



## **REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD**

***Immediately Following Scrutiny Committee on  
FRIDAY, 26 JANUARY 2018***

***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 8 December, 2017  
(Pages 3 - 10)

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

4. 2 x Supplementary Planning Guidance (Pages 11 - 148)
5. Environmental Health and Trading Standards Business Advice  
(Pages 149 - 154)
6. Planning Enforcement Charter (Pages 155 - 182)

### **To receive the Report of the Head of Property and Regeneration**

7. Aberavon Seafront Regeneration - Update (Pages 183 - 196)

8. Property Performance Report (*Pages 197 - 236*)
9. Forward Work Programme 2017/18 (*Pages 237 - 238*)
10. 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**

**19 January 2018**

**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 - 8 DECEMBER, 2017

### REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

#### **Cabinet Board Members:**

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

#### **Officers in Attendance:**

J. Davies and T.Davies

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#### 1. **APPOINTMENT OF CHAIRPERSON**

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

#### 2. **MINUTES OF THE PREVIOUS REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD HELD ON 27 OCTOBER, 2017**

Noted by the Committee.

#### 3. **MINUTES OF THE PREVIOUS COMMUNITY SAFETY AND PUBLIC PROTECTION SCRUTINY SUB COMMITTEE HELD ON 19 OCTOBER, 2017**

Noted by the Committee.

#### 4. **BIODIVERSITY DUTY PLAN**

#### **Decisions:**

1. That the Biodiversity Duty Plan as presented in Appendix 1 to the circulated report be agreed;

2. that the adoption and publication procedures as set out in the circulated report be implemented.

**Reason for Decisions:**

To ensure compliance with the requirements of the Environment (Wales) Act 2016.

**Implementation of Decisions:**

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

**Consultation:**

The Plan has been the subject of internal consultation and its final form reflects the outcome of that process.

5. **SKY LANTERN AND BALLOON POLICY**

**Decision:**

That the amended Policy for the release of Sky Lanterns and Balloons on Council Owned Land, as set out in Appendix 1 to the circulated report, be agreed.

**Reason for Decision:**

To ensure that the existing policy reflects more recent evidence on the impact from the release of balloons into the environment.

**Implementation of Decision:**

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

6. **QUARTER 2 PERFORMANCE MONITORING**

**Decision:**

That the monitoring report be noted.



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

**Decision:**

That the Forward Work Programme be noted.

8. **ACCESS TO MEETINGS**

**RESOLVED:** That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraphs 14 and 16 of Part 4 of Schedule 12A to the Local Government Act 1972.

9. **ARWELFA CARE HOME**

**Decision:**

That the recommended offer for the property previously known as Arwelfa Care Home, by A.H. and A.M., which represents market value for the property, be accepted.

**Reason for Decision:**

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

**Implementation of Decision:**

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

**Consultation:**

The Local Member for the Cymmer ward has been consulted and is generally supportive of the proposal to dispose of the former Arwelfa Care Home and Day Centre on the open market.

10. **DAN Y BRYN CARE HOME**

**Decision:**

That the offer from the Mount Elim Church for vacant land adjacent to the Dan Y Bryn Care Home, Pontardawe, as detailed in the private circulated report, be agreed.

**Reason for Decision:**

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

**Implementation of Decision:**

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

**Consultation:**

The Local Members for the Pontardawe ward have been consulted and are broadly supportive of the proposal.

11. **LAND AT EMPIRE AVENUE**

**Decision:**

That the Head Property and Regeneration be given delegated authority to agree terms for the disposal of the small sliver of land at Empire Avenue, as detailed in the private circulated report.

**Reason for Decision:**

To enable the council to obtain a financial consideration.

**Implementation of Decision:**

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

12. **GWAUN CAE GURWEN SCHOOL HOUSE**

**Decision:**

That the recommended offer for the former YGGD Gwaun Cae Gurwen School House, Gwaun Cae Gurwen, by W.J.P., which represents market value for the property, be accepted.

**Reason for Decision:**

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

**Implementation of Decision:**

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

**Consultation:**

The Local Member for the Gwaun Cae Gurwen ward has been consulted and is generally supportive of the disposal of the property on the open market.

13. **MIN YR AFON CARE HOME**

**Decision:**

That the Head of Property and Regeneration be given delegated authority to proceed with the disposal of the former Min Yr Afon Care Home, Cwmavon, Port Talbot, to the appropriate tender bid, as detailed in the private circulated report.

**Reason for Decision:**

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

**Implementation of Decision:**

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

**Consultation:**

The Local Members for the Bryn and Cwmavon ward have been consulted and are generally supportive of the proposal to dispose of the former Min Yr Afon Care Home on the open market.

14. **FORMER CROWN FOODS, CARNAUD METAL BOX**

**Decision:**

That the recommended offer to acquire the former Crown Foods, Carnaud Metal Box, as set out in the private circulated report, be approved.

**Reason for Decision:**

To enable the acquisition of the former Crown Foods, Carnaud Metal Box.

**Implementation of Decision:**

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

**Consultation:**

Local Ward Members have been consulted and are broadly supportive of the proposals.

15. **NEATH TOWN CENTRE REDEVELOPMENT**

**Decisions:**

That the Director of Environment be granted delegated authority to

- (a) formally notify Simons that it can no longer take the scheme forward with them as a partner, and legally terminate their relationship to the scheme;
- (b) proceed with the development of the retail scheme on the site of the former multi-storey car park, linking it to the existing Wilkos unit.

**Reason for Decisions:**

To ensure the successful continued redevelopment of Neath Town Centre and to formally end arrangements with the currently appointed developer.

**Implementation of Decisions:**

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

16. **PORT TALBOT PERIPHERAL DISTRIBUTOR ROAD, PHASE 2**

**Decision:**

That 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 31 March, 2018.

**Reason for Decision:**

To secure approval for the immediate 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.

17. **CWMLLYNFELL WELFARE HALL, GWYLIM ROAD, CWMLLYNFELL, PONTARDAWE**

**Decision:**

That the granting of the lease of the Neuadd Cwmllynfell Hall, Cwmllynfell, on the terms set out in the private circulated report, subject to the prior consent of the Coal Industry Social Welfare Organisation (CISWO) being obtained, be approved.

**Reason for Decision:**

To allow the Welfare Hall to continue to be used for the interest of the charity for the benefit of the local community.

**Implementation of Decision:**

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

18. **CIVIC MAINTENANCE**

**Decision:**

That the maintenance and repair of mechanical and electrical equipment and installations within civic centres and other office accommodation be transferred internally to the Neath Port Talbot County Borough Council's Building Services Department from 1 April 2018, be approved.

**Reason for Decision:**

To ensure that suitable arrangements are in place to ensure the continued maintenance and repair of mechanical and electrical equipment and installations within civic centres and other office accommodation.

**Implementation of Decision:**

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

**CHAIRPERSON**

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration and Sustainable Development Cabinet Board

26<sup>th</sup> January 2018

### 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 Landscape and Seascape Consultation Draft Supplementary Planning Guidance (SPG); the Biodiversity and Geodiversity Consultation Draft SPG; and the publication / consultation procedures to be implemented.**

#### Purpose of the Report

- 1 To consider and agree the *Consultation Draft* Landscape and Seascape SPG and the Biodiversity and Geodiversity SPG and the publication / consultation procedures to be implemented.

#### Executive Summary

- 2 The *draft* Landscape and Seascape SPG supplements LDP Strategic Policy SP14 (The Countryside and Undeveloped Coast) and detailed policies EN1 (The Undeveloped Coast), EN2 (Special Landscape Areas) and EN3 (Green Wedges). The document provides information and guidance setting out the expectations on all development proposals to protect and enhance all landscapes and seascapes within the County Borough.
- 3 The *draft* Biodiversity and Geodiversity SPG supplements LDP Strategic Policy SP15 (Biodiversity and Geodiversity) and detailed policies EN6 (Important Biodiversity and Geodiversity Sites) and EN7 (Important Natural Features). The document provides information and guidance setting out the expectations on all development proposals to protect, conserve, enhance and manage important habitats, species and sites of geological interest within the County Borough.

- 4 The report seeks endorsement of the *consultation draft* SPGs and the approval of the consultation arrangements.

## **Background**

- 5 The Council, at its meeting on the 27<sup>th</sup> 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. The preparation of the LDP was the subject of full statutory procedures.
- 6 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.
- 7 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.
- 8 SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

## **Landscape and Seascape SPG**

- 9 The Landscape and Seascape Consultation Draft SPG is presented in full in **Appendix 1**. The SPG supplements LDP Strategic Policy SP14 (The Countryside and Undeveloped Coast) and detailed policies EN1 (The Undeveloped Coast), EN2 (Special Landscape Areas) and EN3 (Green Wedges).
- 10 Adopting an approach to the protection of all areas of countryside where appropriate, the strategy seeks to conserve the County Borough's countryside, landscapes and areas of undeveloped coast.
- 11 The document outlines the variety of landscapes and seascapes relevant to Neath Port Talbot and guides those proposing and designing new developments to ensure that landscape and seascape are appropriately considered, protected and where feasible enhanced within any development proposal.



