from these details could mean that planning permission is required. The drawings must also accurately show any change in ground levels around the area where the proposed extension is going to be built. A Planning Officer will be able to give you further advice on this, at the time of your application.

Examples of Measurements required as a Minimum for a Lawful Development Certificate Submission



Road Name



B.1.1.9 If a planning application is submitted for a proposal and it is identified as being permitted development, the applicant will be asked to complete a Certificate of Lawful Development application form, submit the reduced alternative fee (the original fee will be returned to them) and the application will be determined as a Certificate of Lawful Development. The developer will then have the benefit of a legal determination as to the planning status of the development. This will provide them with legal security in the future, such as when they come to sell the property.

B.1.1.10 In addition to the above, most Building Work, other than straight forward repairs, will require Building Regulations approval, for which a separate application must be made. It should be noted that different types of applications will be determined by reference to different criteria and legislation. Approval under Building Regulations should not therefore be taken as an indication that planning permission has been or will be granted.

B.1.1.11 The Local Authority Building Regulations Section can be contacted on 01639 686920 or email building.control@npt.gov.uk

Pre-Application Advice and Guidance

B.1.1.12 The Council's approach to Development Management continues to place significant importance upon the provision of the best possible advice to a potential developer / applicant before a formal planning application is submitted.

B.1.1.13 Since the 16th March 2016, the Welsh Government has required all Local Planning Authorities (LPAs) in Wales to provide a Statutory Pre-Application Service. To reflect this new duty, the Council's 'Planning Pre-Application Service Protocol' covers the following pre-application services offered by Neath Port Talbot:

- The Statutory Pre-Application Service;

- Provision of additional advice following an initial written response received under the statutory service; and
- Non-Statutory Pre-Application Advice.

B.1.1.14 The 'Planning Pre-Application Service Protocol' is intended to proactively represent the Council's service statement in respect of all pre-application services offered, chargeable or otherwise, and not only sets out the charging regime, but also details the level of information which should be submitted and the quality of response that is to be expected when engaging with the Council in pre-application discussions. Further information on the charges, and the services offered can be found on the Council's website.

B.1.2 Initial Property Assessment

Understanding Your Property and Street Scene

B.1.2.1 It is important that you consider the type of property you are proposing to alter or extend, the layout and pattern of existing surrounding development, and the density and character of the area within which your property lies.



- Is your property detached, semi-detached, terraced or a bungalow?
- Is it of a distinct period of architecture, if so, what are the defining / important features?
- How are the windows and doors arranged, and are the windows vertical or horizontal in emphasis?
- What materials are used, and are these materials common within the street?
- Is your property within an area of special control (e.g. a Conservation Area), or a Listed Building?

In relation to the street scene and character of the area:

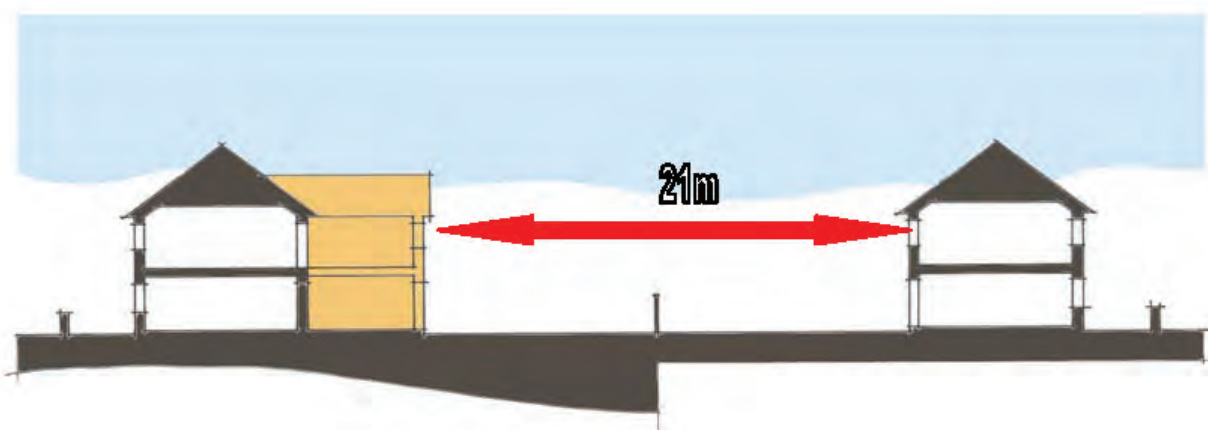


- Are all of the properties in your street or location of a similar design and scale?
- Is there a uniform building line, or common elements that enhance or create a distinct character?
- Do boundary walls, landscaping and open spaces provide important features within the area?
- What density of development exists? Are the properties constructed close together or spaced apart? Would your development affect this?

B.1.2.2 These are elements that make up important features within your properties wider context, and its relationship with other properties within the area. How you alter your property will either complement these features, or potentially detract from the street scene and result in a recommendation of refusal or delays in the application process.

Distances between Habitable Room Windows

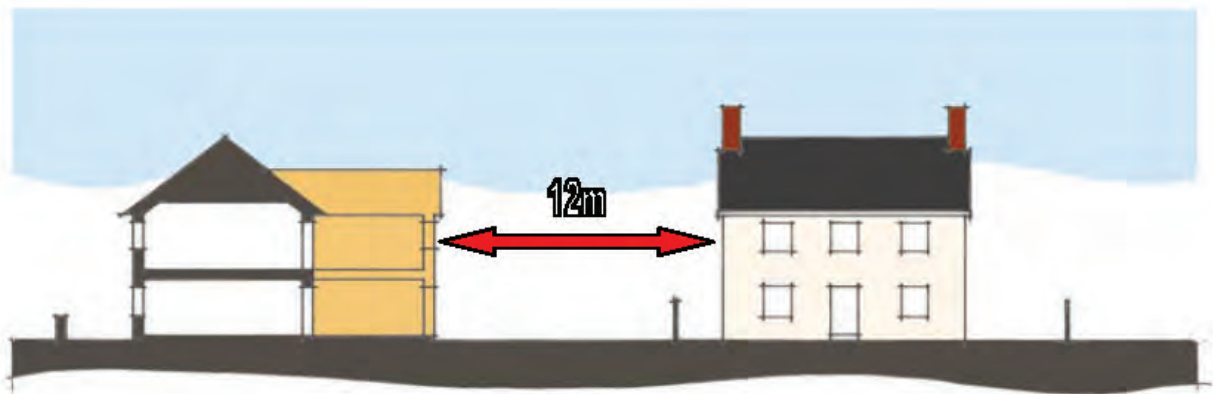
B.1.2.3 A minimum distance of 21 metres(m) shall be retained between directly overlooking habitable room windows on that of the new extension and those in any existing property.



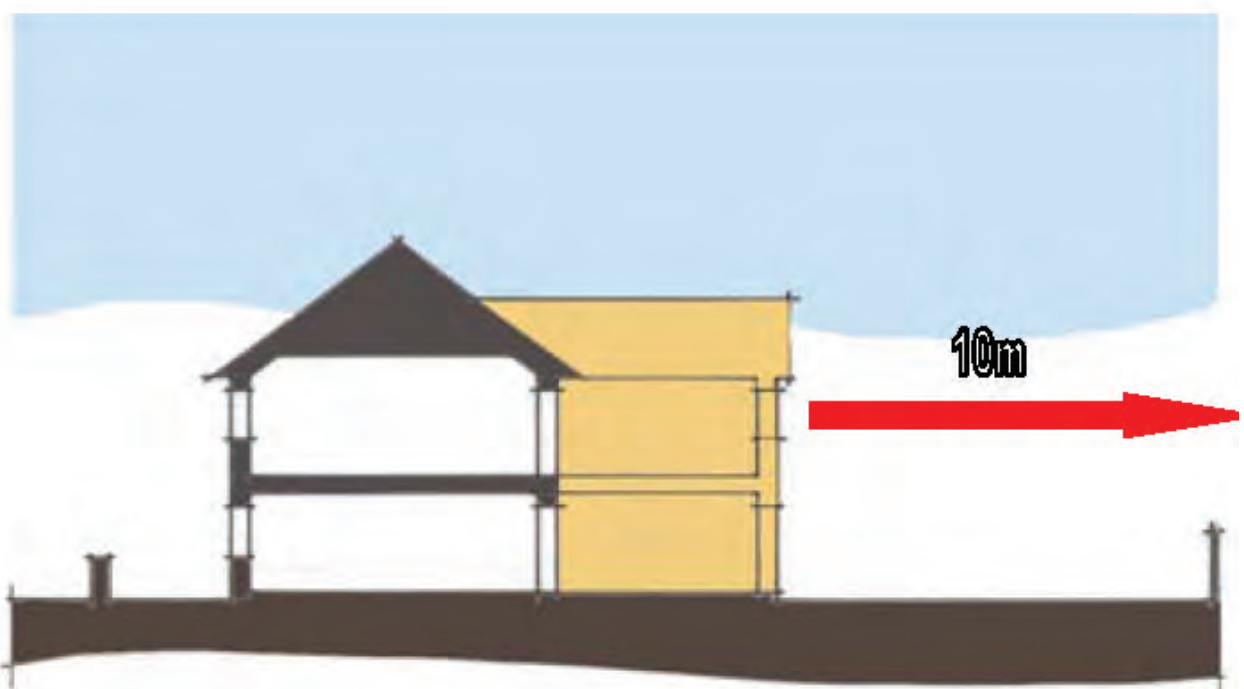
Appendix B: . Householder Guide

B.1.2.4 A habitable room is considered to be any room within that property apart from a utility room, hallway/landing, kitchen (if not a kitchen diner) bathroom or en-suite.

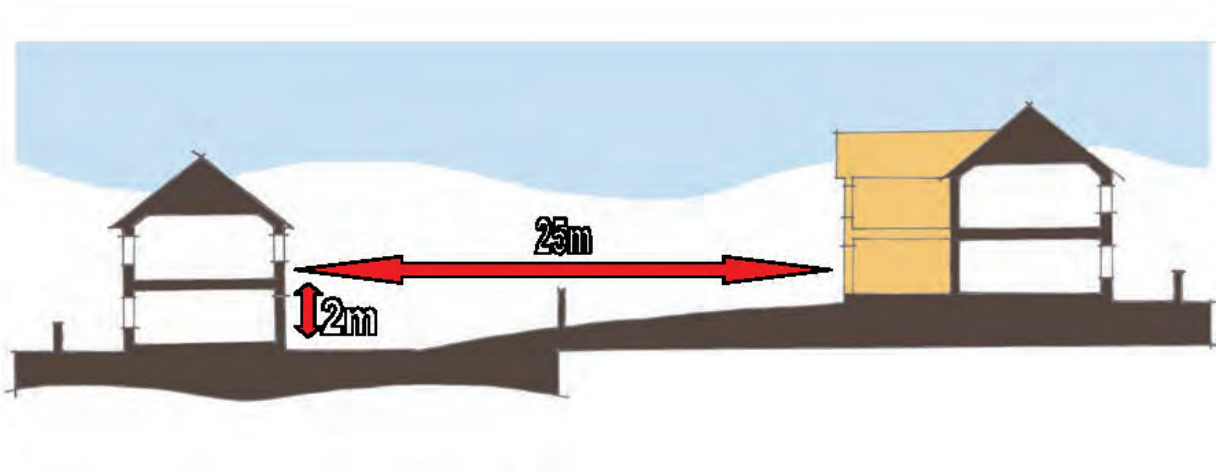
B.1.2.5 In addition it is not considered acceptable that the only window to a habitable room is obscured to address overlooking issues, as this would impact detrimentally upon the amenity of future occupiers. Therefore internal arrangements should ensure that habitable rooms can be provided with an acceptable outlook.



B.1.2.6 Where an extension would overlook the side or a blank elevation in an adjoining property, a distance of 12m should be provided. This distance would ensure that the proposed development would retain adequate separation and not result in any unacceptable overbearing or overshadowing impact on the neighbouring properties.



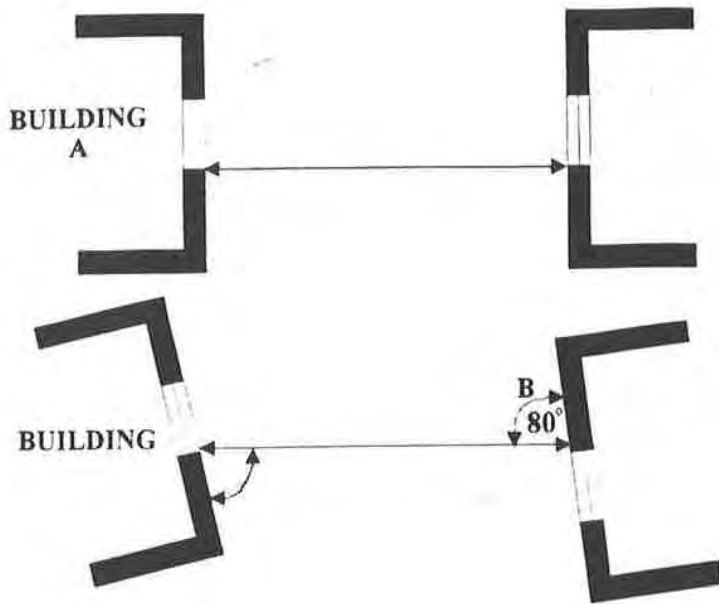
B.1.2.7 The impact of development upon existing private garden areas must also be considered. To ensure that any extension does not overlook, and result in a loss of privacy to these areas, or is considered to overshadow or overbear upon that garden area, it is considered that a distance of 10m should be retained.



B.1.2.8 Where a change of levels occurs between properties, the minimum separation distance of 21m between habitable room windows shall be increased, to take account of this. An additional 2m separation for every 1m difference in height difference will be required. For example:

- 2m height difference in slab levels: $21\text{m} + (2\text{m} \times 2) = 25\text{m}$ separation distance required between the habitable room windows.

B.1.2.9 Where properties are at an angle to each other, as shown on the diagram below, the distance required between windows can be reduced, in accordance with the table.



Building A (Angle A)

Table B.1.2.1

Building B (Angle B)		90°	80°	70°	60°	50°	40°	30°	20°	10°	0°
90°		21m	21m	21m	21m	16m	12m	9m	7m	6m	5m
80°		21m	21m	21m	16m	12m	9m	7m	6m	5m	
70°		21m	21m	16m	12m	9m	7m	6m	5m		
60°		21m	16m	12m	9m	7m	6m	5m			
50°		16m	12m	9m	7m	6m	5m				
40°		12m	9m	7m	6m	5m					
30°		9m	7m	6m	5m						
20°		7m	6m	5m							
10°		6m	5m								
0°		5m									

External Materials (Traditional and Modern)

B.1.2.10 Materials should generally match those used on your existing property, and it is common that all properties within your street may also have a common palette of external finishes that result in a specific external appearance.

B.1.2.11 However, as the need to develop in a more sustainable manner has been brought to the fore, it is clear that modern or alternate materials are required to achieve the required sustainability targets.

B.1.2.12 As such, the Council does not prescribe external materials, but would expect that if an alternative design or external finish be proposed, that it is justified and can be shown to be design and/or sustainability led and achieve the overarching design principles set out within Planning Policy Wales and Technical Advice Note 12: Design.

B.1.2.13 The use of inappropriate materials on an existing property that are purely “bolt-on features” that do not reflect or add value to the design would unlikely be acceptable.

B.1.2.14 Where modern extensions or external materials are proposed, the importance of precise detailing and quality will be necessary, to ensure a good relationship between the existing and proposed elements.

Windows Design and Solid to Void Ratios

B.1.2.15 Dependant of the style and setting of your extension, the location and design of the windows would need to reflect those within the existing dwelling.

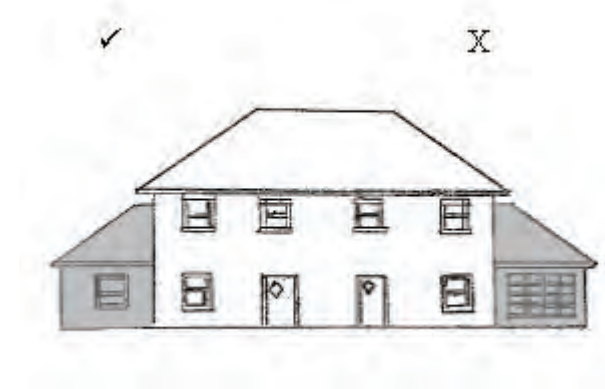
- What type are they (e.g. sash, bay), are they all uniform in design?
- What types of glazing bars? Are these a feature worthy of retention or replication?
- How many are there and what are their size and shape?
- Are they set back within the walls, creating a defined reveal, or flush?
- Are there lintels and sills?
- What proportion of the facade do they take up (i.e. solid to void ratio)?

B.1.2.16 Windows on the front facades of buildings have an important role to play in the appearance and continuity of a dwelling and its response to its local context. Windows have traditionally been set back in their frames rather than positioned directly flush with the building facade. This improves both the weathering and appearance of the window. Window reveals should be a minimum of 100mm in all new dwellings and where windows are replaced in an existing building.

B.1.2.17 Consideration should also be given to the size and amount of window coverage in a new building. The proportion of windows in any one facade is known as the solid to void ratio. Extensions should seek to respond to the prevailing solid to void ratios of their settlement, especially on the front facades. When designing an extension it is important to consider the following:

Size and Proportion

B.1.2.18 Overlarge windows on an extension are generally considered to be inappropriate. The proportion of the windows should provide continuity between the original house and the extension.



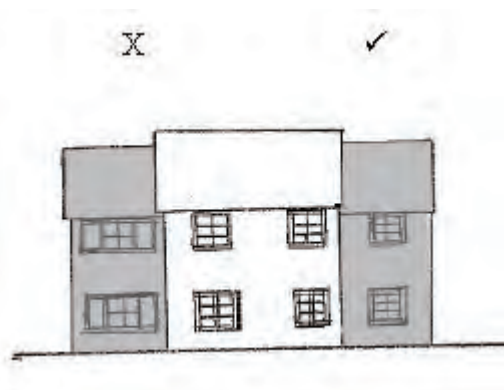
Style

B.1.2.19 The style of windows should match those on the original house.



Ratio of Wall to Openings

B.1.2.20 The ratio of solid wall to openings, otherwise known as the 'solid to void ratio', is important in order to reflect the character of the host building and to avoid unsightly large expanses of brickwork.



Vertical Rhythm

B.1.2.21 An extension must have special consideration to any regular arrangements of vertical features along a façade.

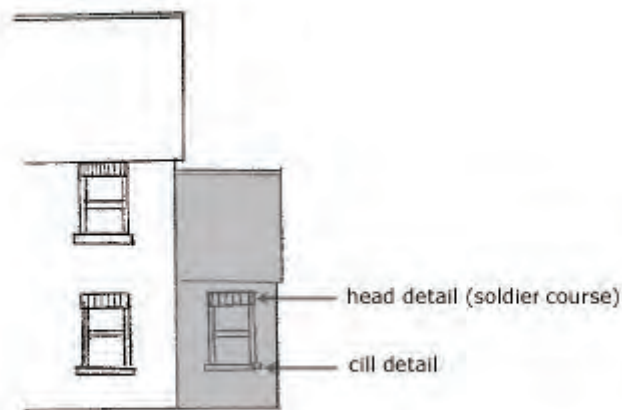


Architectural Detailing

B.1.2.22 Your extension will be more attractive, and more sympathetic to the original house, if you are able to use detailing similar to that on the house. Look particularly at the following details:

Openings

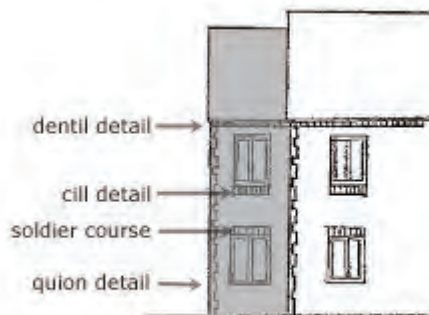
B.1.2.23 The head and cill details to windows or doors are usually easy to replicate and are a very effective way of integrating the old with the new. Replicating existing details, such as arched brickwork and lintels or soldier courses can make a great difference to the quality of the final building. More complex details can often be copied by skilled builders. However, such detailing should only be applied where it is already apparent in the host building. The introduction of new detailing on an extension which is otherwise absent in the host building can appear alien and should be avoided.



Brickwork Details

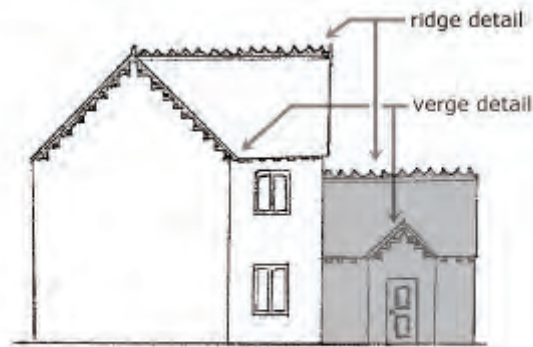
B.1.2.24 It is important to examine the bonding of the original brickwork and match this on the new extension. People are often disappointed when a new extension appears to have a different visual appearance and texture to the original building, despite having taken care to match the bricks. This is invariably caused by using stretcher bond on an extension to an older property. It is also important to match the mortar type and joints, so that the new brickwork blends with the old. In situations where it is difficult to match bricks and/or brickwork, it may be appropriate to use different materials.

B.1.2.25 Quoins and soldier courses could be carried through onto a new extension in order to integrate the new work. The copying of details should be carefully considered as this may detract from the original building.



Roof Details

B.1.2.26 Look at the verge, eaves and ridge of the original house and aim to replicate these details within the extension in the same way taking cues from the host building. These elements are particularly important in achieving a sense of continuity between the host building and the proposed extension.

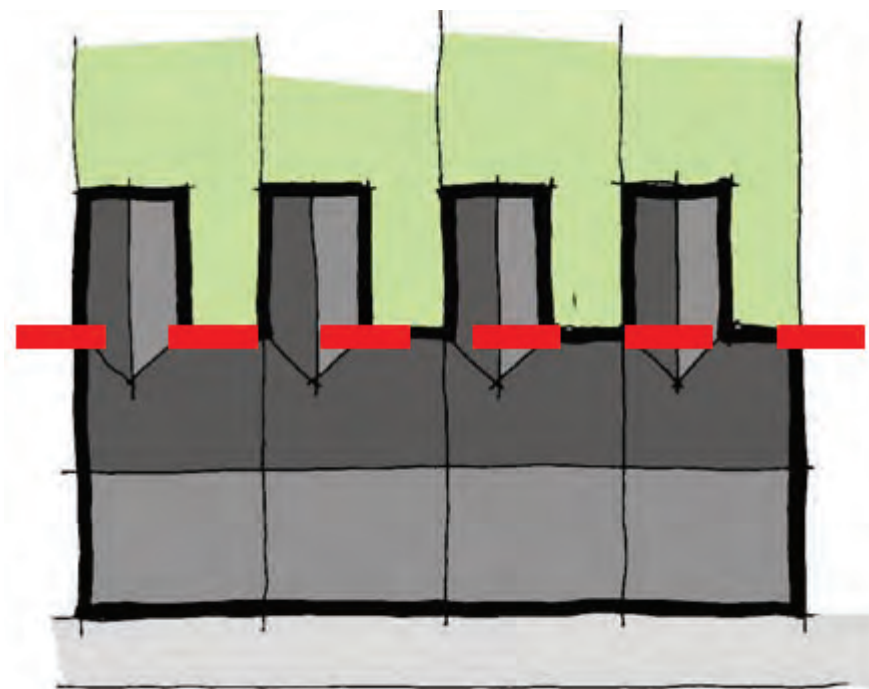


B.2 Specific Guidelines for Property / Extension Type

Rear Extensions to Terraced Properties

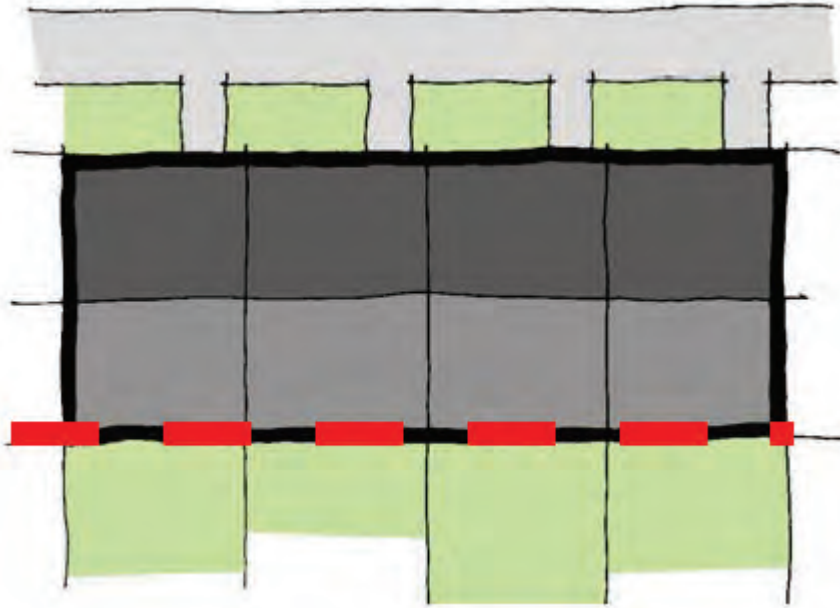
B.2.1 Extending traditional and modern terraced properties can often lead to issues with a loss of outlook to the rear windows of adjoining properties and a loss of light. Whilst many traditional terraced properties have generous rear garden lengths, they are often narrow, and can therefore through a “tunnelling effect” lead to issues detrimental to amenity.

B.2.2 As such, there needs to be a balance to allow these types of properties to extend, whilst retaining an appropriate level of amenity for adjoining properties.

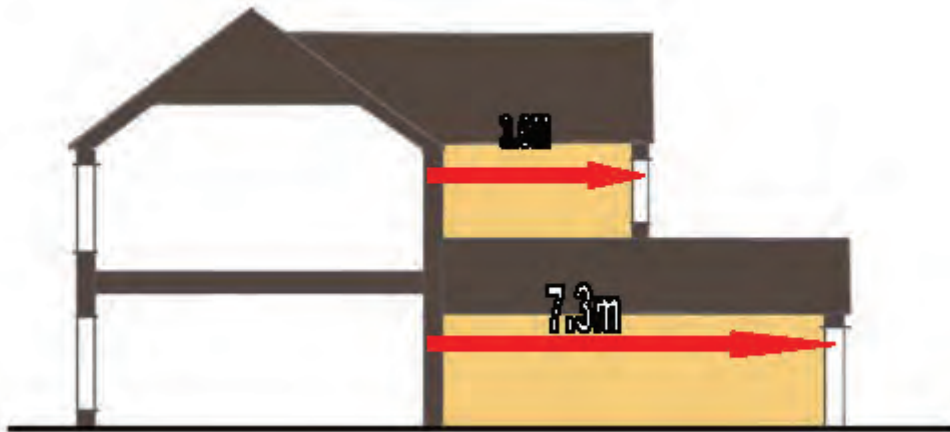


B.2.3 Therefore a limit on the total projection at ground and first floor is necessary to ensure that this balance is achieved.

B.2.4 This allows for a total projection from the main rear wall of the property, which is defined as the main wall supporting the main pitched roof, excluding any projecting rear wing, whether original or not (as marked red on the diagrams opposite).



B.2.5 It is therefore considered that the maximum permitted distances that you extend beyond the main rear wall (as defined) would be 7.3m at ground floor level, and a maximum projection of 3.6m at first floor.



B.2.6 If properties on **both sides** of your property already have extensions that project further, you may be allowed to extend to a similar distance. For example, if properties on both sides of your house have first floor extensions that project 5m from the main rear wall. You may be allowed to project to a similar distance.

B.2.7 The design of the extension should consider all relevant design principles set out within this guide, and respect eaves and ridge heights of the existing property, whilst providing in the majority of situations, a ridged roof to match into the existing roof design. Flat roof extensions may be permissible, but only if these are considered not to be visible from a public viewpoint, and that a ridged roof is not possible due to site constraints.

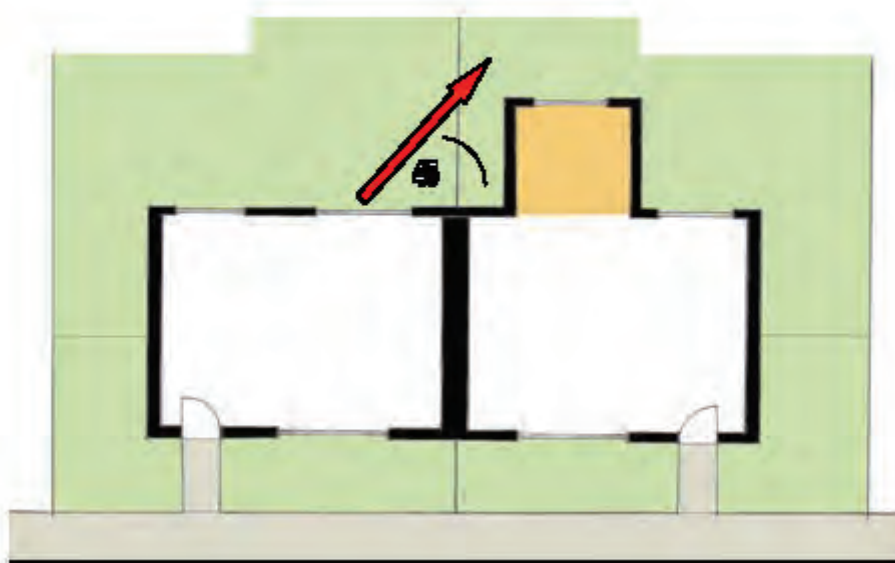
Rear Extensions to Detached and Semi-Detached Properties

B.2.8 Rear extensions to detached and semi-detached properties should adhere to the overarching design of the main dwelling, and provide an integrated addition that complements the scale and massing of the host property.

B.2.9 The roof should therefore tie into the main roof of the property, and follow its existing design, unless site conditions dictate otherwise. For example, if the roof to the main property is hipped or gable in form, that this is replicated in the design of the proposed extension.

The 45° Rule

B.2.10 The 45° code is to be used for first floor extensions to detached and semi-detached properties only. The compliance with this is to be taken from the nearest habitable room windows on the neighbouring properties on either side of the application property, at ground and first floor (the definition of a habitable room is set out previously within these guidelines).



B.2.11 The reference point is the mid-point of the window of the nearest habitable room to the extension. The 45° line shall be drawn in the horizontal plane such that the windows to be considered are those at a similar height of the proposed extension.

B.2.12 Dependant on the relative size and orientation of the windows involved the code may be relaxed if the extension would only affect a secondary window to a room which has two or more windows. Regard will also be had to any permitted development rights that may exist such that the Council will not seek to be overly restrictive should a similar extension be able to be built without planning consent.

B.2.13 If an extension has already been built or been given planning approval prior to the Council's adoption of the Code so that its projection is beyond that which would be permitted by the code, an extension of the other half of the semi-detached properties should not extend further than one already built or permitted.

B.2.14 Joint proposals for extensions of a pair of semi-detached properties may be accepted even if the extension would not comply with the code, providing they are of the same projection, and are to be constructed and completed at the same time. Subject to all other design and amenity considerations.

B.2.15 As with all extensions, the design of the extension should consider all relevant design principles set out within this guide, and respect eaves and ridge heights of the existing property, whilst providing in the majority of situations, a ridged roof to match into the existing roof design. Flat roof two storey extensions are unlikely to be permissible, unless site constraints dictate that there are no alternatives, and not visible to public areas.

Bungalows

B.2.16 Bungalows often present particular challenges when designing appropriate extensions. Whereas a single storey flat roof extension may, in certain circumstances, be appropriate on a two storey property, it would rarely be on a bungalow. Any extension to the rear should reflect the existing roof design, tying the extension into the existing dwelling in a sympathetic manner. Again, the development should consider the setting of the property, its relevant design features, and its location within the street scene and in relation to other properties.

B.2.17 In considering extensions to bungalows, these often take the form of alterations and extensions within the roof space. These may involve the introductions of dormer extensions, and/or the potential increase in ridge level, to create sufficient internal ceiling heights at first floor level.

B.2.18 Dormer extensions should be of a scale that are sympathetic to the scale of the property, and should be designed to reflect the shape and form of the roof of the main dwelling.





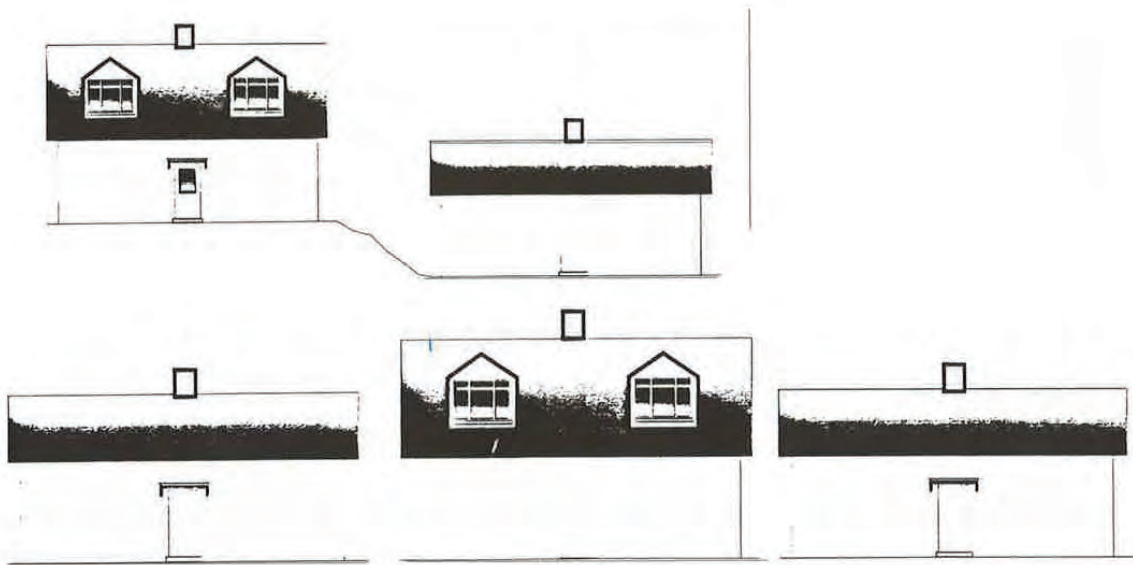
B.2.19 Set down off the ridgeline of the existing property, and set back off the eaves line. Finished in materials to match or reflect the main dwelling, and provided with glazing that also mirrors the pattern and type within the main property.