## **Biodiversity and Geodiversity SPG**

- 12 The Biodiversity and Geodiversity Consultation Draft SPG is presented in full in **Appendix 2**. The SPG supplements LDP Strategic Policy SP15 (Biodiversity and Geodiversity) and detailed policies EN6 (Important Biodiversity and Geodiversity Sites) and EN7 (Important Natural Features).
- 13 The strategy seeks to protect, conserve, enhance and manage the County Borough's important habitats, species and sites of geological interest.
- 14 The document outlines the variety of biodiversity and geodiversity features and interests within Neath Port Talbot and guides those proposing and designing new developments to ensure that biodiversity and geodiversity are appropriately considered, protected and where feasible enhanced within any development proposal.

## **Publication and Consultation Procedures**

- 15 The SPG consultation period will run for 6 weeks commencing in March. Representations received as a result of consultation will again be considered by this Cabinet Board, together with any amendments needed to the documents prior to final publication.
- 16 In order to raise awareness and facilitate a public / stakeholder consultation, the following will be undertaken:
  - The Council's website will provide all relevant information and documentation;
  - A notification letter will be sent to relevant stakeholders / organisations listed on the LDP database (i.e. reflecting those organisations that would have an interest);
  - Press releases will be issued (including use of social media); and
  - A Public Notice will be placed in the South Wales Evening Post.
- 17 In accordance with the Council's Welsh Language Standards Policy all publicity / communication will be bilingual and the Consultation Draft SPG will also be made available in Welsh.
- 18 The Consultation Draft SPG will 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.

### **Financial Impact**

- 19 The decisions will incur expenditure in relation to the publication and consultation procedures. These costs will be accommodated within existing budgets.

### **Strategic Environmental Assessment (SEA)**

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

### **Equality Impact Assessment**

- 21 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.
- 22 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.
- 23 Given that the SA of the LDP incorporated an EIA, and the fact that the 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**

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

### **Legal Impacts**

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

## **Risk Management**

26 There are no significant risks associated with this report.

## **Recommendation**

27 That having considered the report, it is resolved to make the following recommendations for approval:

1. The Landscape and Seascape SPG and Biodiversity and Geodiversity SPG as set out in Appendices 1 – 2 respectively are agreed as forming the basis for consultation.
2. The publication and consultation procedures as set out in the report are implemented.

## **Reasons for Proposed Decision**

28 The recommendations are needed to:

1. Ensure that clear guidance is issued by the Council in respect of Landscape and Seascape and Biodiversity and Geodiversity.
2. Ensure that a consultation exercise is undertaken so that the guidance carries full weight when planning applications and/or appeals are considered.

## **Implementation of Decision**

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

## **Appendices**

30 Appendix 1 – Landscape and Seascape SPG Consultation Draft (Jan'18).

31 Appendix 2 – Biodiversity and Geodiversity SPG Consultation Draft (Jan'18).

## **List of Background Papers**

### ***Legislation and Regulations:***

- 32 Planning and Compulsory Purchase Act 2004.
- 33 Well-Being of Future Generations (Wales) Act 2015.
- 34 Environment (Wales) Act 2016.
- 35 The Town and Country Planning (Local Development Plan) (Wales) Regulations 2015.
- 36 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.

***Planning Policy / Guidance:***

- 37 Neath Port Talbot CBC Local Development Plan (2011-2026) (Jan'16).
- 38 Planning Policy Wales Edition 9 (2016).
- 39 Technical Advice Notes (TANs).

**Officer Contact**

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

## **APPENDIX 1**

Landscape and Seascape SPG  
Consultation Draft (Jan'18)



Neath Port Talbot County Borough Council

# Local Development Plan 2011 - 2026

## Landscape and Seascape Supplementary Planning Guidance (Consultation Draft – January 2018)





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## Note to Reader

This note explains the purpose of the Supplementary Planning Guidance (SPG) and how to comment on the document. This note will not form part of the final published SPG.

### The Purpose of the Document

The Council, at its meeting on the 27<sup>th</sup> 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.

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.

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.

SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

### Landscape and Seascape SPG

The Landscape and Seascape SPG supplements LDP Strategic Policy SP14 (The Countryside and Undeveloped Coast), Policy EN1 (The Undeveloped Coast), Policy EN2 (Special Landscape Areas) and Policy EN3 (Green Wedges).

The document provides information and guidance setting out the expectations on all development proposals to protect and enhance all landscapes and seascapes within Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the relevant aims and objectives set out in the LDP.

### The Consultation / How to Make Comments

The consultation period will run for 6 weeks, **starting midday on [Date] and ending at midday on [Date]**.

Comments can be submitted:

Directly Online at: [www.npt.gov.uk/ldp/consultation](http://www.npt.gov.uk/ldp/consultation)

Alternatively:

## Note to Reader

By E-mail to: [ldp@npt.gov.uk](mailto:ldp@npt.gov.uk)

By Post to:

**Nicola Pearce**

**Head of Planning and Public Protection,**

**Neath Port Talbot County Borough Council,**

**The Quays,**

**Brunel Way,**

**Baglan Energy Park,**

**Neath,**

**SA11 2GG.**

Comments via e-mail or post will need to be submitted using the 'SPG Representation Form'. Copies of the form are available on request or an editable version is available to download from the Council's website: [www.npt.gov.uk/ldp](http://www.npt.gov.uk/ldp)

**The deadline for comments is midday on [Date]. Comments received after the deadline will not be accepted.**

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](mailto:ldp@npt.gov.uk) or **[01639] 686821**.

## 1 Introduction

**1.0.1** This Supplementary Planning Guidance (SPG) provides information and guidance setting out the expectations on all development proposals to protect and enhance all landscapes and seascapes.

**1.0.2** The document outlines the variety of landscapes and seascapes relevant to Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the objectives set out in the Local Development Plan (LDP).

**1.0.3** The Council's planning policy is set out in the Neath Port Talbot LDP<sup>(1)</sup>, namely Strategic Policy SP14 (The Countryside and the Undeveloped Coast) and detailed policies EN1 (The Undeveloped Coast), EN2 (Special Landscape Areas) and EN3 (Green Wedges). This SPG should be read in the context of these policies and the associated explanatory text.

**1.0.4** The planning system is an important means by which, in relation to land use, the conservation and enhancement of landscapes and seascapes of the County Borough and beyond can be achieved through managing the location and appearance of new development. This is fully supported by planning policy and legislative requirements.

**1.0.5** It is therefore important to address such issues as part of the process of dealing with planning applications submitted to the Planning Authority, as failure to do so may result in applications being refused or delayed.

### Purpose of the SPG

**1.0.6** The purpose of the SPG therefore is to assist and guide those proposing and designing new developments and submitting a planning application, to ensure that landscape and seascape are appropriately considered, protected and where feasible enhanced within any development proposal. The document does so by supplementing the policies set out in the LDP, by providing more detailed guidance and by setting planning policy within the broader context of other environmental legislation and designations.

### Structure and Content

**1.0.7** The SPG addresses the following:

- An introduction to the landscapes and seascapes of the local area;
- Background information on relevant landscape and seascape related legislation, designations and guidance;

# 1. Introduction

- The role of the planning system, expanding on the detail of national and local planning policy;
- An explanation of how landscape and seascape considerations are dealt with in the planning process; and
- How the implementation and compliance with this SPG will be monitored.

### 2 The Landscapes and Seascapes of Neath Port Talbot

#### Landscape

**2.0.1** The term *landscape* is applied to a range of different concepts, but in planning and land-use terms is generally understood to mean all the visible features of an area of land, often considered in terms of overall appearance, although other sensory aspects are also relevant.

**2.0.2** The European Landscape Convention gives a definition of *landscape* as "...an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors".



Rheola Estate

#### The Landscape of Neath Port Talbot

**2.0.3** Neath Port Talbot has a wide range of landscape types, forms and features incorporating a number of entirely different character types. The area ranges in height from sea level at Swansea Bay to about 600m Above Ordnance Datum (AOD) near Glynneath. From the coastal plain, the land rises dramatically to over 200m AOD along the scarp slope that provides the backdrop to the more densely developed coastal belt. Behind, the majority of the County Borough is between 250-600m AOD, giving it an upland or semi-upland character.

## 2. The Landscapes and Seascapes of Neath Port Talbot

**2.0.4** The plateau areas are deeply incised by five main river valleys, formed as a result of geological faulting and glacial erosion, which drain in a generally south westerly direction towards the coast. Each valley has its own distinct character, varying from deep and steep sided to shallower and more meandering as they reach the coast, with estuaries associated with the rivers Neath, Afan and Kenfig. Much of the undeveloped coastline retains extensive dune systems, but these have been broken up by areas of development elsewhere.

**2.0.5** Some 43% of the County Borough is forested, much of it extensive upland plantations, while the main agricultural activity is pasture, with extensive grazing on the upland commons, with limited arable production mostly confined to the extreme south of the area around Margam. Mining and heavy industry has had a major impact in the past, with steel making, opencast mining and quarrying still continuing. Canals, docks, railways and major road routes tend to be concentrated along the coastal belt. The settlement pattern reflects this historic emphasis, with major centres of population being concentrated along the coast.