B.2.20 Large overly dominant flat roof dormer extensions that alter the massing of

the dwelling, and do not respect the design of the property or can be intrusive elements within a wider street scene, are generally unacceptable.

B.2.21 Where it is proposed to alter the roof of the property to increase the ridge height or shape of the roof to allow for first floor accommodation, due care needs to be taken on the wider impact of this on the street scene and adjoining properties. It would be necessary to provide existing and proposed plans indicating the levels of adjoining properties, eaves and ridge heights to support any application.

B.2.22 Increases in eaves and ridge height, where properties would be out of character and scale within the area are unlikely to be acceptable. In some circumstances changes in house type along a road frontage, or changes in level may allow changes in roof design to occur, but impacts upon both visual amenity, and residential amenity should be carefully considered, and additional supporting cross sections and levels may be necessary to justify the proposals.



Side Extensions

B.2.23 The form and shape of the original dwelling should be taken into consideration when considering the design and scale of any proposed extension. Careful attention to the proportions of any side extension, the location and design of windows and doors, and the detailing and external finishes associated with the development can impact significantly on the design of the property as a whole, and have both positive and negative impacts.

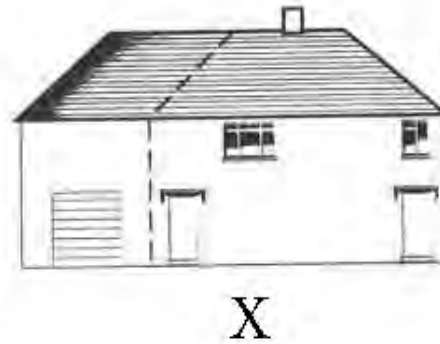
Semi-Detached Properties

B.2.24 All two storey side extensions to semi-detached properties should be set back a **minimum of 1m** from the front (principal) elevation of the dwelling, and the ridgeline set down lower than the existing main ridge of the dwelling.





Retains character



Loses Character.



B.2.25 The extension should be of a scale that is subordinate to the main dwelling and the roof design and other features reflect the design of the dwelling as a whole.

B.2.26 The width of the extension should not exceed two thirds of the width of the original dwelling.

B.2.27 In addition the extension should be designed as to consider the existing pattern of development within the street within which the property is sited. Therefore extensions that extend to the side boundary of the property, and would result in a loss of the separation between properties, known as “a terracing effect” may be inappropriate, and

lead to further amenity issues, such as refuse collection, repairs and maintenance.



B.2.28 The spaces between buildings often make an important contribution to the character of an area. Extensions which reach a property boundary may contribute towards an inappropriate “terracing effect” or can result in a cramped appearance to the extended property itself. This is particularly noticeable where an extension continues the roof line of the original building and where a neighbouring property could also be extended in a similar manner. Home owners should not rely on similar extensions within the area permitted under previous policies and guidance as justification for inappropriate development.

B.2.29 Extensions should be set back and lower to create a subservient appearance.



B.2.30 Side extensions should be set off the boundary with any adjoining property and be set back a minimum of 0.5m from the principal elevation of the existing dwelling to maintain both a subordinate appearance, and to prevent potential for terracing. In some circumstances, a greater level of setback may be necessary to achieve this due to the individual circumstances.

Extensions and Alterations to the Roof

B.2.31 Massing of the building and its relationship with the other properties in the street scene can be significantly affected by alterations to the roof shape. As set out previously, dormer extensions should be set down from the main ridgeline, and set in from the eaves level, and be appropriate in scale and massing to the host property. Large scale side dormers, can significantly affect the overall massing of a roof structure.

Porches

B.2.32 The scale and design of a porch should reflect the scale and design of the main dwelling. The proportions including its width and projection, together with the roof design should not result in an over dominant feature to the elevation, and should consider the need to be sympathetic to the street scene.



B.2.33 The design of the roof should consider the relationship with the main dwelling, and the distances off front boundaries consider the scale and massing of the porch design, to ensure that it does, in the case of semi-detached properties, lead to an unbalanced and unsympathetic addition, due to its prominent location.

Front Extensions

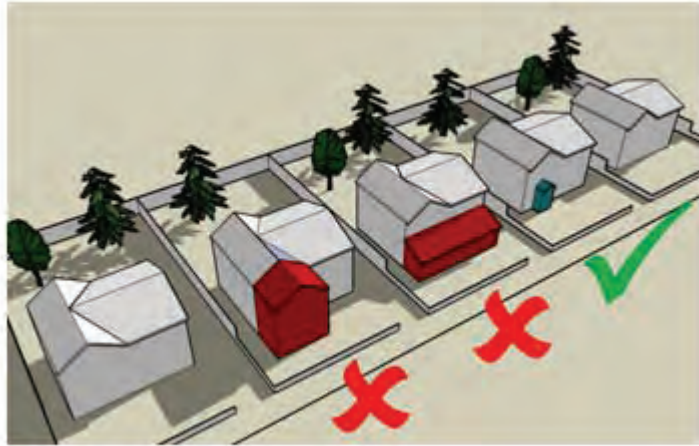
B.2.34 Large scale front extensions are usually not appropriate, but if circumstances allow, these should be well designed to reflect or enhance the existing property, taking into account all of the forgoing advice.

B.2.35 How this extension would integrate with the existing property, and the existing pattern of development would be paramount, due to its prominent location. As such, an assessment of the local character and area would be essential.

B.2.36 Front extensions should:

- Leave sufficient space between the extension and the front boundary of the house to retain the appearance of openness around the dwelling.
- Not be obtrusive, prominent features in the street scene.
- Respect the size and proportions of the existing house.
- Respect the architectural features, brickwork, stonework, colour and texture of the existing house. Front porches usually look best where the materials, glazing pattern and degree of roof pitch, match the existing house.
- Not unduly affect neighbours amenity.

B.2.37 Where there is a strong building line or an architectural cohesiveness which would be broken, front extensions are unlikely to be acceptable.





Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



Local Development Plan
Cynllun Datblygu Lleol

APPENDIX 5

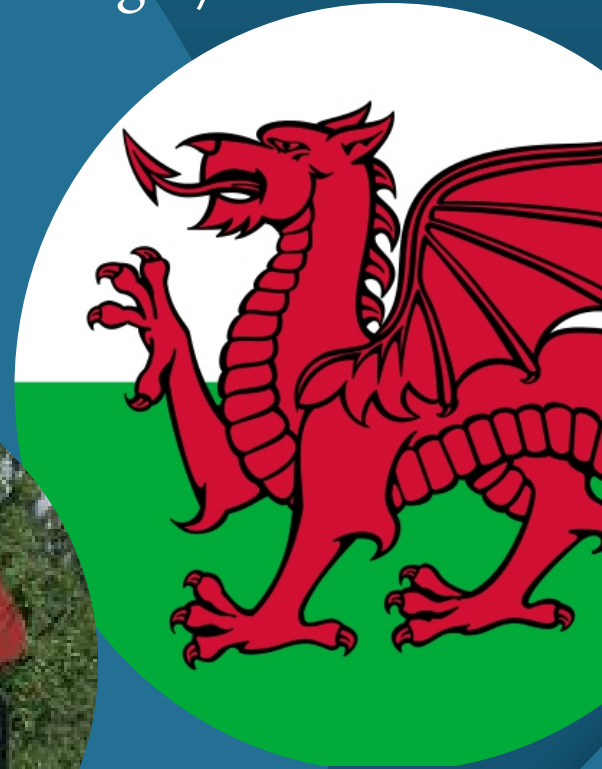
Development and the Welsh Language SPG
(July 2017 – Tracked Changes)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Development and the Welsh Language Supplementary Planning Guidance (July 2017 - Tracked Changes)



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Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Summer of 2017 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on [Date].

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or **[01639] 686821**.

Note to Reader

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) provides information in respect of the Welsh language in Neath Port Talbot and sets out the relevant matters that will need to be taken into consideration when developments are being planned in the designated 'language sensitive areas'.

1.0.2 The Council's planning policy is set out in the Neath Port Talbot Local Development Plan (LDP)⁽¹⁾, namely Strategic Policy SP22 (Welsh Language) and Policy WL1 (Development in Language Sensitive Areas) and this SPG should be read in the context of these policies and explanatory text.

1.0.3 The Welsh language is an integral part of the social fabric and an important element of day to day life in many areas within the County Borough. Whilst these areas contain very high levels of Welsh speakers, the erosion of the language in recent years has become a great concern. In preparing the LDP, the Council has adopted a committed and proactive approach to the protection, promotion and enhancement of the Welsh language with the following objective aiming to:

OB 25: Preserve and enhance the area's cultural heritage and identity with a focus on the Welsh language in language sensitive areas.

1.0.4 In specific respect of the Welsh language, while new development is needed to sustain and reinvigorate communities, the Council has a duty to ensure that developments do not have an adverse impact on the language and that developers provide appropriate and sufficient measures to protect, promote and enhance the language. Through the implementation of LDP policies therefore, the Council will ensure that qualifying developments prepare Welsh Language Action Plans (WLAPs) outlining the measures to be taken.

1.0.5 In broad terms, new development can place both positive and negative impacts upon a community. Such impacts have already been assessed through a Welsh Language Impact Assessment (WLIA) that was undertaken to inform the evidence base for the LDP. Therefore any proposed mitigation which aims to protect, promote and enhance the Welsh language will be addressed through the use of planning obligations (Section 106 agreements). Section 5.3 of this document together with the Council's Planning Obligations SPG⁽²⁾ sets out the measures that all development meeting the specified criteria / thresholds will need to consider.

1.0.6 Accordingly, the purpose of this SPG is to provide detailed guidance on how the Council will implement the Welsh language policies contained within the LDP. In particular, the SPG addresses the following:

1 Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.
2 Supplementary Planning Guidance: Planning Obligations (October 2016).

1 . Introduction

- The Welsh language context in Neath Port Talbot;
- The national and local policy context;
- An explanation of the policy thresholds and requirements; and
- Practical Guidance on the preparation, structure and content of Welsh Language Action Plans.

2 Welsh Language in Neath Port Talbot

2.1 Language Sensitive Areas

2.1.1 Neath Port Talbot has a varied linguistic make up, with the majority of communities within the County Borough having a lower amount of Welsh speakers compared to both the Welsh and County Borough average. Whilst language figures in some areas are low, there are areas within the County Borough where the tradition and culture of the Welsh language is strong and where the language is spoken by very high levels of the local population.

2.1.2 Within the communities of Cwmllynfell, Gwaun Cae Gurwen and Lower Brynamman more than half of the population speak Welsh and these are widely regarded as traditional Welsh speaking areas. In addition, the Swansea Valley area is also considered to be a stronghold of the language locally with the Pontardawe area and Crynant in the Dulais Valley containing communities where more than the Welsh average of residents speak the language.

2.1.3 Consequently, the Council identified these communities to be located within a 'Language Sensitive Area' (LSA). The boundary of the LSA was formerly adopted through the LDP process and is illustrated in **Appendix A**, along with a list of constituent communities.

2.2 Current Situation and Trends

2.2.1 In terms of the current trends and condition of the Welsh language, the following table presents Census data (1991, 2001 and 2011) for the wards in the LSA showing how the figures have changed over time⁽³⁾:

Table 2.2.1 Change in Welsh Language Speakers (1991, 2001 and 2011)

Ward	% Welsh Speakers 1991	% Welsh Speakers 2001	% Welsh Speakers 2011	% Change in Welsh Speakers 1991--2001	% Change in Welsh Speakers 2001-2011	% Change in Welsh Speakers 1991-2011
Cwmllynfell	76.9	68.23	58.8	-8.7	-9.43	-18.1
Lower Brynamman	76.6	68.12	60.8	-8.48	-7.32	-15.8
Gwaun Cae Gurwen	79.11	67.91	55.8	-11.2	-12.11	-23.31
Ystalyfera	66.67	54.56	46	-12.11	-8.56	-20.67
Trebanos	47.21	42.37	33.6	-4.84	-8.77	-13.61

3 More detailed information on the Welsh language can be found within the LDP Welsh Language Topic Paper (September 2014).

2 . Welsh Language in Neath Port Talbot

Ward	% Welsh Speakers 1991	% Welsh Speakers 2001	% Welsh Speakers 2011	% Change in Welsh Speakers 1991--2001	% Change in Welsh Speakers 2001-2011	% Change in Welsh Speakers 1991-2011
Godre'r Graig	46.26	41.46	30.1	-4.8	-11.36	-16.16
Pontardawe	42.17	37.40	31	-4.77	-6.4	-11.17
Alltwen	40.08	35.91	29.5	-4.17	-6.41	-10.85
Rhos	31.38	28.61	24.7	-2.77	-3.91	-6.68
Crynant	32.8	29.7	25.1	-3.1	-4.6	-7.7
Neath Port Talbot	17.9	18	15.3	+0.1	-2.7	-2.6
Wales	18.7	20.8	19	+2.1	-1.8	0.3

Sources: 2001 Census Table UV13; 2011 Census Table KS207WA; 1991 Census data

2.2.2 It is evident that those communities with the highest percentage of Welsh speakers have experienced significant loss in recent years, a trend which has also been replicated at the national level. The Council therefore has a duty to ensure that the integrity of the Welsh language is taken into account in the planning process.

2.3 Welsh Language Impact Assessment (2012)

2.3.1 As part of the evidence base to inform the LDP, the Council commissioned 'Menter Iaith Castell Nedd Port Talbot' to undertake a Welsh Language Impact Assessment of Communities in the Swansea Valley⁽⁴⁾. The study identified whether:

- New development is likely to create impacts on the language;
- Any impacts are likely to be beneficial or harmful; and
- Any harm may be mitigated or whether they could be of such a scale and impact that new development should be controlled in language sensitive areas.

2.3.2 In broad terms, the study concluded that larger scale developments can have a negative impact on the integrity of the language, both within the development and the wider community. The recommendations contained within the report were subsequently used to inform the development of policy.

3 Policy Context

3.1 National Policy Context

Planning Policy Wales (PPW) Edition 9 (2016)

3.1.1 PPW sets out the land use planning policies of the Welsh Government and provides guidance to local authorities when formulating planning policies.

3.1.2 This overarching policy document states that the future well-being of the language across the whole of Wales will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities. The land use planning system should also take account of the Welsh language and in so doing can contribute to its well-being. The Planning (Wales) Act 2015 contains provisions relating to the consideration of the Welsh language in the appraisal of development plans and in dealing with applications for planning permission.

3.1.3 Local Planning Authorities (LPAs) must consider the likely effects of their development plans on the use of the Welsh language in the Sustainability Appraisal of their plans, and should keep their evidence up to date. All LPAs should include in the reasoned justifications to their development plans a statement on how they have taken the needs and interests of the Welsh language into account in plan preparation, and how any policies relating to the Welsh language interact with other plan policies.

3.1.4 Considerations relating to the use of the Welsh language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may only be carried out in respect of major development not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language.

3.1.5 It should be the aim of LPAs to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. Policies should not however seek to introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

Technical Advice Note (TAN) 20: The Welsh Language (2013)

3.1.6 TAN 20 supplements the policies set out in PPW, providing guidance on how the planning system should consider the implications of the Welsh language when LDPs are prepared, including the important roles of the Single Integrated Plan (SIP) and LDP Sustainability Appraisal (SA). The guidance states that the land use planning system should, where feasible and relevant, contribute to the future well-being of the Welsh language by establishing the conditions to allow sustainable communities to thrive.

3 . Policy Context

3.1.7 TAN 20 stipulates that a Welsh Language Impact Assessment should be undertaken at the LDP preparation stage (i.e. when formulating the strategy, policies and site allocations).

3.1.8 Where the Welsh language has been identified as a significant part of the social fabric of some or all of the community, LPAs should ensure plan strategy, policies and land allocations have regard to the needs and interests of the Welsh language. Possible approaches to support the Welsh language include provision of mitigation measures such as appropriate phasing policies, adequate affordable housing, including sites for 100% affordable housing for local needs, and the provision of employment opportunities and social infrastructure to sustain local communities.

3.1.9 Supplementary Planning Guidance (SPG) could specify the mitigation measures to support LDP policies. Where the Welsh language is considered to be a significant part of the social fabric of some or all of the community, appropriate Welsh language indicators should be identified in the LDP and monitored. These could also include indicators in relation to the mitigation measures in the Plan.