**2.0.6** The following resources and publications give more information and guidance about local landscape character.

### **LANDMAP**

**2.0.7** LANDMAP (Landscape Assessment and Decision Making Process) is an all-Wales landscape resource developed by the Countryside Council for Wales [now Natural Resources Wales (NRW)] where landscape characteristics, qualities and influences on the landscape are recorded and evaluated. LANDMAP is intended to help sustainable decision-making and natural resource planning at a range of levels from local to national while ensuring transparency in decision-making.

**2.0.8** The process uses five nationally consistent, quality assured spatial datasets:

- Geological Landscape;
- Landscape Habitats;
- Visual and Sensory aspects;
- Historic Landscape; and
- Cultural Landscape.

**2.0.9** LANDMAP aims to map and classify landscapes from the unique perspective of each dataset, describing their key characteristics, qualities and components and evaluating their importance. The process also includes making recommendations for locally appropriate management guidelines and the identification of significant landscape change through monitoring of the baseline resource.



**2.0.10** More information on LANDMAP, including updated datasets, guidance on use of the resource and a fully interactive map covering all of Wales is available on the NRW Website<sup>(2)</sup>.

### ***Neath Port Talbot LANDMAP Landscape Assessment (2004)***<sup>(3)</sup>

**2.0.11** The NPT LANDMAP Assessment was commissioned by NPTCBC and CCW (now NRW) and was completed and published in late 2004. The Assessment provided detailed analysis of the landscapes of all areas of the County Borough, generated evaluated aspect areas for the LANDMAP datasets and included contextual information on landscape form and function. Included within the Assessment were a public perception study and a full landscape assessment bringing together all the evaluated aspect information and derived landscape character areas.

**2.0.12** Although there have been some changes affecting some of the aspect areas since the Assessment was completed (resulting from new developments and changes in forestry and agricultural land management practices etc.), these have had a relatively minor impact on the overall landscape character within the County Borough and the NPT LANDMAP Assessment remains a useful resource to help inform the evaluation of landscape impacts of proposals.

**2.0.13** The first part of the final report outlines the main characteristics of the landscape within NPT under each aspect heading and contains summary maps for each aspect. The second part describes and evaluates each landscape character area in detail.

**2.0.14** The NPT LANDMAP Landscape Assessment is available as a supporting document to this SPG<sup>(4)</sup>.

### ***Natural Resources Wales National Landscape Character Areas***

**2.0.15** National Landscape Character Areas (NLCAs) have been defined at a broad landscape scale throughout Wales by Natural Resources Wales (NRW). Using LANDMAP data, 48 NLCAs have been identified across Wales with descriptive profiles highlighting what distinguishes one landscape from another, with reference to their regionally distinct natural, cultural and perceptual characteristics.

**2.0.16** Neath Port Talbot falls within two of the NLCAs, NLCA 37: South Wales Valleys and NLCA 38: Swansea Bay. The full landscape descriptions for these two NLCAs are available on the NRW website<sup>(5)</sup>.

### ***NPT Landscape Advice Report (2011)***<sup>(6)</sup>

2 <https://naturalresources.wales/LANDMAP>

3 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants - December 2004).

4 Available on the Council's website: [www.npt.gov.uk](http://www.npt.gov.uk)

5 <https://naturalresources.wales/evidence-and-data/maps/nlca/?lang=en>

6 Provision of Landscape Advice (TACP - June 2011).



## 2. The Landscapes and Seascapes of Neath Port Talbot

**2.0.17** The Landscape Advice Report was commissioned by NPTCBC in order to provide background and evidence based information for the preparation of the LDP. The report covered four main issues:

1. The identification of areas of countryside where coal, aggregates and stone extraction would not be acceptable;
2. The identification of areas of countryside as Special Landscape Areas (SLAs), with justification;
3. The assessment of existing areas designated as Green Wedges in the former Unitary Development Plan (UDP), with recommendations for amendments and new areas as appropriate; and
4. The assessment of the appropriate distance for mineral buffer zones around settlements or designated landscape features that should be protected.

**2.0.18** In relation to issue 1, the report recommended refinements to the TAN8<sup>(7)</sup> Strategic Search Areas (SSAs) to define the areas considered most appropriate for wind farm developments. The refined SSAs were subsequently discussed and evaluated through the LDP Examination in Public process and finalised in the adopted LDP. Similarly, recommendations were made in relation to areas considered inappropriate for mineral extraction, which informed the LDP process.

**2.0.19** The study also included detailed analysis using LANDMAP data in order to identify areas appropriate for designation as SLAs (issue 2) and set out the primary landscape qualities and features and key policy and management issues for each identified area. In relation to the Green Wedges (issue 3), the pre-existing UDP Green Wedges were taken as a starting point and recommendations for amendments made following detailed analysis and ground truthing, which informed the final boundaries adopted through the LDP process.

**2.0.20** Mineral buffer zones (issue 4) were approached similarly, with recommendations made that were implemented through inclusion within the adopted LDP.

**2.0.21** The Landscape Advice Report is available as a supporting document to this SPG<sup>(8)</sup>.

### Seascape

**2.0.22** *Seascape* is a less widely used term than landscape, but it embodies similar concepts of character and visual resource. Seascape is defined in the UK Marine Policy Statement as "*Landscapes with views of the coast or seas, and coasts and adjacent marine environment with cultural, historical and archaeological links with each other.*" The definition put forward in the Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment

7 PPW Technical Advice Note 8: Planning for Renewable Energy (Welsh Government - July 2005).

8 Available on the Council's website: [www.npt.gov.uk](http://www.npt.gov.uk)

## 2 . The Landscapes and Seascapes of Neath Port Talbot

follows the European Landscape Convention landscape definition more closely: *"an area of sea, coastline and land, as perceived by people, whose character results from the actions and interactions of land and sea, by natural and/or human factors"*.

**2.0.23** Proposals for developments below the mean low water mark are generally outside the control of the planning system, and a range of additional controls apply to land between high and low water mark. All developments in coastal areas however can have a significant effect on the wider seascape and all such effects will need to be fully taken into consideration.



Baglan Bay

### The Seascape of Neath Port Talbot

**2.0.24** The coastline of Neath Port Talbot stretches from the River Kenfig in the south to the administrative boundary with Swansea at the University Bay Campus. The coastline encompasses areas of beach, sand dunes, river estuaries and more formal promenades as well as residential areas, dockland and industrial sites, most notably the Tata steelworks. The seascape when seen from the County Borough includes views across Swansea Bay to Mumbles Head, the Devon coastline and the Welsh coast to the south.

**2.0.25** The dunes at Crymlyn Burrows and at Kenfig (adjacent to the County Borough boundary) are designated as Sites of Special Scientific Interest (SSSI), with Kenfig pool, dunes and beach to the south also being a National Nature Reserve (NNR) and Special Area of Conservation (SAC).

**2.0.26** Significant coastal activities within the County Borough include commercial shipping using the wharfs on the River Neath, Port Talbot docks and the deep water harbour; sea fishing; and coastal recreation, especially at Aberafan Beach and some leisure boating from the River Afan and from Monkstone Marina on the River Neath.

### ***Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment***

## 2. The Landscapes and Seascapes of Neath Port Talbot

**2.0.27** The Local Seascape Character Assessment was commissioned by the Local Authorities in the study area, together with Natural Resources Wales (NRW). The assessment is intended to form part of the national dataset in accordance with national seascape guidance. The study area stretches from Carmarthen Bay in the west through to Porthcawl in the south east, and seawards as far as the limit of territorial waters.

**2.0.28** The study defines Seascape Character Areas (SCAs) within the structure of National Marine Character Areas (MCAs) established at the national level by the National Seascape Assessment for Wales. Full details of the methodology used is set out in the Local Seascape Character Assessment<sup>(9)</sup>.

**2.0.29** Each Seascape Character Area is described, with key characteristics, natural and cultural influences set out and aesthetic, perceptual and experiential qualities given.

### 3 Evaluating the Impacts of Change and Development



Vale of Neath

#### 3.1 Impacts on Landscapes and Seascapes

**3.1.1** Key impacts on landscape character include not only new development and its location, siting, design and construction impacts, but also changes in land and property management (e.g. tree felling or loss of traditional management practices such as the introduction of larger field sizes), and increasing recreational activity.

**3.1.2** Changes that can significantly affect the landscape include direct physical changes that are an immediate direct consequence of a development; indirect changes that may result from complex interactions that may be delayed or off-site (e.g. changes in drainage altering vegetation cover, new associated infrastructure such as gardens, car parks and access roads); or cumulative changes resulting from a new development combined with other developments, arising from intervisibility or other combined effects (e.g. erosion of a setting or urban encroachment).

**3.1.3** The significance and acceptability of these impacts will vary according to landscape sensitivity and condition, and the nature of the development, including the scope for mitigation in character with the existing landscape. Sensitivity includes reference to the expectations and proximity of visual receptors including user groups such as walkers, cyclists, passengers on public transport, visitors and local residents, as well as existing land-use, the pattern and scale of the landscape and degree of openness.