3.2 Local Policy Context

3.2.1 The policy framework for the Welsh language in Neath Port Talbot is contained within Policies SP22 and WL1. Policy SP22 is the strategic policy that sets the context for the subsequent detailed policy and meets Objective 25 of the LDP.

Strategic Policy SP22 Welsh Language

Policy SP22

Welsh Language

The Welsh language will be safeguarded and promoted in the following language sensitive areas:

1. Amman Valley.
2. Swansea Valley.
3. Pontardawe.
4. The community of Crynant in the Dulais Valley

LDP Objective: OB 25

Policy WL1 Development in Language Sensitive Areas

3.2.2 This policy seeks to protect the Welsh language by requiring proposals of a certain size, in Language Sensitive Areas to submit a Language Action Plan setting out mitigation measures to address impacts resulting from the development.

Policy WL1

Development in Language Sensitive Areas

The following development proposals within the identified language sensitive areas will be required to submit a Language Action Plan, setting out the measures to be taken to protect, promote and enhance the Welsh Language:

- (a) Residential development of 10 or more dwellings;
- (b) Retail, commercial or industrial development with a total floorspace of 1,000sqm or more.

3 . Policy Context

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

4 Thresholds and Requirements

4.1 Policy Thresholds

Residential Development

4.1.1 All residential planning applications that are located within LSAs and meet the identified threshold will be required to submit a WLAP and make the necessary financial contributions (further guidance is provided within **Appendix B 'Process: is a WLAP required?'** and **Appendix C 'Welsh Language Action Plans'**).

4.1.2 The threshold of 10+ units will apply to all proposals which result in self-contained units of accommodation, including conversions from non-residential use to residential, or the subdivision of a residential property where the net increase is 10 units or above the existing number of properties.

Retail, Commercial and Industrial Development

4.1.3 For retail, commercial and industrial proposals, developments which result in a net increase in floorspace of 1,000 sqm or more will be required to submit a WLAP and make the necessary financial contributions. The adoption date of the LDP (i.e. 27th January 2016) will be used as the base-date from which to monitor any development and/or operation that is incrementally increasing in size.

4.1.4 The trigger for the submission of WLAPs / financial contributions will be reached when, since the adoption date of the plan, the cumulative additional net floorspace totals 1,000 sqm or more, with the contribution being based on the number of employees the additional floorspace exceeding 1,000 sqm would accommodate.

4.1.5 The requirement for such developments will differ from those for residential development as the aim is to encourage and enable the use of the Welsh language in the workplace and in interactions with customers, the public and other employees in the workplace.

4.1.6 **Appendix B** presents a flow chart and a step-by-step guide of the process that will be followed to determine if a WLAP is required to support a planning application.

4.2 Division and Phasing of Sites

4.2.1 In respect of residential development, where a site has been subdivided into more than one parcel of land and the total number of units on each parcel falls below the threshold for the requirement of a WLAP, should the Council consider the site has been artificially subdivided, the site will be treated as one development and the relevant Welsh language requirements will apply.

4 . Thresholds and Requirements

4.2.2 For example, if a parcel of land forms part of a larger site but has been subdivided either before or after the grant of planning permission, each property owner will be required to provide a proportion of the contribution which would have been attributed to the larger site.

4.2.3 Where the development of a site is phased, planning applications for up to 9 units will not require the submission of a WLAP and subsequent financial contributions. However, once an application is submitted that sees the development of the whole site reach 10+ units, Welsh language requirements will be sought for the development as a whole.

4.2.4 This approach will also apply where planning applications are staggered over a period of time (e.g. where a parcel of land forms part of a larger site but has been subdivided either before or after the grant of planning permission).

4.2.5 To make the best and most efficient use of land, developments are expected to meet the densities specified in Policy BE1 (Design) of the LDP. Should a site, or phase of a site be proposed to be developed at a lower density than specified in Policy BE1, or the Council considers the site is being built at a lower density to avoid Welsh language contributions, applications may be refused on such grounds.

4.2.6 If a development is phased, particularly on larger sites, the Welsh language requirement may also be phased to ensure that the development contributes towards an appropriate level of Welsh language mitigation at each stage of the development. The timescales for implementing the mitigation measures will be clearly set out within the S106 agreement and/or planning conditions.

5 Policy Implementation

5.1 Pre-Application Discussion and Planning Application Process

Pre-Application Discussions

5.1.1 Applicants are encouraged to partake in early discussions with the Planning Department to discuss which policies are relevant to their proposal, the requirement for, and content of, a WLAP and associated contributions, other planning obligations and any site-specific considerations⁽⁵⁾.

5.1.2 Discussions should take place with planning officers who will liaise with internal departments and partner organisations as appropriate. Negotiations will focus on the content of the WLAP and the provision of indicative S106 costs.

Outline Applications

5.1.3 Where an application for outline planning permission is submitted, the developer will be required to provide, as a minimum, a framework of a WLAP which would include for example, a list of groups / organisations who will be consulted.

5.1.4 A condition will be added to the outline permission requiring the submission of a detailed WLAP at the reserved matters stage which may require the developer to enter into a S106 agreement to secure financial contributions.

Full / Reserved Matter Applications

5.1.5 A detailed WLAP will be required as part of a full or reserved matters application. The developer will be expected to enter into a S106 agreement which will set out the requirement for providing appropriate measures to protect, promote and enhance the Welsh language and the conditions by which the provision will be delivered.

5.1.6 Further information on the requirements of a Section106 agreement is provided within Section 5.3.

5.1.7 Any changes to the number of residential units / employees in a subsequent planning application may result in the level of the Welsh language contribution changing. These stipulations will be contained within the S106 agreement.

Renewal of Planning Consent

5.1.8 Applications for the renewal of a planning consent or new applications submitted on sites which previously had planning approval will be assessed using the Welsh language policies contained within the LDP. This may mean that the submission of a WLAP and subsequent Welsh language financial contributions will be required even where there has been no previous contribution towards the Welsh language. This reflects changes in policy

⁵ The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website: <http://www.npt.gov.uk/default.asp?x=1&y=3>

5 . Policy Implementation

context since the original application which attempts to tackle the adverse impact of development on the Welsh language within LSAs. If the application seeks the approval of reserved matters, the requirements of the original outline approval would need to be followed.

5.2 Role of Partner Organisations

5.2.1 To enable a developer to undertake a comprehensive WLAP, a range of information will need to be assembled. Whilst guidance is provided in Chapter 6 and **Appendix C** in regard to the content of a WLAP, the role of partner organisations such as Menter Iaith Castell Nedd Port Talbot will be important as these organisations have a wealth of knowledge regarding the use of the Welsh language and culture of the local area.

5.2.2 Prospective developers / applicants may wish to open early discussions with relevant partner organisations to consider the necessary scope and content of a WLAP prior to submission to the Council.

5.2.3 A list of consultees should be included within a WLAP framework which will be required to accompany an outline application. The conclusions from the consultation will need to feature within the detailed WLAP to accompany a full or reserved matters application. This will help inform the mitigation measures required for the development proposal.

5.2.4 Notwithstanding any prior consultation by a developer, the Council will liaise with Menter Iaith and/or any other relevant partner organisation in respect of the submitted WLAP to determine whether:

- The submitted information in respect of local services and facilities is accurate;
- Whether the suggested mitigation measures will address the protection, promotion and enhancement of the Welsh language and if not, what improvements are required; and
- In regard to the financial contributions, what specific measures would this be spent on and an indicative breakdown of how this will be implemented.

5.2.5 Irrespective of any early discussions that a developer may have with a partner organisation, the Local Planning Authority will ultimately decide on the content and acceptability of measures contained within a WLAP.

5.3 Section 106 Contributions

5.3.1 Mitigation measures to protect, promote and enhance the Welsh language will be identified within the WLAP. The requirement for a WLAP and its suggested package of measures is enforceable by the Council and will be operated through Section 106 legal agreements. The onus will be on the developer to include sufficient information within the

WLAP to satisfy the policy requirement. Inaccurate and inadequate data / information or package of activities to protect, promote and enhance the Welsh language may result in delays to the determination of the application.

5.3.2 The Council will negotiate with the developer and other interested parties the precise nature of the planning obligation and the most appropriate means of utilising any financial contribution secured.

5.3.3 The following section sets out the financial contributions that will be required from qualifying development types.

Residential Development

5.3.4 A contribution of **£500 per unit** (to cover 3 years) will be sought on all residential developments of 10 or more units within LSAs. This sum of money will contribute towards creating a framework of activities to mitigate the negative effects of the development on the Welsh language over a 3 year period.

5.3.5 It should be noted that where a residential development in a LSA triggers a requirement for contributions towards education provision, these will be assessed in accordance with the Council's adopted Planning Obligations SPG⁽⁶⁾.

5.3.6 A suggested list of activities to mitigate the linguistic impacts of a proposal can be found within **Appendix D**. This list is not exhaustive and should therefore be used as a guide rather than a fully, comprehensive list of requirements.

5.3.7 The money generated from the proposal will be used to fund a package of schemes tailored to the needs of that community. However, these are suggestions only, the list is intended to provide some general advice and is not seen as exhaustive. It is the role of the WLAP to set the context and explain what measures will be undertaken to help protect, promote and enhance the Welsh language taking into consideration the proposed development, local community and the conclusions from engaging / consulting with local Councillors and organisations.

5.3.8 In addition to specific mitigation programmes, every WLAP will need to include the following set measures (which will be included within the £500 cost per dwelling):

- The signage and all aspects of the scheme's marketing should be bilingual - it should be noted that the Council is responsible for the naming of all roads and for the naming / numbering of all residential properties within the County Borough. Developers are encouraged to suggest street names in Welsh in accordance with the Council's Welsh Language Policy. All proposals are subject to approval by the Council; and
- A 'Welcome Pack' should be created placing the language in its context and setting out the local Welsh language provision.

5 . Policy Implementation

Retail, Commercial and Industrial Development

5.3.9 In order to determine what the Welsh language financial contribution will be for qualifying retail, commercial or industrial proposals, the applicant / developer will be required to provide information on the number of employees (including front-line staff) directly employed by the development.

5.3.10 The following costs will be sought on all new retail, commercial or industrial developments which result in a net increase in floorspace of 1,000 sqm or more.

5.3.11 A contribution of £1,000 per person (to cover 3 years) will be required for front line staff to follow courses to learn or improve their Welsh in order to ensure that a Welsh language service is provided and £100 per person (to cover 3 years) for all staff to receive courses in awareness of the language, culture and heritage in order that they are aware of the needs of Welsh speakers and to encourage the use of Welsh in the workplace.

5.3.12 In addition to specific mitigation programmes, every WLAP will need to include the following set measures (which will be included within the costs listed above):

- Bilingual signs should be provided;
- When new staff are appointed, the operator should consider the language skills of the applicants in order to provide a Welsh language service, especially in relation to front-line staff; and
- Structures should be in place to offer support to prepare for example, signs and announcements.

5.3.13 Where a developer proposes a speculative development, an appropriately worded condition will require the submission of a WLAP to ensure that appropriate mitigation can be sought.

Viability

5.3.14 When accounting for the range of planning obligations that may be levied on any given proposal, the Council acknowledges that there may be circumstances where a developer considers that the provision of measures to protect, promote and enhance the Welsh language is not viable.

5.3.15 In such instances, the Council will consider, subject to a detailed financial appraisal, reduced contributions, phased payments, or the removal of the requirement. At an early stage in pre-application discussions, developers are encouraged to make themselves familiar with all the planning obligations, including the submission of a WLAP and related financial contributions, and to identify any viability issues in the preparation of their application.

5.3.16 Where the contributions are not met, a clear and justifiable reason for the departure will be required.

Pooling of Contributions

5.3.17 Regulation 123 of the Community Infrastructure Levy (CIL) Regulations limits the number of planning obligations, relating to infrastructure projects that can be pooled (maximum of five). The Council's approach to dealing with this pooling restriction will be through specifying 'infrastructure pots' (projects) with each project able to take up to five pooled contributions.

5.3.18 Such an approach will help ensure that the need for infrastructure improvements can be effectively and equitably addressed with all parties making an appropriate contribution, and in the case of smaller scale developments, enables monies to be combined to provide small scale improvements to Welsh language facilities in the locality. In some cases, the S106 contributions will be used for non infrastructure projects, resulting in no restriction on the number of contributions which may be pooled.

5.4 Monitoring and Review

5.4.1 The implementation of the LDP policies and the submission of WLAPs will be monitored and reported in the LDP Annual Monitoring Report.

5.4.2 The Council and partner organisations (e.g. Menter Iaith Castell-nedd Port Talbot) will work in collaboration to ensure that the projects that are funded are strategically accurate and concentrate on the linguistic needs of the relevant areas.

5.4.3 To gauge the effectiveness of the funded schemes and projects, the number of new Welsh activities and new services provided will be kept under review and documented with recommendations within an annual report produced by the partner organisation. The findings will be used to refine and improve the framework for addressing linguistic impacts from developments through the planning system.

5 . Policy Implementation

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

6 Practical Guidance

6.0.1 This section seeks to provide applicants / developers with more detailed guidance as to what requirements need to be met when preparing and submitting WLAPs to accompany qualifying developments.

6.0.2 It is important to emphasise that **the provisions of Policy WL1 do not require the submission of a Welsh Language Impact Assessment**. Given that the negative impacts of large scale developments were established at the Plan level, the provisions of the policy relate only to mitigation measures and not the principle of development.

6.1 Welsh Language Action Plans

6.1.1 In addressing the negative impacts of qualifying developments, the structure and content of a submitted WLAP should broadly focus on:

- *The measures proposed to protect, promote and enhance the language* - e.g. through supporting the use of the language in the local community; and helping residents of new housing and people who work in new retail, commercial and industrial developments to learn and use the language to offer a Welsh medium service to the public and to create opportunities in the workplace to use the language; and
- *Where the required contributions are not met, a clear and justifiable reason for the departure.*

6.1.2 Each development proposal will be different and therefore judged on its own merits. The scope and range of measures to be included within the WLAP will depend upon the scale, character and location of the development and the type of Welsh language services and facilities that currently serve the community.

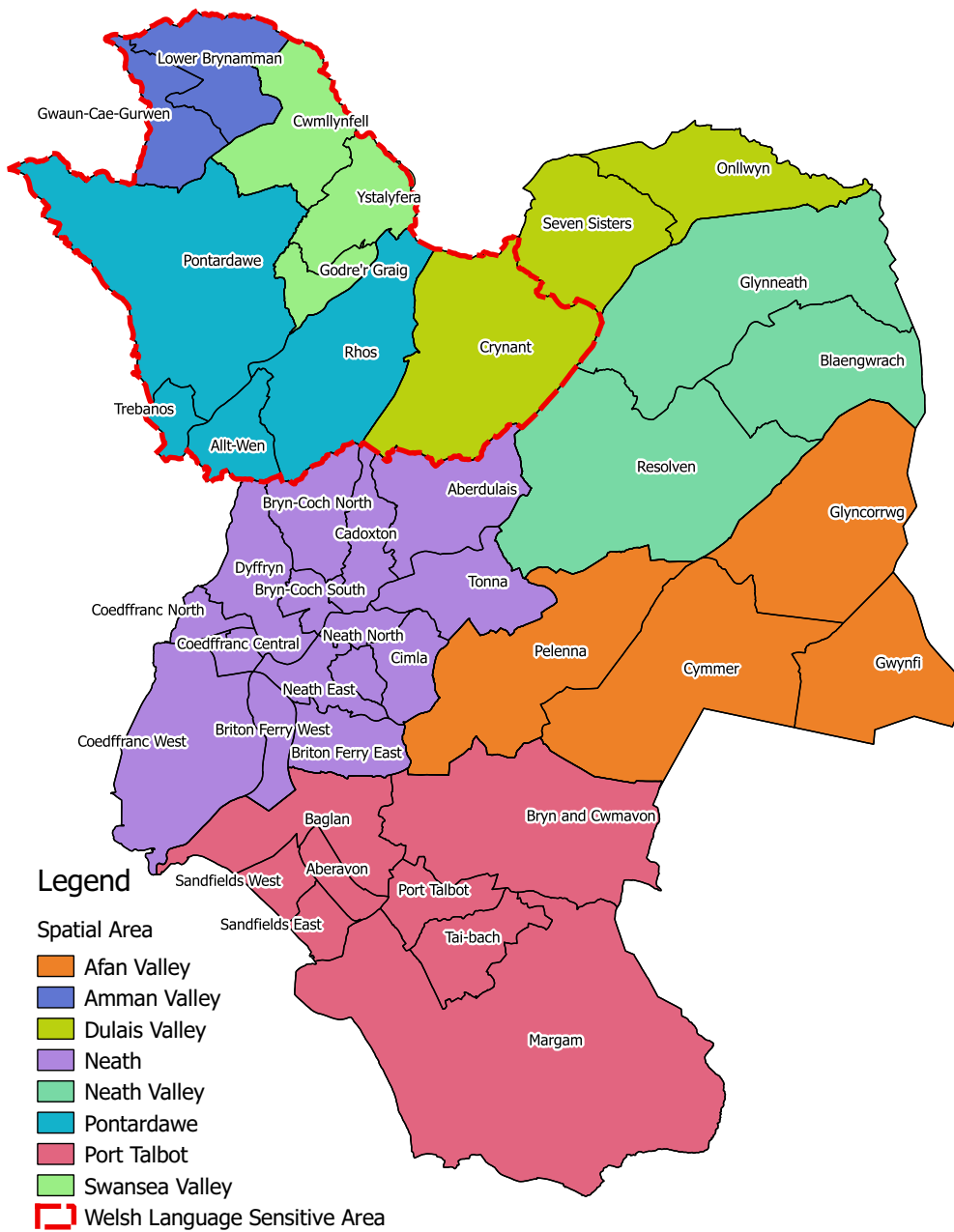
6.1.3 Conclusions derived from the consultation exercise undertaken with local Councillors, community / town councils, Menter Iaith and other local organisations will help inform the package of measures tailored to the development to protect, promote and enhance the Welsh language within the area.

6.1.4 **Appendix C** sets out the Council's expectations in respect of the basic level of information that is required from a WLAP and **Appendix D** lists examples of activities that may be used to mitigate the linguistic impacts of any qualifying development. It should be emphasised however that this list is not exhaustive and should therefore only be used as a guide rather than a comprehensive list of requirements.

6.1.5 It should be noted that whilst pre and post school learning opportunities can be considered in the WLAP together with after school activities for school age children, and activities for younger children and adults alike, the impact of any development on school places will require direct consultation with the Council's Education Department who will advise, in accordance with the Council's Planning Obligations SPG, of any specific requirements.

Appendix A: Language Sensitive Areas

Map A.0.1 Welsh Language Sensitive Areas



Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

Appendix A: . Language Sensitive Areas

Table A.0.1 Wards in Language Sensitive Areas

Amman Valley	Dulais Valley	Pontardawe	Swansea Valley
Gwaun Cae Gurwen	Crynant	Alltwen	Cwmllynfell
Lower Brynamman		Pontardawe	Godre'r Graig
		Rhos	Ystalyfera
		Trebanos	

Appendix B: Process - Is a Welsh Language Action Plan required?

Figure B.0.1 Policy WL1 Residential Development

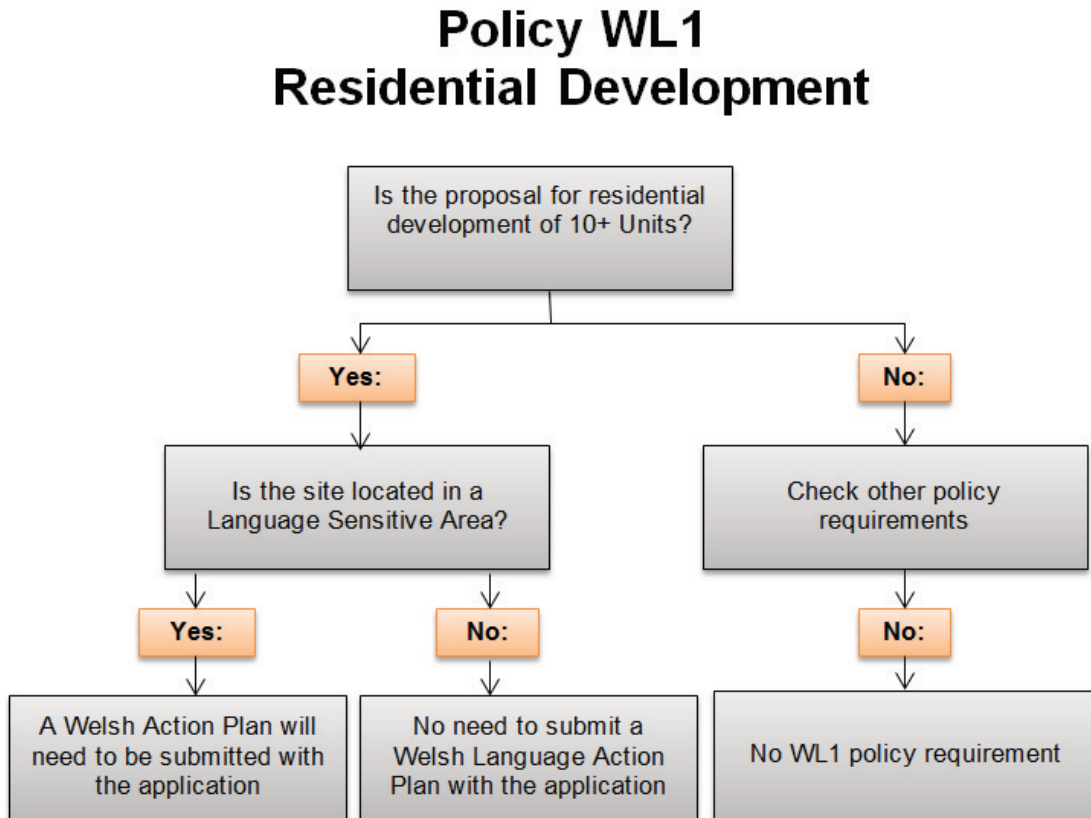
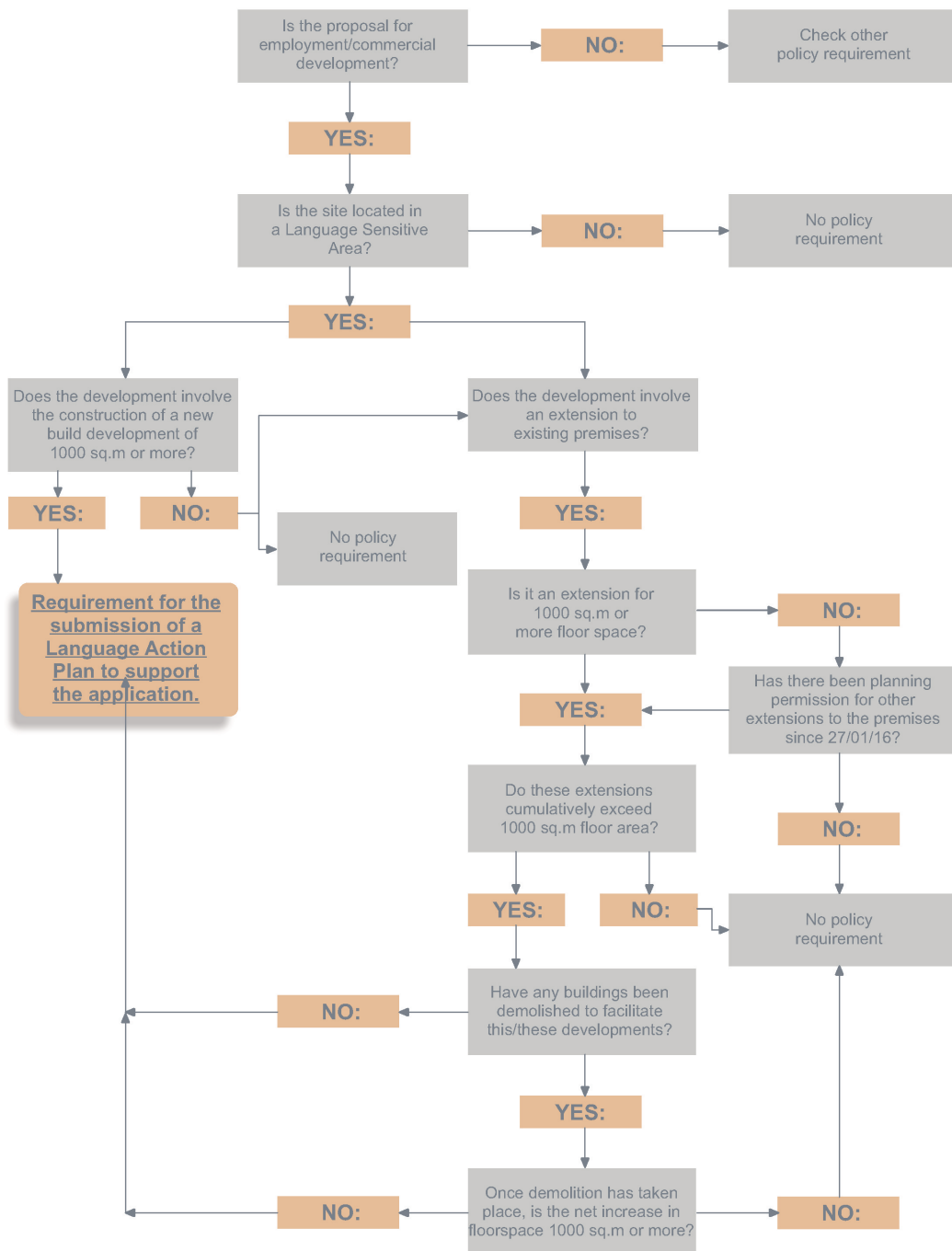


Figure B.0.2 Policy WL1 Retail/Commercial/Employment Development

Policy WL1 Retail/Commercial/Employment Development



Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

Appendix C: Welsh Language Action Plans

C.0.1 Welsh Language Action Plans (WLAPs), as required by Policy WL1 for qualifying developments, will be expected to outline the measures proposed to protect, promote and enhance the language and where the required contributions are not met, a clear and justifiable reason for the departure.

C.0.2 Where required contributions are met in full, the WLAP would only need to explain the measures proposed and how they would be delivered / implemented.

C.0.3 Given that each proposal will be different, the scope and range of measures to be included within the WLAP will depend upon the scale, character and location of the development and the type of Welsh language services and facilities that currently serve the community.

C.0.4 Developers/applicants may wish to open early discussions with relevant partner organisations (e.g. Menter Iaith Castell Nedd Port Talbot⁽⁷⁾) to consider the necessary scope and content of the WLAP prior to submission to the Council.

C.0.5 In all cases, a WLAP will be expected to include the following basic level of information:

Cover

- Specific reference should be made to the application reference number, location and details of the development site together with the date of publication and details of who has submitted it.

Section 1 - Introduction

(Policy Context)

- Context for the submission (i.e. reference to Neath Port Talbot LDP Policies SP22 and WL1) explaining why the submission has been made (i.e. to mitigate the impact of the development on the Welsh language).

Section 2 - Background

(Details of the type, scale and location of development)

- This should provide details of the proposed development and its location.

In respect of residential development:

Appendix C: . Welsh Language Action Plans

- How many people will be introduced into the community as a result of the development (i.e. number of units x current average household size⁽⁸⁾).
- Number of dwellings (e.g. does the development cater for starter homes, flats, family homes, older person's homes etc.)?
- The mix of dwellings should be examined to determine the impact in terms of additional people of different age groups and children of pre-school and school age.
- How does the development affect existing services and facilities in the local community?
- Does the development propose any new facilities?
- How does the development affect the local community?

In respect of retail, commercial or industrial development:

Extensions

- Net additional floorspace.
- Numbers (and %) of staff presently employed at the premises, including how many are front line staff. How will these figures be affected as a result of the proposed development?
- Will staff be relocated from other premises?
- Details of the % of staff (at the premises) who speak Welsh or are attending Welsh language classes.
- Does the company offer opportunities for staff to speak Welsh in the workplace?
- Does the company offer opportunities for staff to learn Welsh in the workplace?
- Do front-line staff have Welsh language skills to enable them to offer a service to Welsh speaking visitors/customers?
- Is the company able to respond in Welsh to correspondence received in Welsh?
- Is the company able to respond in Welsh to telephone calls received in Welsh?
- How does the applicant propose to provide a Welsh language service?

8 The latest Stats Wales figures should be used to determine the average household size.

New Build

- Amount of floorspace.
- How many people will be employed as a result of the development?
- Will a front line service be provided to the public?

Section 3 - Ward / Local Information

[This section should (i) provide an understanding of the linguistic character and trends of the community; and (ii) the availability and capacity of Welsh language provision in the area].

- A description of the community where the development is proposed.
- Draw on Census data (2011) to explain the current position with regard to the Welsh language in the ward.
- Comparison with earlier Census data can be provided to show how the use of the Welsh language has changed over a period of time. Can show how these figures compare to the Neath Port Talbot and Welsh averages.
- Data could include population, number of households, percentages/numbers of people who have different Welsh language skills/age profile of Welsh speakers. Any data provided will need to be fully sourced in order to enable verification. An explanation should be provided of what these profiles mean in respect of the language in the local community.
- Details of the existing amenities and facilities available in the local community and surrounding area (e.g. retail, community buildings/facilities, schools, sports and recreation/leisure, medical services).
- Details of current figures in respect of local school capacities (available from the Council's Education Department).
- Capacity in pre-school play groups and reception classes to accommodate additional Welsh and non Welsh speakers.

Section 4 - Consultation and Engagement

[This section should (i) list the local groups/organisations that have been consulted; and (ii) provide details of the feedback received].

Appendix C: . Welsh Language Action Plans

- Details on any local community groups and organisations operating in the local area and whether these operate in the medium of Welsh.
- List of local groups/organisations that have been consulted (e.g. Menter Iaith or other Welsh language organisations, Local Councillor, Community or Town Council).
- Details of the feedback received (this will help inform the specific package of measures required).

Section 5 - Mitigation (i.e. measures to protect, promote and enhance the Welsh language)

[Based on the analysis/assessment of the local community and from consultation responses from local groups and organisations, this section should outline the financial contributions that will be used to fund specific measures that have been identified to address the Welsh language needs of the development].

- Identify and justify the specific mitigation measures being proposed.
- What does the mitigation seek to achieve?
- How will the mitigation be delivered?
- What is the timescale for delivery? Will there be phasing?

For residential development:

- A financial contribution of **£500 per unit** will be sought. This figure will provide a package of mitigation measures over a 3 year period.

In respect of retail, commercial or industrial development:

- A financial contribution of £1,000 per person (to cover 3 years) will be required for front-line staff to follow courses to learn or improve their Welsh in order to ensure that a Welsh language service is provided; and
- £100 per person (to cover 3 years) for all staff to receive courses in awareness of the language, culture and heritage in order that they are aware of the needs of Welsh speakers.

Appendix D provides a list of possible schemes where S106 contributions could be spent. The suggestions are not exhaustive and should therefore be used as a guide rather than a fully comprehensive list of requirements.

Appendix C: . Welsh Language Action Plans

- Where the contributions are not met, a clear and justifiable reason for the departure will be required.

Section 6 - Conclusions

- Draw together the matters that have been discussed in the previous sections and offer appropriate conclusions.

Appendix C: . Welsh Language Action Plans

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

Appendix D: Potential Mitigation Measures

Activities to mitigate the linguistic impacts of a development within a Welsh Language Sensitive Area

This list is not exhaustive and should therefore be used as a guide rather than a fully, comprehensive list of requirements. It is the role of the WLAP to set the context and explain what measures will be undertaken to help protect, promote and enhance the Welsh language taking into consideration the proposed development and the local community.

Residential Development of 10 or more units

Set Measures:

- The signage and all aspects of the scheme's marketing should be bilingual; and
- A 'Welcome Pack' should be created placing the language in its context and setting out the local Welsh language provision.

[A] Pre-School Children

Support or create opportunities to ensure that parents can connect with Welsh positively through activities such as:

- Cylch Ti a fi (Mother and Toddler);
- Jamborees;
- Sessions for prospective parents;
- Sport Saturdays;
- Sessions to encourage use of the language by Welsh speakers;
- Mother and baby sessions;
- Welsh in the home sessions;
- Sessions in family groups.

[B] Primary Age Children

Support or create opportunities to ensure that children are able to use the language in informal settings such as:

- Homework clubs;

Appendix D: . Potential Mitigation Measures

- Swimming lessons;
- Soccer and rugby training;
- Local radio workshops;
- Special interest clubs such as minecraft, arduino;
- Jamborees;
- Lego clubs;
- Children's discos.

These opportunities would serve second-language children as well as those in Welsh language schools.

[C] Secondary School Age Children

Support or create opportunities to ensure that young people can socialise in or learn Welsh informally, through activities such as:

- Revision clubs;
- Youth Clubs;
- Guitar, piano, drums classes;
- Gigs.

[D] Adults

Support or create opportunities to ensure that adults can socialise in or learn or use Welsh informally through activities such as:

- Zumba lessons;
- Car repairs;
- Reading clubs;
- Bingo;
- Gigs;
- Organised walks;
- Coffee mornings.

Retail / Commercial / Industrial Developments which result in a net increase in floorspace of 1,000 sqm or more

Set Measures:

- Bilingual signs should be provided;
- When new staff are being appointed, the operator should consider the language skills of the applicants in order to provide a Welsh language service, especially in relation to front-line staff; and
- Structures should be in place to offer support to prepare signs, announcements etc.

[E] Front-line Staff / Employees

- Front line staff to follow courses to learn or improve their Welsh in order to ensure that a Welsh language service is provided;
- All staff to receive courses in awareness of the language, culture and heritage in order that they are aware of the needs of the Welsh speakers.