**3.1.4** Development may have positive as well as negative impacts. Indeed, an important part of landscape protection may be its enhancement where its character has been eroded or lost by existing development (including large scale pylons and overhead electricity



## 3. Evaluating the Impacts of Change and Development

distribution and transmission wires). Development brings regeneration opportunities of both landscape character restoration, including reinforcement of what is left, and creation of new character. It should be noted that even small enhancements may have a much bigger effect when considered cumulatively, beyond the individual development.

**3.1.5** Opportunities to enhance landscape character and minimise negative impacts should be addressed through the development location and design process. They may be secured by planning conditions (e.g. maintenance and management) or obligations where necessary. Possible measures include:

- Re-use or use of traditional building forms, styles and materials;
- Rationalisation of signage and other intrusive ‘clutter’;
- Retention and restoration of key landscape features or details within the development (e.g. walls, hedgerows, trees etc.);
- Careful consideration given to fitting the development into the landscape including attention to contours, textures, variety and general visual impact (both during the day and at night) in the siting, scale and form of development; and
- Use of mitigation measures such as screening, and boundary/transition treatment to ensure integration with the existing landscape character.

### 3.2 Landscape and Visual Impact Assessment

**3.2.1** Landscape and Visual Impact Assessment (LVIA) will often 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 landscape or seascape impact from a proposal. Impacts on skylines, views and panoramas will be important considerations and these impacts should be identified in relation to significant receptors (local residents or communities) as well as the wider landscape/seascape generally.

**3.2.2** LVIA should 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, together with cumulative impacts. The LVIA will need to be proportionate to the scale and nature of the proposed development.

**3.2.3** 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.

### Visualisation

**3.2.4** 'Visualisation' of the appearance of a proposal can help in the assessment of its landscape impact. This can include plans, elevations and sections; sketches; annotated photographs; wirelines; augmented reality; photomontages; or 3-D simulations etc. The type of visualisation that is appropriate will depend on its intended use, the anticipated users, the sensitivity of the visual receptors (including visual context) and the likely effect of the development in terms of its 'size and scale', 'geographic extent' and 'duration and reversibility' ('magnitude').

**3.2.5** Further advice on Landscape and Visual Impact Assessment is available in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)<sup>(10)</sup>. More specific advice on the use of visualisation techniques is available from the Landscape Institute<sup>(11)</sup>.

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

11 [Technical Guidance Note 02/17 Visual Representation of Development Proposals \(Landscape Institute 2017\)](#)

### 4 Policy Context

**4.0.1** The following legislation, policy and guidance documents set the key policy context for landscape and seascape issues in Neath Port Talbot.

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

**4.0.2** The Well-Being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. In carrying out this duty, actions which public bodies must take include:

- Setting and publishing objectives ('well-being objectives') that are designed to maximise its contribution to achieving each of the well-being goals; and
- Taking all reasonable steps (in exercising its functions) to meet those objectives.

**4.0.3** The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. In relation to landscape and seascape matters, the most relevant well-being goal is the achievement of 'a resilient Wales', which would include the need to conserve and enhance statutorily designated areas, the countryside and the undeveloped coast and the conservation of biodiversity, habitats and landscapes.

#### **Planning Policy Wales (PPW) (Edition 9)**

**4.0.4** PPW gives more detailed advice in relation to planning matters. In respect of landscape and seascape it stresses throughout that conservation of biodiversity and landscape should be promoted and taken into account in all development decisions and development plans and that the undeveloped coastline should be protected or enhanced.

**4.0.5** It is stated that non-statutory designations such as Special Landscape Areas should be soundly based on a formal scientific assessment of the nature conservation, landscape or geological value of the site. Such designations should be applied to areas of substantive conservation value where there is good reason to believe that normal planning policies cannot provide the necessary protection.

**4.0.6** The policy relating to green wedges is set out including the purposes of the designation (limited essentially to preventing coalescence and managing urban form and setting), the methods to be used in defining such areas and the definition of types of development that are inappropriate within them.

#### **The Lavernock Point to St Ann's Head Shoreline Management Plan (SMP2)**

**4.0.7** SMP2 provides a large-scale assessment of the risks associated with coastal erosion and flooding along the coast and estuaries along the south coast of Wales. It defines high level policies to help manage these risks to people and to the developed, historic and natural environment in a sustainable manner.

**4.0.8** The coastline is divided into policy units and appropriate ways of managing coastal protection are identified for each unit, for the short, medium and long term periods. Most of Neath Port Talbot's coastline is to be defended as at present ('hold the existing defence line') for all three time periods, with areas of dunes at Crymlyn Burrows and Baglan Bay being identified for 'managed realignment' (i.e. allowing the shoreline to move backwards or forwards, with management to control or limit movement) over all three time periods.

### **Neath Port Talbot Local Development Plan (LDP) (2011 - 2026)**

**4.0.9** The LDP sets the local planning policy framework for landscape and seascape matters. Policy SP14 is the strategic policy setting the context for the detailed policies and seeks to protect and enhance the countryside and undeveloped coast, landscapes, seascapes and agricultural land. Detailed policies EN1, EN2 and EN3 are of particular relevance to landscape and seascape issues, while policies EN4 and EN5 deal with the management of development proposals in the countryside (and therefore also have a potential influence on landscape/seascape matters).

**4.0.10** Other policies that may affect landscape and seascape issues include SC1 which restricts the types of developments allowed outside defined settlement limits, EN7 which seeks to protect important natural features including trees and hedgerows etc, RE1 which sets out policy for wind farms and other types of renewable and low carbon energy development including the approach within Strategic Search Areas (SSAs), and BE1 which sets out requirements for the design of developments, including effects on landscapes and arterial 'gateways' to the County Borough among other issues. Further information on these matters is available in the Renewable and Low Carbon Energy SPG and Design SPG.

**4.0.11** The full NPT LDP and the adopted SPG documents are available online<sup>(12)</sup> and the relevant policies are reproduced in Appendix A and are covered in detail in Section 5 below.



### 5 Landscape Policy Implementation

#### 5.1 Landscape in the Design Process

**5.1.1** Outside settlements, an understanding of landscape character should be a starting point in the design process for any development. The development layout, form and detailed design should respond to the landscape and should seek to enhance it where possible. Under most circumstances, proposals that would have a significant negative landscape impact will be resisted.

**5.1.2** Detailed landscape character area assessments for all parts of the County Borough are provided in the NPT LANDMAP Landscape Assessment<sup>(13)</sup>. Developers should assess the impact of their development in relation to the attributes of the character area in which it is to be sited and in relation to any other character area bounding the site or from which it will be visible.

**5.1.3** Sites that may be prominent from neighbouring authority areas should be assessed in relation to the equivalent appropriate landscape assessments. Views from within the Brecon Beacons National Park are likely to be particularly sensitive, and developments that would be visible from the national park will need to ensure that any adverse effects are avoided or minimised. In all cases it should be demonstrated how the relevant landscape considerations have been responded to and have informed the overall development design. Further advice on design matters is available from the Design SPG on the Council's website<sup>(14)</sup>.

**5.1.4** Within designated SLAs (Policy EN2) and Green Wedges (Policy EN3), the special considerations applying to the designations will be applied in addition to the above matters. Further information is given below.

#### 5.2 Policy Implementation

##### LDP Policy SC1: Settlement Limits

**5.2.1** All proposed developments have the potential to have an impact on the wider landscape, although in practice the majority of smaller scale proposals within urban areas or existing settlements are likely to have a negligible effect. Development outside the settlement limits defined in the LDP and therefore in the open countryside is more strictly controlled than within settlements, but the types of development set out in **LDP Policy SC1** may be permitted, subject to the provision in the policy: *'Where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form'* (refer to Appendix A for relevant LDP policies).

**5.2.2** The requirement to be *of an appropriate scale and form* relates to the visual impact of proposals in the countryside, including impacts on the wider landscape. In order to ensure that developments comply, it will be necessary to make an assessment of the local landscape character, the site and the proposed building design and to show that the new building(s)

13 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants - December 2004).

14 [www.npt.gov.uk](http://www.npt.gov.uk)

have been sited in the most appropriate position and have been designed with their landscape impact in mind. LANDMAP information will be useful to define the local landscape character, together where appropriate with a design and access statement commensurate with the size and nature of the proposal. Further information and advice on these matters is available from Planning Policy Wales (PPW), Technical Advice Note 12 (Design) and the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)<sup>(15)</sup>.

**5.2.3** LDP policies that relate to specific types of development that are common in the open countryside / outside settlement limits are EN4 (Replacement Dwellings in the Countryside) and EN5 (Conversion and Extension of Existing Buildings in the Countryside). Both policies include criteria about the scale and appearance of development and require proposals to be of a scale and design that will not have adverse visual impacts. These policies are reproduced in Appendix A.

**5.2.4** Many of the more significant types of development proposals affecting the landscape will require Environmental Impact Assessment (EIA), and an important part of this will be the assessment of landscape impacts, usually using GLVIA methodology. Such developments include in particular mineral extraction and renewable energy proposals (including wind farms). These development types are special cases in respect of landscape impacts, in the case of mineral developments because the minerals have to be worked where they are located, and in the case of wind farms because of national policy and the identification of Strategic Search Areas within which landscape change is expected.