Appendix D: . Potential Mitigation Measures

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES

Appendix E: Contact Details

Development Management

[Main point of contact for all planning applications and for pre-application advice]

Steve Ball [Development Manager - Planning]

Tel: 01639 686727 / Email: s.ball@npt.gov.uk

Nicola Lake [Team Leader – East]

Tel: 01639 686737 / Email: n.lake@npt.gov.uk

Chris Davies [Team Leader – West]

Tel: 01639 686726 / Email: c.j.davies@npt.gov.uk

Simon Walford [Section 106 / SPG Officer]

Tel 01639 686445 / Email s.walford@npt.gov.uk

Planning Policy

[For queries relating to the LDP and Planning Policy]

Ceri Morris [Planning Policy Manager]

Tel: 01639 686320 / Email: c.morris1@npt.gov.uk

Lana Beynon [Planning Policy Team Leader]

Tel: 01639 686314 / Email: l.beynon@npt.gov.uk

Anne-Marie Hurley [Planning Officer]

Tel: 01639 686319 / Email: a.hurley@npt.gov.uk

Local Contact

Menter Iaith Castell-nedd Port Talbot: menter@micnpt.org

Appendix E: . Contact Details

Supplementary Planning Guidance: Development and the Welsh Language (July 2017) TRACKED CHANGES



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



Local Development Plan
Cynllun Datblygu Lleol

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration & Sustainable Development Cabinet Board

Report of the Head of Property & Regeneration S.Brennan

21 July 2017

MATTER FOR INFORMATION

**WARDS AFFECTED: Port Talbot, Aberavon, Sandfields East,
Sandfields West and Margam**

VIBRANT & VIABLE PLACES – PROGRESS REPORT

Purpose of Report

1. The purpose of this report is to update Members on the successful delivery of the Vibrant & Viable Places (VVP) Regeneration Programme for Port Talbot.

Background

2. The Council were successful in securing a Welsh Government grant allocation of £9,643,000 under the VVP Programme. The grant was awarded over a 3 year period from 2014/15 to 2016/17 and used in the delivery of a number of Regeneration projects in and around Port Talbot town centre. The grant underpins a Regeneration Programme of over £35 million investment in Port Talbot that will achieve transformational change in the appearance and function of the town centre and surrounding areas. The VVP funding has now ended and the Council and its partners are now engaged in successfully delivering the majority of projects within the Programme.

Programme Update

3. During the programme period the Council were successful in securing additional Welsh Government grant for the following projects:

Burrows Yard - £1,000,000

Aberafan House Development - £2,700,000

Housing Renewal Scheme- £450,000

4. The VVP allocation for the Plaza Cinema project was de-committed by the Welsh Government due to the delays in approving additional funding required via the Building for the Future programme.
5. The final grant award totalled £11,717,000. The Council has successfully claimed **£11,362,000** amounting to 97% of the grant approval.
6. The delivery of the Programme is being overseen by the Regeneration and Economic Development team.
7. A presentation will be made at the meeting on the progress of each of the projects and a summary is provided for information below:

Green Park Redevelopment: Contract works were completed in November 2017 and the site has been redeveloped by Coastal Housing to provide 34 residential units, including houses, bungalows and apartments, transforming the appearance of the area and meeting housing need. The £4.5m development has been named Rupert Hallows Court and is fully occupied.

Connections: Schemes have been completed for Harbour Walk and Green Park Riverside Phase1, as well as a new 'halfpenny, bridge. The schemes have created new pedestrian and cycling links between the town centre and the surrounding areas including Harbourside and Aberafan. Phase 2 of the Riverside scheme will commence later this month.

Fire Station Redevelopment: The redevelopment of the vacant former Fire Station adjacent to Green Park as an employability centre was completed in May 2016. Whilst the facility is currently being managed by New Sandfields Aberavon, however, due to ongoing issues surrounding NSA, this arrangement may be subject to review.

Burrows Yard: The site was acquired with the assistance of VVP grant in March 2015. The Council is currently working with Coastal Housing over the redevelopment proposals for the site.

Integrated Transport Hub: Works are currently underway on the redevelopment of the area in front of the Port Talbot Parkway Station for a new public transport hub and open space. The £5.6m project is being undertaken by Andrew Scott Ltd and will provide excellent public transport links for the town. The works will be completed in November this year.

Police Station Redevelopment: Demolition work is underway on the £4.5m redevelopment of the former Police Station. The project is being undertaken by Pobl and will provide 30 new apartments and new commercial floor space in the centre of the town. The project is programmed for completion in August 2018.

Aberafan House: Contract works commenced in February 2017 on the redevelopment of the vacant Aberafan House for 41 apartments. The £5m project is being delivered by Pobl in partnership with Hacer Developments and is scheduled for completion in February 2018.

Glan Afan School: Demolition work has commenced on the redevelopment of the former Glan Afan school site. The £7.2m project will provide 47 new homes and apartments together with commercial floor space. The façade of the former grammar school building fronting Station Road will be retained as part of the development.

Station Road Homes above shops: Pobl have decided not to progress with the Homes Above Shops schemes due to viability and risk concerns. The Welsh Government also had value for money concerns over the amount of grant required to fund the schemes. The VVP allocation for this project was therefore de-committed by the Welsh Government.

Housing Renewal: Over 300 properties have been improved in Port Talbot, Aberavon and Sandfields resulting in energy efficiency and improvements to the exteriors of the houses. Over £4.3m of match

funding was secured to deliver the improvements. Several local companies have been involved in the delivery of the scheme.

Houses to Homes: £600k of VVP loan funding has been drawn down to deliver the Houses to Homes initiative. The scheme offers loans to owner occupiers and the private rented sector to upgrade residential properties so that they are safe, warm, secure and habitable. To date 26 loans have been agreed or being processed.

Regeneration Community Benefits

8. Several of the projects are still in the process of being delivered. However, it is likely that the programme will meet and exceed many of the agreed outputs. Regeneration Community Benefits are being maximised through promoting the involvement of local contractors and ensuring that opportunities for training and apprenticeships are realised in the delivery of the projects. A number of small scale community projects were undertaken by contractors working on the projects.

The agreed project outputs for the programme are as follows:

Number of traineeships on the project	30
Number of Jobs accommodated (created or enabled through regeneration investment)	45.5
Number of households helped towards securing improvement in the energy performance of their homes	344
Number of jobs created in the construction sector as a result of Welsh Government regeneration investment	29
Gross Jobs Created	4
Additional infrastructure investment levered in through regeneration projects	16,167,000
Investment Induced (non VVP funding)	13,282,000

Number of Enterprises accommodated	9
Hectares of Land developed – employment	0.1
Hectares of Land developed – other	6.1
Business Premises created or refurbished (sq. m)	1280
Number of Additional social housing / affordable units delivered (Built or ready for Occupation - as a direct result of VVP support)	146
Number of empty homes brought back into use via action by local authorities	36
Estimated additional reduction in carbon emissions through regeneration investment (tonnes of CO2)	8000
Number completing employment related courses	71
Number gaining employment related qualification	32
Number of economically inactive employed on or engaged in the project	60
Number of trainees/apprentices retained	27
Number of Welsh SMEs successful in securing contracts	214
Value of contracts awarded to Welsh SMEs	23,376,000

9. The physical improvements being delivered by the programme are also transforming the appearance and function of the town centre and the surrounding areas.

Financial Implications

10. The VVP Programme is being delivered in partnership with a number of organisations and with funding from various sources amounting over £35 million. An allocation for match funding was included within the Council's capital programme to contribute to the delivery of the programme. Funding packages have been developed on an individual basis for each of the projects in the programme.

Equalities Impact Assessment

11. Screening Assessment has been undertaken to assist the Council in discharging its Public sector Duty under the Equality Act 2010. Screening of individual projects has been undertaken.

Workforce Impacts

12. There are no workforce impacts associated with this report.

Legal Impacts

13. There are no legal impacts associated with this report.

Risk Management

14. A risk management procedure has been developed and managed throughout the delivery of the programme. Regular risk management reports are prepared for VVP and monitored on a quarterly basis.

Consultation Outcome

15. There has been no requirement under the Constitution for external consultation on this item. Consultations have been held with key stakeholders on the development of the programme and individual projects. Regular public consultation events have been held throughout the delivery of the Programme.

Background Papers

16. Port Talbot Regeneration Strategic Outline Programme Stage 2 application

Officer Contact

17. Andrew Collins, Regeneration and Economic Development Manager
Email a.collins@npt.gov.uk
Tel. No. 01639 686416

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET
BOARD**

21 July 2017

REPORT OF HEAD OF LEGAL SERVICES

MATTER FOR DECISION

WARD AFFECTED: ALLTWEN AND RHOS

ALLEGED PUBLIC FOOTPATHS FROM:-

- (a) PEN YR ALLTWEN TO FOOTPATH NO.39.**
- (b) BRYN LLEWELLYN ALONGSIDE PEN YR ALLTWEN TO FOOTPATH NO. 36**
- (c) FOOTPATH 39 TO FOOTPATH NO.36 COMMUNITY OF CILYBEBYLL**

Purpose of the Report

- 1.1 To determine an outstanding application that alleges three public paths as public rights of way on foot.

Background

- 2.1 An application was submitted under the provisions of the Wildlife and Countryside Act 1981 in 2000 to recognise three paths as public rights of way as shown on the attached plan. The relevant extract from this Act is included in Appendix 1.
- 2.2 The path (a) above commences at the eastern end of Penyralltwen Park proceeds in a south westerly direction across an open field before joining footpath No. 39 via a broken fence. It is a worn grassy path

some 180 metres in length crossing footpath No. 36 at point B. This path is shown on the attached plan as a dotted line from point A to point D.

2.3 To second path (b) above comprises a route which commences on Bryn Llewellyn at point F before passing to the west of the ruins named Pen-Yr-Alltwen to join Footpath No. 36 at point H The path is overgrown and impenetrable.

2.4 The third path (c) above commences on footpath No. 39 at point D and proceeds north to join footpath no 36 at point E.

2.5 The registered public paths are also shown on the attached plan.

The Twenty Year Relevant Period

3.1 In 2000, twenty seven user evidence forms were forwarded in support of the applicant by individuals who also claimed to have walked these paths. Twenty one each stated they had been using these paths in excess of twenty years, the average being twenty six years.

3.2 Given the application has been based on user evidence, the principal claimant has to establish there has been a minimum period of twenty years uninterrupted use sufficient to show that these paths have been dedicated by the owners of the land. Section 31 of the Highways Act 1980 prescribes the principle of a presumed dedication by a landowner/s to the public. The relevant section being included in Appendix 2.

3.3 In order to assess which period of twenty years should be considered, it is necessary to establish when the existence of the alleged public path was called into question.

3.4 This can be identified by the action of a landowner whether by:

- a) the posting of notices on site specifically denying the existence of such a public path.
- b) the blocking of the way by placing a fence or locking or securing a gate across a path.
- c) making a statutory declaration under Section 31 to the Highways Act 1980 to this Council that no additional rights are recognised by

the landowner, other than any which are recorded in the Definitive Map and Statement.

- d) In addition the date of the application can count as the date of the calling into question

Land Ownership

- 4.1 The path between Points A and F passes over two registered titles and that between G and F under one of the above titles. An objection has been made by the two persons who hold the registered titles for most of the path A-F and who own all the path G-H.

User Evidence

- 5.1 Whilst twenty seven people originally supported this application only 12 currently reside at the addresses previously given in 2000. As part of the investigative process in 2002 all claimants were asked to provide additional information, and 15 responded. The evidence currently falls into three categories:
 - a) Those who are still resident at the addresses given in 2002. These comprise 12 persons, all of whom were interviewed in 2002
 - b) Those also interviewed in 2002 but are no longer resident, comprising 3 persons
 - c) Those who whilst providing user evidence forms were not interviewed in 2002, comprising 12 persons and no longer resident at the addresses provided in 2000
- 5.2 Given the time that has elapsed since the application was made, those still at the addresses given in 2000 were asked to contact this office to provide some additional information which would also establish if they wished to continue to support this application. Three letters were sent to each in August, October and December 2016, with only two people responding. In order to bring this matter to a conclusion the letter of December 2016 made it clear that unless a response was received within 28 days, it would be presumed those individuals no longer wished to support the application. Two responded with another two additional people who were not party to the original application, although in the

event, these last two persons had not made use of the two paths that were the subject of the original application.

- 5.3 The issue therefore is to decide whether a modification order can be made as set out in Appendix 1 under section 53(b) or Section 53(c). In the case of section 53(b) the Council has to concluded a public path does exists on the balance of probability. In the case of the Section 53(c) the test is less onerous, in that an order could be made upon the discovery of evidence which shows “(1) that a right of way which is not shown on the map and statement subsists on is reasonably alleged to subsist....”
- 5.4 In the case of “reasonably alleged to subsist” there evidently needs to be a reasonable amount of evidence of long term use by a good representation of the public. However for the landowner to persuade the Council not to make an order that landowner would have to provide sufficient evidence of a lack of intention to dedicate and to provide credible evidence that he or she had taken measures to inform the public that there was no intention to dedicate the path as a public right of way.
- 5.5 Whilst the initial application was well supported, and even though there are still 12 “claimants” living in the area, there are only two who can now be relied on to provide evidence. Whilst there is no statutory minimum number of witnesses required to justify making a modification order that number should realistically reflect the wider public use and demand for the path. The number should be sufficient to shift the burden of proof on to the landowner to have to demonstrate a lack of intention, as is being advocated by the landowner in this case. Two people can not realistically represent the wider public, particularly if required to attend a public inquiry where their evidence would be tested. Therefore it is difficult to justify making an order.
- 5.6 A summary of the evidence for each of the paths can be found in Appendix 3.

Recommendation

That no modification order be made for the three claimed public paths

Reasons for the Proposed Decision

In respect of path

- (a) The written evidence provides grounds for making a modification order under the test that it is “reasonable to allege a public path subsists” as set out in appendix 2. However only two people have stated that they wish to continue to support this application which is insufficient to justify making a modification order.
- (b) In addition to the lack of support set out above, it is also possible this path was called into question in either 1993 or 1996 which if correct would only leave one person who would claim to have used the path for the full 20 year period.
- (c) Only one person has said they are prepared to continue to support this alleged public path should this earlier period be found to represent the relevant period which again is insufficient to justify making a modification order.

Consultation

The item has been subject to extensive consultation

Appendices

Plan and appendices 1-3

List of Background Papers

M08/21

Officer Contact

Mr Iwan Davies:-Principal Solicitor – Litigation Tel No.01639 763151 E mail:i.g.davies@npt.gov.uk

APPENDIX 1

WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every Definitive Map and Statement, the Surveying Authority shall:
 - (a) as soon as reasonably practical after commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in Sub-Section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in Sub-Section 2 are as follows:
 - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period rises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A a byway open to all traffic;

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description or any other particulars contained in the map and statement require modification.

APPENDIX 2

HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 3

(a) Pen yr Alltwen to Footpath No.39

The path A-B-C-D

- 1.1 This is a field path, still in evidence from a site visit in August 2016. Taking into account those who were interviewed and in conjunction with their plans submitted with the user evidence forms, eleven said they have been making use of this path.
- 1.2 A site visit in 2002 highlighted the position of 2 barbed wire fences which had been placed at Point C. In addition it was seen that a ditch had been excavated along the southern field boundary both fence and ditch were created to prevent horses from escaping (Prior to the double fence it is alleged a stile had been in place at Point C). The exact date this work was done is unknown but a site survey undertaken in December 2000 identified a barbed wire fence at Point C. The application was made in October 2000, consequently it could be concluded the path's status was called into question in 2000 resulting in a relevant 20 year period of 1980 – 2000.
- 1.3 Of the eleven interviewed in 2002 two also agreed to meet in 2016. Eight of those originally interviewed have each said they have made use of this path throughout the entire relevant period, one of the claimants commenced later in 1986 the other in 1988 and the third person was not living in the United Kingdom between 1991 and 1996. Consequently there was good evidence this path has been in constant use for the minimum period required.
- 1.5 Five indicated it was a means of either their children or their children's friends walking to Alltwen to catch a bus to attend school in Pontardawe. Three said they also used this path to catch a bus from Alltwen to reach their place of works and four to walk their dogs. Four also specified it formed part of a longer walk, taken on weekends and evening for pleasure

Evidence against the Application

- 1.6 The land has been under different owners since the current agent has been managing the field from 1968. Statements have been submitted by that agent and the tenant who was occupying the land for 11 months of each year within the relevant period until 1998. Additionally, a local resident on also submitted a statement on behalf of that agent. Both the tenant and the local resident have stated they have turned people away if they were not walking along the registered public paths. If this is substantiated it would be evidence of the owners lack of intention to dedicate these paths by the tenant for 18 of the 20 year period. However none of those interviewed have said they were approached by the tenant, nor by the resident whose house overlooks the field. Thus there is no clear and unambiguous evidence to establish if people were turned away and so there is a conflict in the account between the two parties.
- 1.7 Secondly the agent has stated notices were installed at four separate locations, shown at points W, X, Y and Z on the plan. A photograph of the one positioned at Z reads "Private No Right of Way". It is not known when these were placed on site, although none were found during the site visit in December 2000. However the agent stated these four signs read "Private Land No Trespassing".
- 1.8 The notice which was in place at Point Y is at the beginning of footpath No. 36 where it joins Pen Yr Alltwen Park. So it would be a misleading notice given the public have the right to enter the land at this location. Secondly case law has established that a notice which reads "Private No Trespassing" has no effect on an alleged public footpath. A person who enters or remains on land without lawful authority commits trespass against the holder of the land. Lawful authority can be achieved in two basic ways, one of which is that the landowner provides permission to users to enter the land. There is no evidence the landowner ever gave that permission nor do any of the claimants say they have received permission. Secondly, lawful authority can be obtained to enter premises from long uninterrupted use whether that be under common law or

statutory law by applying the provisions of section 31 of the Highways Act 1980. It is under the latter that the application was made.

Conclusion

- 2.1 In terms of the evidence presented to the Council nothing has been provided by the landowners (past or present) which is irrefutable. No user concedes they were ever turned away and the reason the application was submitted appears to derive from the path being obstructed at Point C by the barbed wire fence, presumed to be in 2000. In other words until that point in time and according to the current evidence available, there is no clear and unambiguous evidence that the landowner/s had made it clear to the public that no such rights existed via the route A-B-C-D-E.
- 2.2 However whilst there are grounds for making an order under the test “reasonable to allege a path subsists” as set out in Appendix 2, there is virtually no continued support for this claim. One of the eleven has contacted this Council to say he is no longer interested, 4 are no longer at their previous addresses, and 4 have withdrawn their support by not responding, leaving only 2 persons upon whom this Council could rely. It is probable that the landowner would sustain their objection to this application should a modification order be made. It is likely that a public inquiry would have to be held to resolve the matter and therefore the user evidence tested at that inquiry. As explained in paragraph 5.5 above, two persons would not be considered adequate to reflect widespread public use of this path.

(2) Bryn Llewellyn to Footpath No.36 F - H

- 3.1 The 2000 application also identified this path linking Bryn Llewellyn Road to Footpath No. 36 passing to the western side of the ruin of Pen-Yr-Alltwen Farm.

The Relevant Period

3.2 Four persons who were interviewed in 2002 have all stated they have used this path for the whole of the relevant 20 year period ending in 2000. Another 3 persons quoted their use from 1986, 1988 and 1978 the latter whose use ceased in 1993 or 1996. Six gave no specific reason why they would use this path, but two said they would wish to walk this way when coming from an easterly direction as it enabled them to reach footpath No. 25 without having to walk uphill along Bryn Llewellyn from where footpath No. 36 meets that road at point W. Footpath No.25 is positioned virtually opposite the point the claimed path meets Bryn Llewellyn at point F. Both recalled a stile at point F1, which was removed and replaced by a mound of earth and barbed wire fence. One considered this occurred in between 1993 and 1996, the other was not specific. Both said this is the reason they stopped walking this path.

So basing the evidence on the two who are still in support of this claim it is possible that the relevant period ended in either 1993 or 1996.

In 2016 the path was inaccessible due to it being overgrown.(Point G marks the point at which another path passes to the east of the ruin which whilst referred to by some claimants was not part of the original application).

Evidence against the Application

3.3 As indicated previously in paragraph 6.7 the agent who acts for the owners of this land stated notices had been installed which read “Private Land No Trespassing” at Points W and X on the attached plan. The wording itself as previously mentioned has no effect on the alleged existence of this public path, it was not located at point F and in fact both notices were placed at the points of termini of the two currently registered public paths, numbered 36 and 49. The landowners objected to the application in 2000 but there is no evidence that they took any specific measures to inform the public that they did not wish to dedicate this path as a public right of way within the period 1980 – 2000. If a fence and mound of earth was placed across the path in either 1993 or

1996 this would set back the relevant period to possibly as early as 1973 – 1993.

- 3.4 Two of those in support indicated they stopped using this route when the gate and stile they identified as being at point F1 was removed and replaced by a barbed wire fence and mound of earth barring their way. Both stated this is the reasons they stopped using this path. One witness said this was either in 1993 or 1996, the other person did not respond to requests for further information. If this is correct the relevant period would be either 1973-1993 or 1976-1996. Only one person said they started using the path as early as 1976.

Conclusion

- 4.1 In the absence of further clarification from those 5 still resident at their previous addresses, it is not possible to establish the relevant period. Secondly whilst the notice referred to earlier would not count as a challenge to the existence of this alleged public path, the lack of continued support cannot justify making a modification order.

Recommendation

No modification order be made

(3) Footpath No.39 to Footpath No.36

E-C-D

- 5.1 This route was identified on the plans attached to the application form and supported by 10 people, 6 of whom were interviewed in 2002 and two again in 2016.
- 5.2 The path passes along the western side of the field and forms another route connecting footpath No. 39 to Footpath No. 36. Principal reasons for using this path was given by five people was to walk their dogs.
- 5.3 None of those 6 said they recall being approached by anyone and none of the notices referred to previously had been located close to point C or D .

5.4 There are four people who still reside at their addresses as provided in 2002 but only one responded to the three requests for further information. As already in this report one person upon whom this Council could rely is insufficient to make the modification order requested.

Conclusion

5.5 Given the lack of continued support no modification order can be justified.

A-B-C-D-F

#Mrs. S. Jones	1980-1991	1996-2000
#Mrs. Anne Jones	1978-2000	
#Mr. Vivian Jones	1978-2000	
#Mrs. J. Mapstone	1978-2000	
#Mr. J. Morris	1977-2000	
Mr. R. Daniel	1970-2000	
Mrs. R.H. Rees	1988-2000	
Mrs. Y. Griffiths	1986-2000	
#Mrs. E. Davies	1978-2000 rarely	
#Mr. Walsh	1980-2000	
#Mr. Llewellyn	1953-2000 (No longer supporting claim)	

6 Throughout 1980 to 2000

4 Less than 20 years

All the above interviewed

Still Resident

F-H

#Mrs. E. Davies	1978 – 1993/96 (ceased in 93/96 due to Wire Fence 1993/1996	
#Mr. V. Jones plan)	1978 – 2000	(only according to
#Mrs. Mapstone	1978 – 2000	
#Mrs. S.G. Vaughan	1975/76 – 2000	
Mr R. Daniel	1970 – 2000	
Mrs. R. Rees	1988 – 2000	
Mrs. J. Wheel	1986 – 2000	

Still resident and all the above were interviewed

E-C-D

Whilst Mr. Walsh had identified this FP on his original UEF on being interviewed in 2016 he was asked about any other routes and said he did not use this one.

#Mrs. E. Davies	1978-2006)	(Also Interviewed
2016)			
#Mrs. Vaughan	1975/6–2000)	
#Mrs. C.E. Thomas	1955–2000)	
#Mrs. G. Jones	1960–1964)	
	1967–1991)	
	1996-2000)	
Mr. G.W. Thomas	1970-2000)	

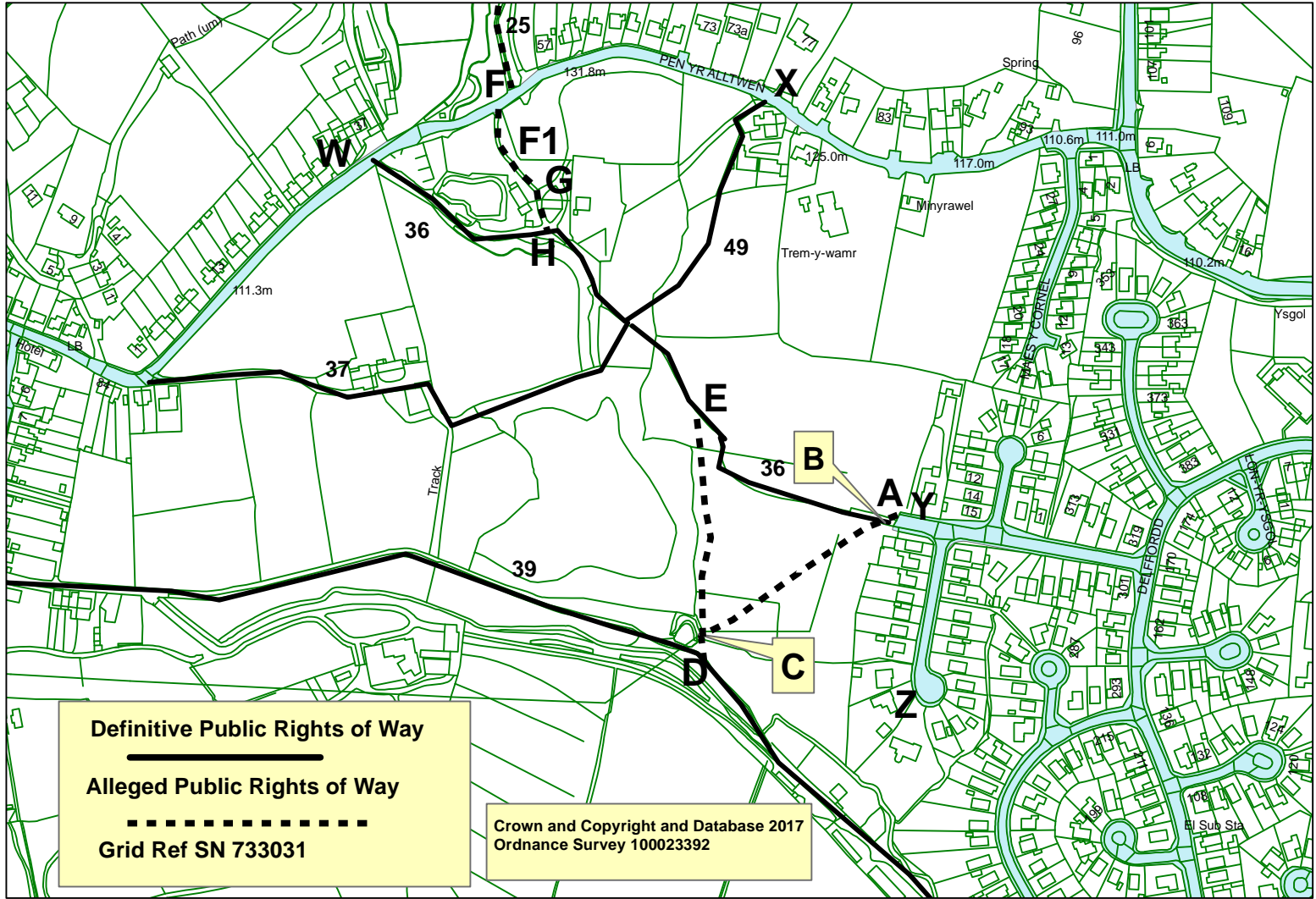
All the above 6 were interviewed in 2002 with Mrs Davies and Mr Walsh in 2016.

Mrs. M. Allen	1970-2000
Mr. R.P. Price	1973-2000
Mr. J.N. John	1975-2000
Mr. A. Davies	1930's-2000

Still resident

Reasons for use

To walk dogs – Vaughan, Jones, Mrs. Davies, Mr. G.W. Thomas and Mr. J.N. John



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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
REGNERATION AND SUSTAINABLE DEVELOPMENT CABINET
BOARD**

21 July 2017

**REPORT OF THE HEAD OF LEGAL SERVICES – DAVID MICHAEL
MATTER FOR DECISION**

**Application to upgrade the public footpath off Martyn's Avenue to a
Byway Open to all Traffic Community of Seven Sisters**

Purpose of the Report

To determine the application regarding the length of path between points A-B-C

Background

- 1.1 In February 2009 an application was submitted under the provisions of the Wildlife and Countryside Act 1981 (Appendix 1) to upgrade the path shown on the attached plan to a Byway Open to All Traffic. The basis of the claim is that there has been a continuous and minimum period of 20 years use to reflect a presumption that the way has been dedicated to the public (Appendix 2).

The definition of a Byway Open to All Traffic (BOAT) is a carriageway, being a right of way for mechanically propelled vehicles, but one which is used primarily as either a footpath and or bridleway, that is by walkers and horse riders. Consequently such ways would be regarded as rural or semi-rural in nature given they would be recorded in the Definitive Map and Statement rather than on the list of adopted streets and roads.

- 1.2 The application identified a route which was diverted in August 2003 and subsequently confirmed by the Welsh Ministers, via A1-B. Consequently, the route A-B has been altered and so the application in effect would upgrade the unaltered length between points B and C but add a new public highway where the previous footpath was positioned between points A-B
- 1.3 The application was supported by 12 persons all of whom live either in Church Road or Martyn's Avenue and allege an average of 36 years use.

- 1.4 Under the Natural Environment and Rural Communities Act 2006 no public byway can be created after the 16th November 2006. If any do exist, but have not been recorded immediately before this date, they are automatically extinguished. There are certain exemptions to this provision which have been listed in Appendix 3.
- 1.5 Irrespective of whether vehicular rights are shown to exist, this Council is also under an obligation to consider any evidence which shows the path to be of a lower status such as a bridleway or restricted byway. However no evidence has been submitted in this regard.

Validity of the Application

- 1.6 The applicant did not serve notice on all the landowners and accordingly did not comply with Schedule 14 of the Wildlife and Countryside Act 1981. Appendix 5 relates to non-compliance with the Act in respect of an application for a BOAT.
- 1.7 In addition the applicant would still have to identify which exemption to the automatic extinguishment of a BOAT applies as this Council cannot provide that advice. In the event, nothing has been forwarded in this regard.
- 1.8 The third issue is that all the supporters to this application live in the immediate locality, eight of whom live adjacent to this path. As such they cannot be considered to represent the public at large. They form a group for whom this route provides a useful route rather than a highway which would be used by people living further afield. This type of limited use may be said to be by a special user groups referred to in Appendix 4.
- 1.9 Whilst Sections 67(3)(a) and 67(5) of the 2006 Act concern the need of certain individuals to access their properties, in the case of the former, this application was made after the relevant date of 19th May 2005, and in the case of the latter, no public byway can be said to have been in existence prior to the commencement date of the 2006 Act being 16th November 2006.

Recommendation

No modification order be made for the route A-B-C

Reasons for the Decision

Primarily, that because none of the exemptions set out in Appendix 3 apply, then under the terms of Natural Environmental and Communities

Act 2006, no public byways can be created after the 16th November 2016.

In addition even if such an exemption could be found the application did not comply with the terms of the Wildlife and Countryside Act 1981.

Lastly that those in support of the application cannot be said to represent the public at large.

Consultation

This item has been subject to external consultation

Appendices

Plan and appendices 1- 5

List of Background Papers

M08/20

Officer Contact

Mr Iwan Davies – Principal Solicitor- Litigation
Tel No. 01639 763151 e mail:i.g.davies@npt.gov.uk

APPENDIX 1

WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every Definitive Map and Statement, the Surveying Authority shall:
 - (a) as soon as reasonably practical after commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in Sub-Section 3; and
 - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in Sub-Section 2 are as follows:
 - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period rises a presumption that the way has been dedicated as a public path or restricted byway;
 - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
 - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A a byway open to all traffic;

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description or any other particulars contained in the map and statement require modification.

APPENDIX 2

HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

APPENDIX 3

SUMMARY OF THE SEVEN EXCEPTIONS UNDER SUB-SECTION 67(2) UNDER THE PROVISIONS OF THE NERC ACT 2006

Sub-section 67.2 (a) excepts ways that have been lawfully used more by motor vehicles than by other users, for example, walkers, cyclists horse riders and horse drawn vehicles in the five years preceding commencement date (commencement date being November, 2006 in Wales). The intention here is to accept highways that are part of the ordinary roads network.

Sub-section 67.2 (b) excepts ways that are both recorded on the list of streets as being maintainable at public expense and are not recorded on the Definitive Map and Statement as rights of way. This is to exempt roads that do not have clear motor vehicular rights by virtue of official classification, but are generally regarded as being part of the ordinary roads network.

Sub-section 67.2 (c) excepts ways that have been expressly created or constructed for motor vehicles.

Sub-section 67.2 (d) excepts ways that have been created by the construction of a road intended to be used by mechanically propelled vehicles.

Sub-section 67.2 (e) excepts from extinguishment ways that had been in long use by mechanically propelled vehicles before 1930 when it first became an offence to drive off road.

Sub-section 67.3 (a) excepts from extinguishment ways that were the subject of an application prior to the relevant period (19th May 2005 in Wales), and 67.3 (b) either the Council had determined the claim or that a person who made the application needed to drive along the route to access land in which they had an interest.

Sub-section 67 (5) excepts from extinguishment ways where immediately before November 2006 the exercise of an existing byway was needed to enable a person to access land who had an interest in that land then the way becomes a private right of way.

APPENDIX 4

SPECIAL USER GROUPS

- (a) The Planning Inspectorate has produced advice on this matter in that they say there is no strict legal interpretation of the term 'public'. The dictionary definition being 'the people as a whole' or 'the community in general'. Arguably and sensibly that use should be by a number of people who together may be taken to represent the people as a whole/the community.