**5.2.5** Further information on these topics is available in PPW, relevant TANs and the Council's Renewable and Low Carbon Energy SPG.

### **LDP Policy EN1: The Undeveloped Coast**

**5.2.6** *LDP Policy EN1* concerns the undeveloped coast, the extent of which is defined on the LDP Proposals Map. Although this policy does have relevance in respect of the landscape, it relates more directly to seascape issues and is therefore covered in more detail in Section 6.

### **LDP Policy EN2: Special Landscape Areas**

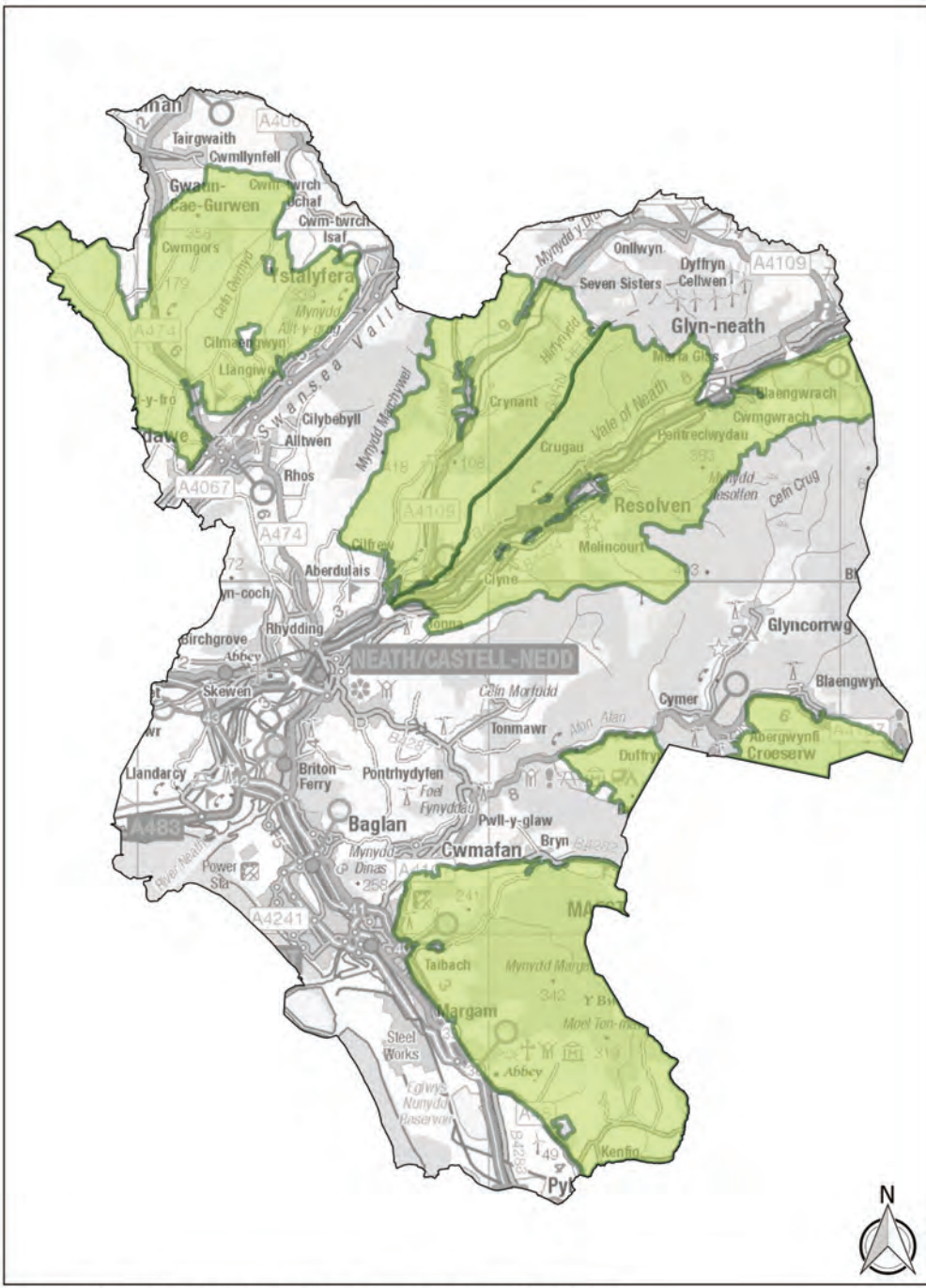
**5.2.7** *LDP Policy EN2* concerns Special Landscape Areas (SLAs). These are areas of high landscape quality, identified using criteria set out in the Countryside Council for Wales Guidance Note 1 (2008) (now superseded by NRW LANDMAP Guidance Note 1<sup>(16)</sup>).

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

16 LANDMAP Guidance Note 1 (2017)

# 5. Landscape Policy Implementation

Supplementary Planning Guidance: Landscape and Seascape (Consultation Draft - January 2018)



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Special Landscape Areas in Neath Port Talbot

**5.2.8** The extent of the six designated SLAs is illustrated above. The NPT Landscape Advice Report<sup>(17)</sup> explains in detail the approach and methodology used to identify the SLAs and gives full details of each one.

**5.2.9** Policy EN2 sets out the approach to be taken to proposed developments within SLAs, and is specifically focused on the protection of landscape quality. Since all the SLAs are located outside settlement limit boundaries, any proposals here will need to meet the requirements set out in Policy SC1 for developments in the open countryside (including the need for new buildings to be located adjacent to existing buildings or settlements and to be of an appropriate scale and form) as well as also complying with the terms of Policy EN2.

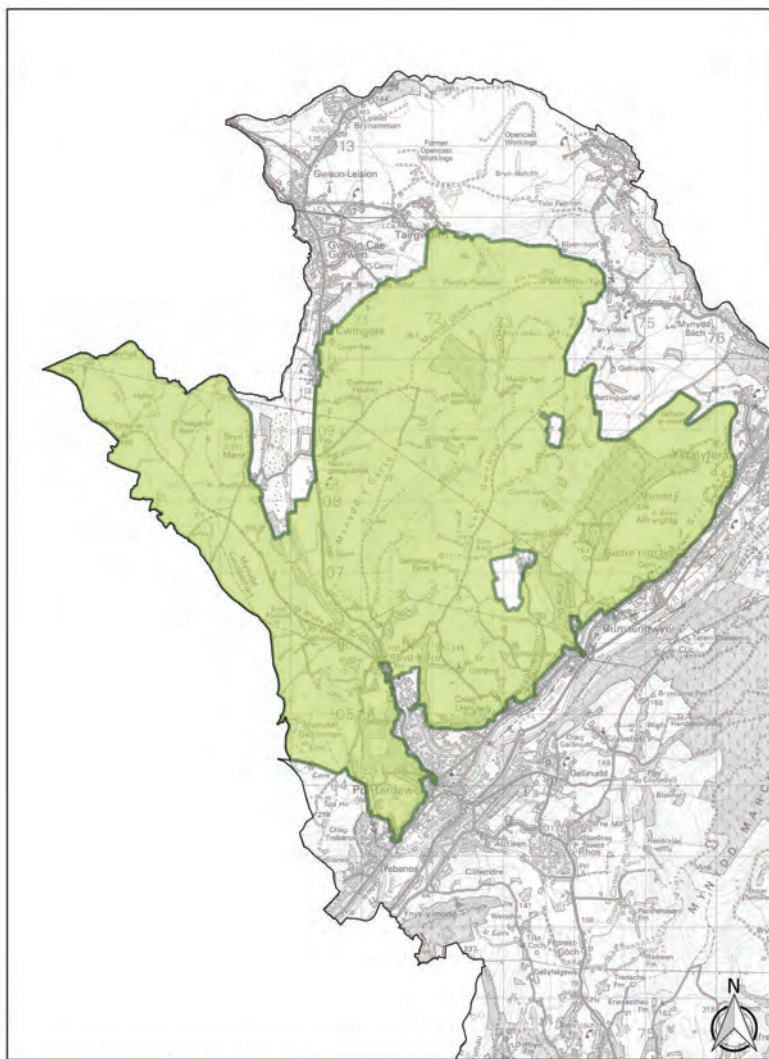
**5.2.10** Policy EN2 states that developments within SLAs will only be permitted where it is demonstrated that there will be *no significant adverse impacts on the features and characteristics for which the SLA has been designated*. This is the main issue in respect of the landscape that will need to be addressed in any application, EIA or design statement for proposals within any SLA.