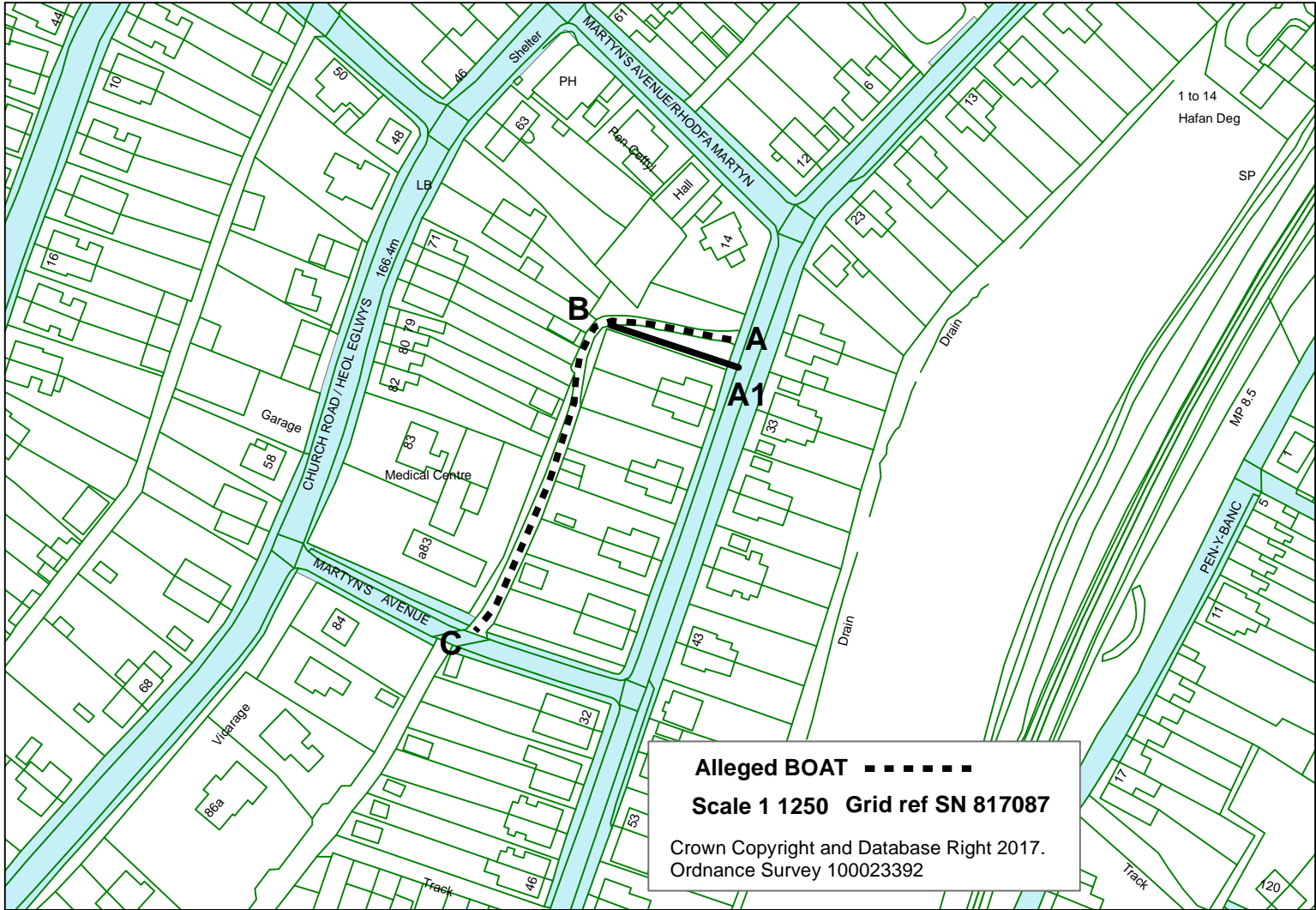
However, Coleridge L J in R -v- Residents of Southampton 1887 said that "use by the public' must not be taken in its widest sense - for it is a common knowledge that in many cases only the local residents ever use a particular road or bridge. Consequently, use wholly or largely by local people may be use by the public as depending on the circumstances of the case, that use could be by a number of people who may sensibly be taken to represent the local people as a whole/the local community".

- (b) In contrast to this view was the decision made by Lord Parke in Poole -v- Huskinson 1834 who concluded: "there may be dedication to the public for a limited purpose...but there can not be dedication to a limited part of the public". This case was quoted by an Inspector in 1997 appointed to consider an application to add a public bridleway to the Definitive Map for North Yorkshire County Council. Here the route had also been in use for 40 to 50 years. That Inspector concluded: "In the case before Lord Parke, residents of the same parish were held to constitute a limited part of the public and I therefore believe the inhabitants of the Parish of Cliffs should also be held to constitute a limited part". The Inspector refused to confirm the Order.

APPENDIX 5

In the case concerning the Trail Riders Fellowship and SSEFRA and Dorset County Council (2016) EWHC 2083 (Admin) an application was considered where reliance was being made on an exemption to the automatic extinguishment of a BOAT given that application had been made before the commencement date of the Natural Environment and Rural Communities Act 2006. However the Court found that the application was not compliant with Schedule 14 of the Wildlife and Countryside Act 1981 and rejected the application.

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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

Report of the Head of Corporate Strategy and Democratic Services - K.Jones

Matter for Information

Ward Affected: All

Officer Urgency Action 0370 re:
Alleged Public Footpath From Gardners Lane To Eaglesbush
Valley (A-B-C) And To Ynysmaerdy Road Via Cefn Coed Farm (B-
E-F) Communities Of Briton Ferry And Neath

Details of the above Urgency Action taken by the Head of Legal
Services in consultation with the requisite Members, was for
immediate implementation.

There is no call-in of this matter.

The report was dated 5 July 2017 and is attached below for
Members' Information.

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
REGENERATION AND SUSTAINABLE DEVELOPMENT
CABINET BOARD**

**URGENCY ACTION REPORT OF HEAD OF LEGAL SERVICES
– DAVID MICHAEL**

MATTER FOR DECISION

**WARDS AFFECTED: NEATH EAST AND BRITON FERRY
EAST**

**ALLEGED PUBLIC FOOTPATH FROM GARDNERS LANE TO
EAGLESBUSH VALLEY (A-B-C) AND TO YNYSMAERDY ROAD
VIA CEFN COED FARM (B-E-F) COMMUNITIES OF BRITON
FERRY AND NEATH**

Purpose of report

- 1.1 To decide this Council's position in respect of the modification order which has been made to recognise the paths C-B-E-F as a public right of way on foot shown on the plan attached to this report.

Background

- 2.1 On the 7th July 2016 this Board rejected the application that was made to register the paths shown on the attached plan as public rights of way on foot (A-B-C and B-E-F).
- 2.2 The applicant was served notice on this decision on the 13th July 2016 and exercised his right to appeal to the Welsh Ministers against this Council.
- 2.3 The appointed Inspector determined that appeal on the 7th February 2017 and allowed the appeal in part whilst dismissing the other part.
- 2.4 The Inspector considered the evidence and concluded a modification order could be justified whilst recognising there is a conflict of evidence between those members of the public in

support of the application and those members of the public who support the objection.

- 2.5 The Inspector did not conclude that a public path exists but that there was sufficient evidence to justify making a modification order. Once an order is made it is open to those who do not agree that a public path exists to object to the modification order. It is virtually certain objections will be made, in which case the conflict of evidence acknowledged to exist by the Inspector, can be tested at a public inquiry. The applicant and objectors with their both of their supporters can then provide their written and verbal submissions at that Inquiry. Thus implementing the decision as considered by the Court of Appeal in R v Secretary of State for Wales ex part Emery 1996 where it was acknowledged such a conflict of evidence can only be scrutinized in a public inquiry.
- 2.6 This Council has been directed by the Planning Inspectorate to make a modification order for the length of path C-B-E-F. The Inspector dismissed the appeal for the length of path A-B. It is noted that the principal landowners are likely to object to the order given their comments as shown in the previous report. (A copy of that report is appended.)

Consequently this Council needs to decide whether in the light of this appeal it wishes to either:-

- (a) Support the Modification Order
 - (b) Object to the Order
 - (c) Take a neutral position
- (a) To support the Order
To now support the order would contradict the Council's earlier decision. It will require the Council to actively promote the Order by compiling signed statements and encourage the authors of those statements to act as witnesses at any future inquiry. Ultimately we would be responsible for providing a bundle of evidence to establish such a public footpath exists.
- (b) To object to the Modification Order
To do so would also require compiling signed statements from those who support the objection and to collaborate with the landowners of Cefn Coed Farm who are the principle landowners and likely to object to the making of the order. Again the Council would be responsible for providing a

provide a bundle of evidence to show the path could not have been subject to the presumed dedication as claimed.

(c) To take a neutral position

If the Council decided it did not wish to object or promote the order it would result in the applicant and objector/s making their own representations. The Council would assist the Inspector at any public inquiry by providing the venue, advertising the date of the inquiry, make available all the documents which were considered when the matter was determined by the Board and provide any other facilities as necessary.

2.7 In October 2014 the Planning Inspectorate produced their own guidance on procedures for considering objections to modification orders. The Inspectorate acknowledged that some orders will be made by Local Authorities that they do not support and that in such circumstances they either take a neutral stance or object.

2.8 The applicant has asked to address the Board as he wishes the Council to now support the order. However he has been advised that there is no procedure for the public to speak at the Board and in any event it would not be equitable for one party to do so in the absence of the objectors also putting their case to the Board. The Council made its decision and has no obligation to alter its position. It has already acted in a quasi-judicial manner by considering the evidence, including the comments made by the opposing parties to that evidence. To allow the opposing parties to make their verbal representations at this stage risks interfering with that process, particularly if new evidence is introduced.

Conclusion

2.8 The Council having determined the application on the 7th July 2016, and therefore fulfilled its statutory obligation has no obligation to be actively involved in either promoting or objecting to the Modification Order it has now been told to make by the Planning Inspectorate order. It is therefore recommended that the Council take a neutral stance but assists the Inspector in facilitating an Inquiry in the event an objection is made to the order.

Recommendation

This Council informs the Planning Inspectorate it wishes to take a neutral stance in any subsequent Public Inquiry.

Reasons for the Decision

It is noted that the appeal was allowed and that the Authority have been directed to make a modification order. If there are objections to this order, it is reasonable and consistent with its previous decision, that this Authority take no further proactive part and only assist the Inspector at any subsequent public inquiry.

Consultation

The appeal decision was forwarded to all the local members and affected landowners.

Appendices

Plan

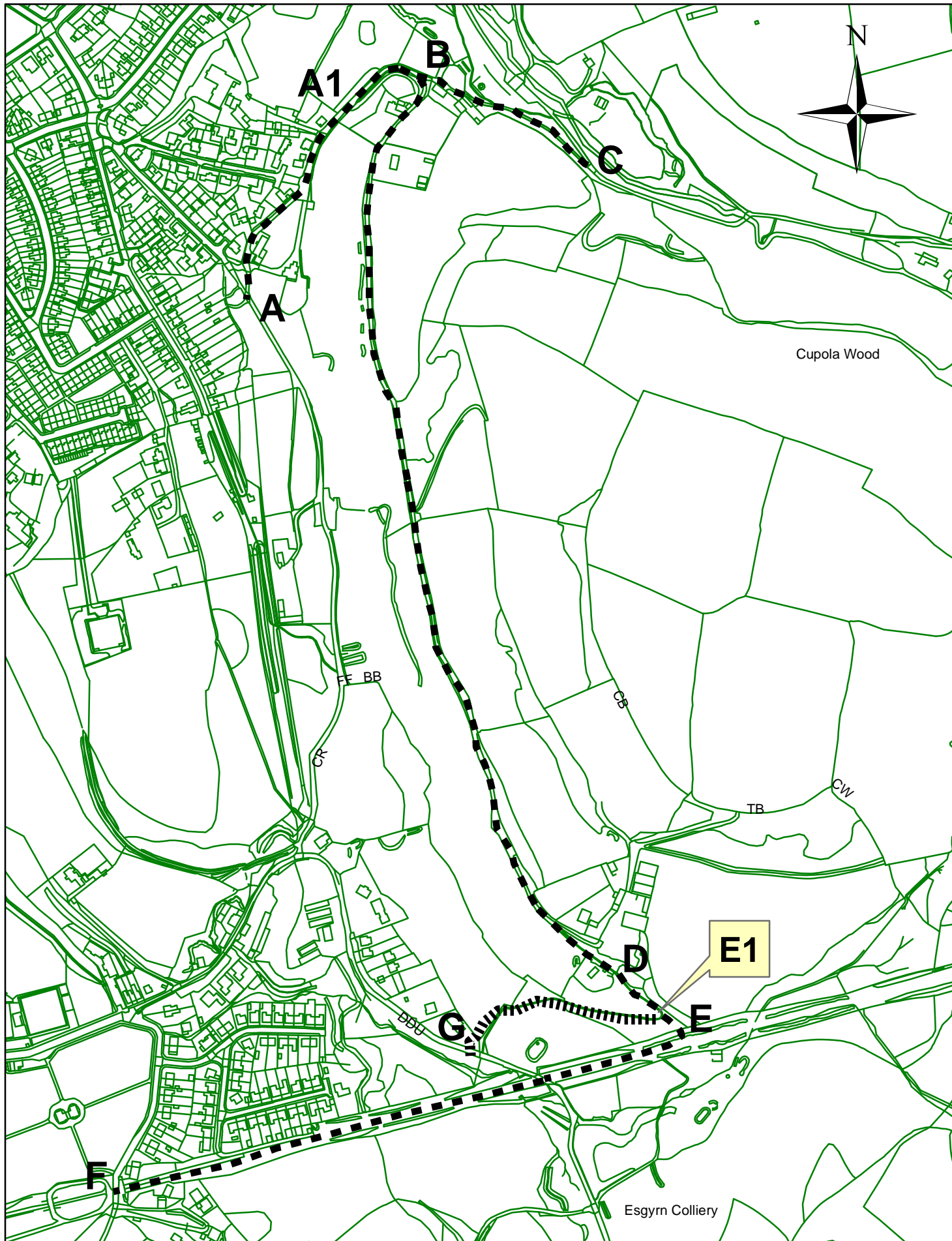
List of Background Papers

M08/23

Officer Contact

Mr Iwan Davies – Principal Solicitor – Litigation
Tel No. 01639 763151 Email:i.g.davies@npt.gov.uk

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Claimed Public Footpath
Grid Ref SS 749958
Scale 1 5000

Title
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 Ordnance Survey 100023392

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REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

2017/2018 FORWARD WORK PLAN (DRAFT)

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Community Safety & Public Protection Scrutiny Sub Committee	Contact Officer/ Head of Service
22 Sept 2017	Minutes of Community Safety & Public Protection Scrutiny Sub Committee from 27 July 2017	Monitor	Quarterly	27 July 2017	Scrutiny Officer/ Scrutiny Chair
	Quarter 1 Performance Monitoring (17/18) (Community Safety & Public Protection Data to Sub)	Monitor	Quarterly	19 Oct 2017	Shaun Davies
	Air Quality Progress Report	Decision	Annual	27 July 2017	Nicola Pearce
	Violence Against Women, Domestic Abuse & Sexual Violence (VAWDASV) (Final Draft)	Decision	Topical	27 July 2017 (Draft)	Karen Jones
	Community Cohesion Plan	Decision	Topical	27 July 2017	Karen Jones
	Employability (Workways)	Info		-	Simon Brennan
	SPG: Fabian Way Innovation Corridor (Post Consultation)	Decision	Topical	-	Nicola Pearce
	Biodiversity Duty Plan	Decision	Topical	-	Nicola Pearce
	Housing Renewal and Adaptation Service (HRAS) Financial Allocations 17/18	Decision	Annual	-	Angela Thomas/ Rob Davies
	Centenary Fields (Talbot Park)	Decision	Topical	-	Mike Roberts

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Community Safety & Public Protection Scrutiny Sub Committee	Contact Officer/ Head of Service
27 Oct 2017	PREVENT Plan	Decision	Topical	19 Oct 2017	Karen Jones
	Integrated Network Map (INM) (Post Consultation)	Decision	Topical	-	Nicola Pearce/ Lana Beynon
	Food and Feed Law Enforcement Performance	Info	Annual	19 Oct 2017	Nicola Pearce/ Mark Thomas
	Business Plans (Community Safety & Public Protection Elements to Sub)	Decision	Annual	19 Oct 2017	All
	LDP Annual Monitoring Report	Decision	Annual	-	Nicola Pearce

REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly, Monthly)	Community Safety & Public Protection Scrutiny Sub Committee	Contact Officer/ Head of Service
8 Dec 2017	Minutes of Community Safety & Public Protection Scrutiny Sub Committee from 19 Oct 2017	Monitor	Quarterly	-	Scrutiny Officer/ Scrutiny Chair
	Quarter 2 Performance Monitoring (17/18) (Community Safety & Public Protection Data to Sub)	Monitor	Quarterly	17 Jan 2018	Shaun Davies
	Neath Town Centre Regeneration Report	Decision/Info	Topical	-	Simon Brennan
	SPG (x2) (Pre Consultation): Biodiversity and Geodiversity; Landscape and Seascape	Decision	Topical	-	Nicola Pearce

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