**5.2.11** The features and characteristics of each SLA, set out in the Landscape Advice Report, are reproduced below.

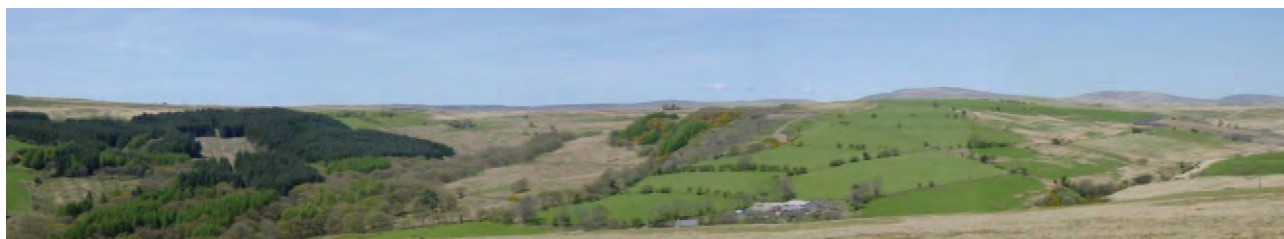


## SLA Features and Characteristics

### SLA1 (EN2/1) Mynydd y Garth



SLA 1 Mynydd y Garth



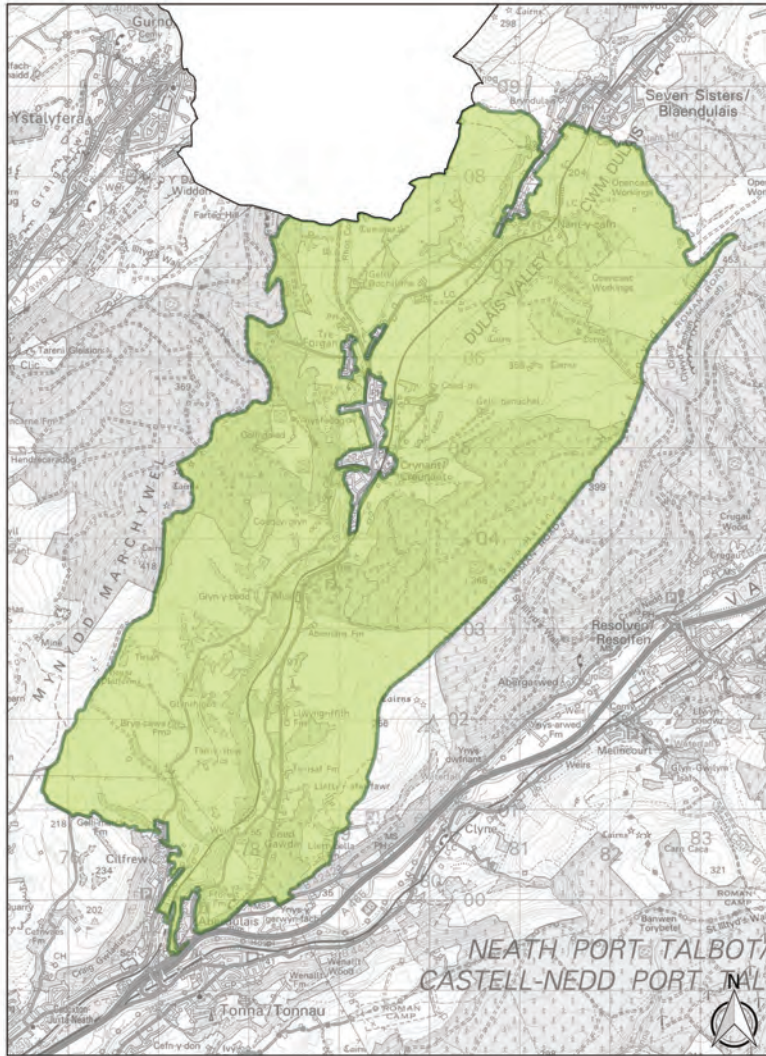
### SLA1 Mynydd y Garth Features and Characteristics

- SLA1 includes the upland moorland plateau of Mynydd y Garth, Cefn Gwrhyd and Mynydd Carnllechart.
- The upland plateau is dominated by pennant sandstone and underlying Productive Coal Formation, up to 357m AOD.
- The land cover is predominantly grazed pasture with deciduous tree cover especially along riparian corridors.
- Restricted access to the area provides a remote, exposed yet settled and tranquil feel.
- It has a high scenic upland mosaic landscape quality with panoramic views out from higher elevations. It is relatively unspoilt with a strong sense of place which adds to the integrity and coherence of the landscape.
- The landscape bears evidence of evolution over millennia to include: prehistoric cairns, ancient field systems, trackways, industrial spoil heaps and small pockets of afforestation which combine to evoke a timeless quality of great scenic, cultural value and strong cultural identity. Gwrhyd road has a local dialect meaning the Long Man which is a possible reference to a prehistoric burial site.
- The post medieval boundary stones and sheep folds are features of the upland which is one of the three most important and significant funerary and ritual landscapes in south Wales.
- It is one of the key non forested areas within the County Borough that is classified as “tranquil” but which has seen considerable erosion in area of tranquillity since 1997.

# 5. Landscape Policy Implementation

Supplementary Planning Guidance: Landscape and Seascapes (Consultation Draft - January 2018)

## SLA2 (EN2/2) Dulais Valley



SLA2 Dulais Valley



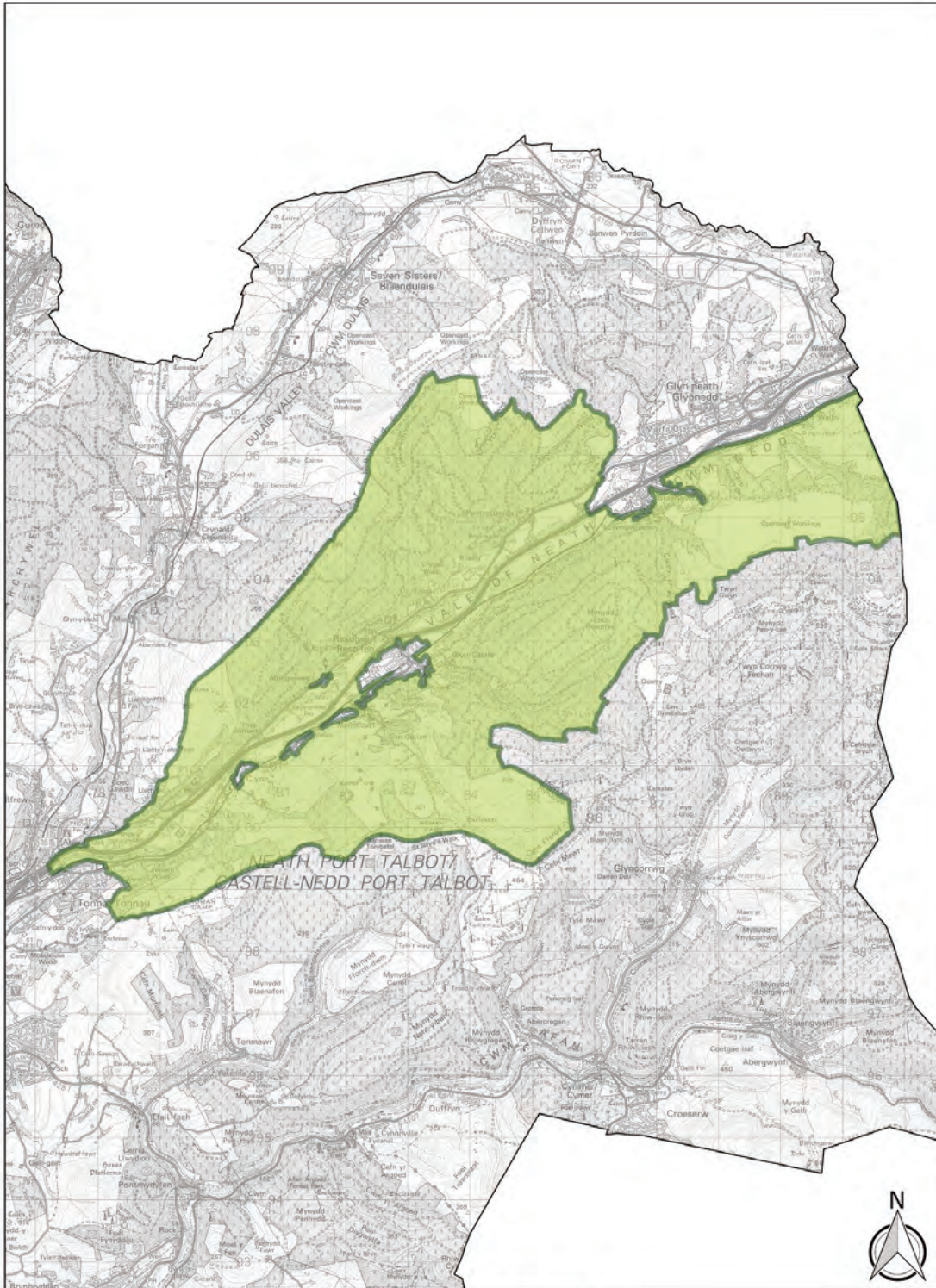


### SLA2 Dulais Valley Features and Characteristics

- SLA2 stretches from the outskirts of Aberdulais in the south to Seven Sisters in the north. The SLA covers the valley sides to reinforce its visual context and therefore includes the unforested uplands of Mynydd Hirfynydd and Mynydd Marchywel as the backdrop to the valley. Areas of forestry plantation are included on both valley sides for coherence as it forms the same land mass and recognising that the appearance and biodiversity of this landcover can be enhanced through management. To the south-east the SLA links to the Vale of Neath SLA via a contiguous boundary (refer to SLA 3 below).
- The Dulais is a typical upland u-shaped glacial river valley creating a wide valley floor and predominantly open landscape on the valley sides. The north east – south west running ridge along the Dulais valley is important for its Pennant sandstones and coal measures.
- It is a wide, rolling, pastoral valley with significantly treed field boundaries, many of these contain grown out hedges which are a strong element in this landscape on the lower ground whereas drystone walls are a landscape feature of the upper reaches of the valley sides.
- Tranquillity is a key feature of the upper ridge areas supported by lack of development. It should be noted that whilst the tranquillity indices for the upper slopes indicate that they are “undisturbed” there has been a degrading of the valley floor from zone C to Zone B.
- It is an evolved landscape containing evidence from prehistory, important Roman remains, open cast and forestry. The edges of the woodland are often regular and geometric, forming an abrupt edge to the surrounding open areas, which reduces the sense of place in the upper valley sides.
- Although the historic context is mostly Roman, the landscape contains many examples of prehistoric land uses and the presence of sheepfolds indicates the importance of animal husbandry, in this area, in the post-medieval period.
- The ridge of Mynydd Hirfynydd has been a significant route through the landscape from the prehistoric period through into the medieval period, which is now used as an historic walk (Sarn Helen). It is also crossed by the long distance footpath St Illtyd’s Way.
- The Cefn Coed Colliery Museum, located to the south of Crynant, is an example of the mining industry which until the 1980s visually dominated the visual and social landscape of the S Wales Valleys and provided a strong sense of place and cohesion to the valley.



## SLA3 (EN2/3) Vale of Neath



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### SLA3 Vale of Neath Features and Characteristics

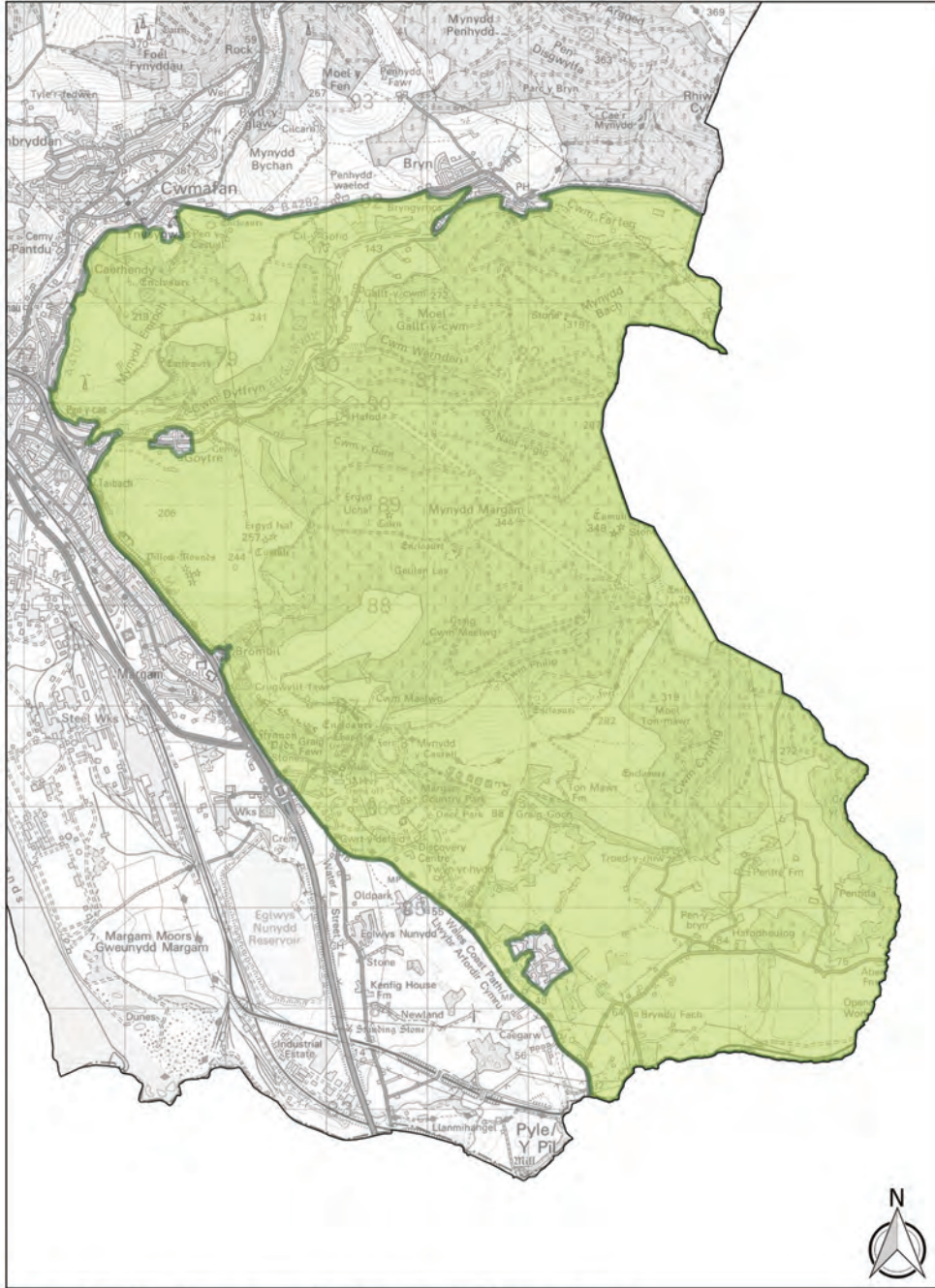
- The Vale of Neath is similar to the south east valley side of the Dulais valley with its NE-SW fault controlled U-shaped broad glacial valley floodplain and channel, flanked by steep valley slopes. The area is a pastoral and deciduous mosaic providing diversity within the valley and contrasting with the heavily coniferous wooded nature of the upper slopes.
- The broad floodplain makes the Neath valley distinctive from the Tawe or the Dulais. The topography and woodland cover on the northern and southern slopes of the Neath valley is a significant and dominant feature and provides coherence and integrity to the SLA.
- The landscape contains many examples of prehistoric land use alongside the Roman camps and fortlets. The high ridge conveys the sense of the terrain having formed the ancient tribal frontier between the Silures and Demetae. Although now heavily forested in the east, open cast mining in the north demonstrates a geological "frontier" between surface outcrops and the deep mines of the Tawe, Dulais and Neath Valleys. To the north-east of the SLA it is geologically and topographically dominated by sundry small rivers and waterfalls, suggesting a natural boundary between the County Borough and the high moorland of the Brecon Beacons National Park.
- The SLA includes Cwm Gwrelych and Nant Llyn Fach SSSI and to the south east of the Selar opencast is the Graig-y-Llyn geological SSSI.

## 5 . Landscape Policy Implementation

- A strong sense of place, coherence, local distinctiveness and cultural identity combine to contribute to the special qualities of the Vale of Neath. From Aberdulais to Glynneath the Vale of Neath's topographical beauties have attracted painters including Turner, poets, photographers in large numbers over several centuries.
- The upper reaches of the valley have a tranquil and remote feeling, removed from settlements and dwellings although this contrasts significantly with the valley floor which is an important communications corridor.
- The unforested areas of the valley sides are primarily sheep grazed, and there is evidence of relict post-medieval fieldscapes within the forested areas. Footpaths, long distance paths to include St Illtyds Way and bridleways facilitate views across the valley.
- Cut into the hillslopes of the valley, on both the north and south sides, are many small collieries, levels and quarries and Fynnon Oer windfarm lies to the south east of the SLA.
- The settlements of Resolven, Blaengwrach and Glynneath are not included in the SLA.



SLA4 (EN2/4) Margam



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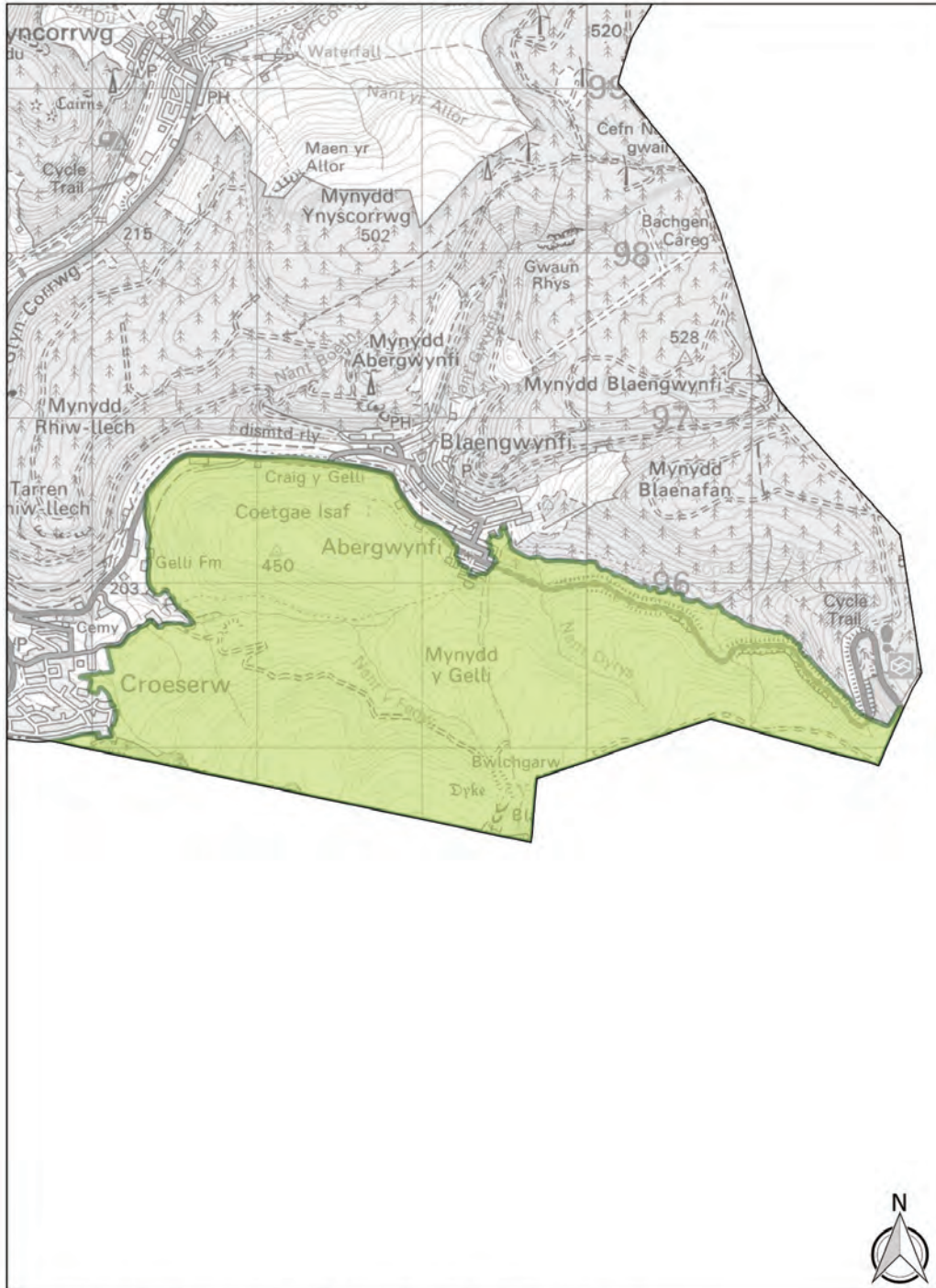
SLA4 Margam



### SLA4 Margam Features and Characteristics

- Mynydd Margam is a broad, low lying plateau of NE dipping Productive Coal Formation mudstones and coals between South Wales Pennant Formation escarpment and E-W Millstone Grit ridge to the South, dissected by shallow, alluvium filled valleys of tributaries and the main Cynfig valley. It includes mine workings and the proposed deep mine.
- Cultural features in the landscape include evidence of prehistoric and later agricultural practices, rural settlements and contemporary forestry activities.
- It is an evolved landscape containing multi-period cultural expressions untrammelled by industrial exploitation - extensive archaeological evidence of land husbandry, now given over to forestry interspersed with some small farms and thus is a comparatively rare example of a surviving relict landscape.
- The SLA, which contains Margam Park, with its exceptional examples of architecture; its history as a major Cistercian Abbey and the wider monastic landholdings, provides a combination of high grade historic visitor attraction and a variety of multi-period pleasure grounds. It contains cultural elements dating from pre-history through every period up to the 21st century.
- Whilst the SLA contains areas of forested upland these are important to the overall historical context of the area and could be managed to enhance the landscape quality of the wider area.
- The scenic quality of the area is enhanced by the historic buildings of the Park and the backdrop of scarp creating a sheltered setting which link visually and provide the integrity of the whole. The sense of place for the park is initially prompted with boundary walls and entrance gates. The historic core and deer park make this area unique within the County.

SLA5 (EN2/5) Mynydd y Gelli



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SLA5 Mynydd y Gelli

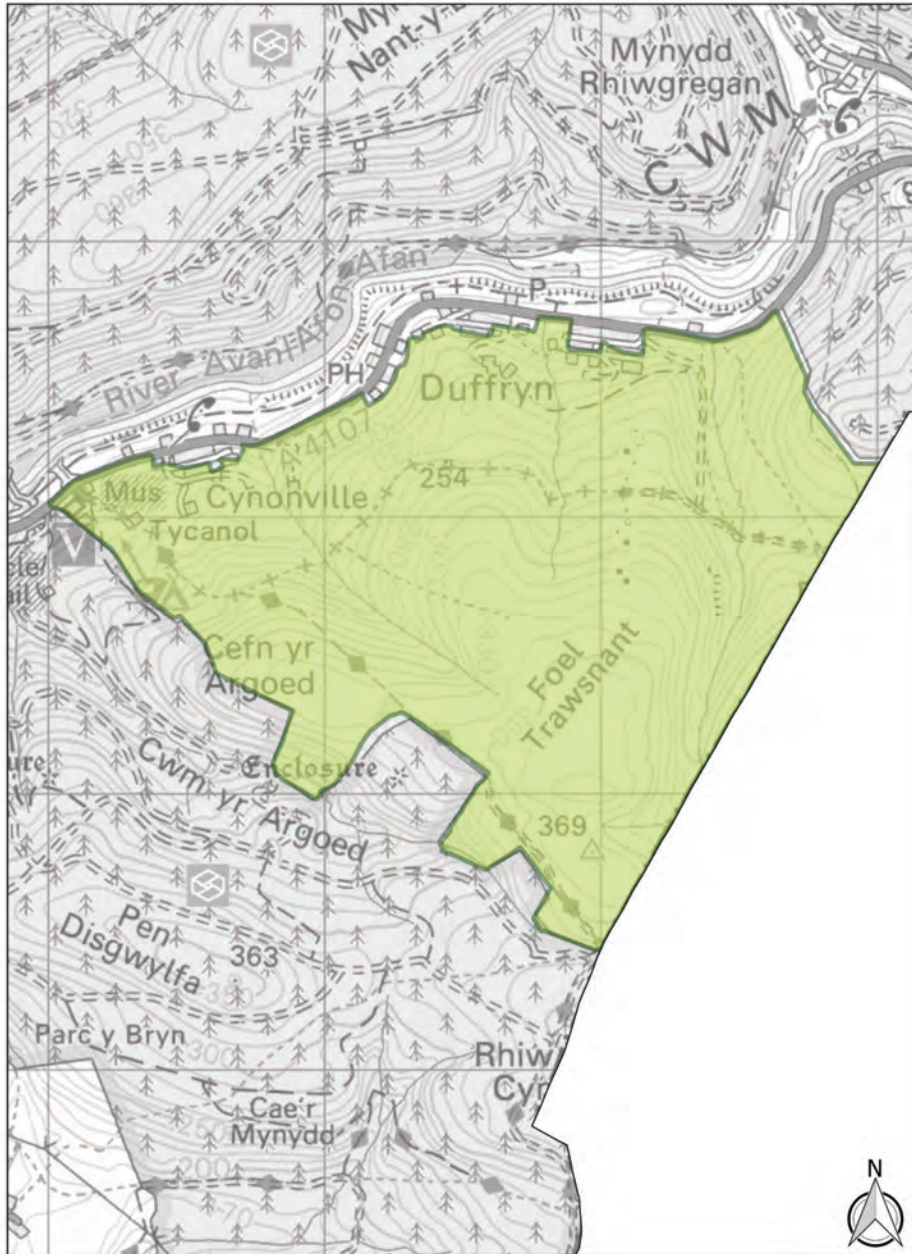




### SLA5 Mynydd y Gelli Features and Characteristics

- The landform of Mynydd y Gelli is a coherent landscape element and relates to the Western Uplands Bridgend SLA which includes the adjacent Mynydd Llangeinwyr.
- Similar to Foel Trawsnant it forms an open exposed plateau area within the eastern highlands complex.
- The landform and topography creates an imposing presence and with its simple land cover provides a contrast to the more complex landscapes of surrounding areas
- The open remote plateau has a sense of exposure and wilderness in contrast with the adjacent Afan valley.
- It is unspoilt by development or land use and has a coherent distinct character, with topographical and visual unity, high scenic quality and strong sense of place

**SLA6 (EN2/6) Foel Trawsnant**



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SLA6 Foel Trawsnant





### SLA6 Foel Trawnant Features and Characteristics

- SLA 6 covers the steep, exposed, upland slopes in NE-SW striking N and NE dipping sandstones and coals of the South Wales Pennant Formation Llynfi-Brithdir Beds (Lower Pennant Measures).
- It forms part of the eastern highlands complex and is one location within the relict landscape of mixed periods which is not covered in conifer plantations.
- There is no development and the area feels exposed and bleak, access is via foot and bridle paths.
- The simple landscape features and pattern, upland grazing to 271m AOD creates a local sense of place and distinctiveness.

### LDP Policy EN3: Green Wedges

**5.2.12** Green Wedges are designated areas of countryside where development is more strictly controlled in order to maintain openness and prevent the coalescence of settlements. PPW sets out the purpose of green wedges as being to:

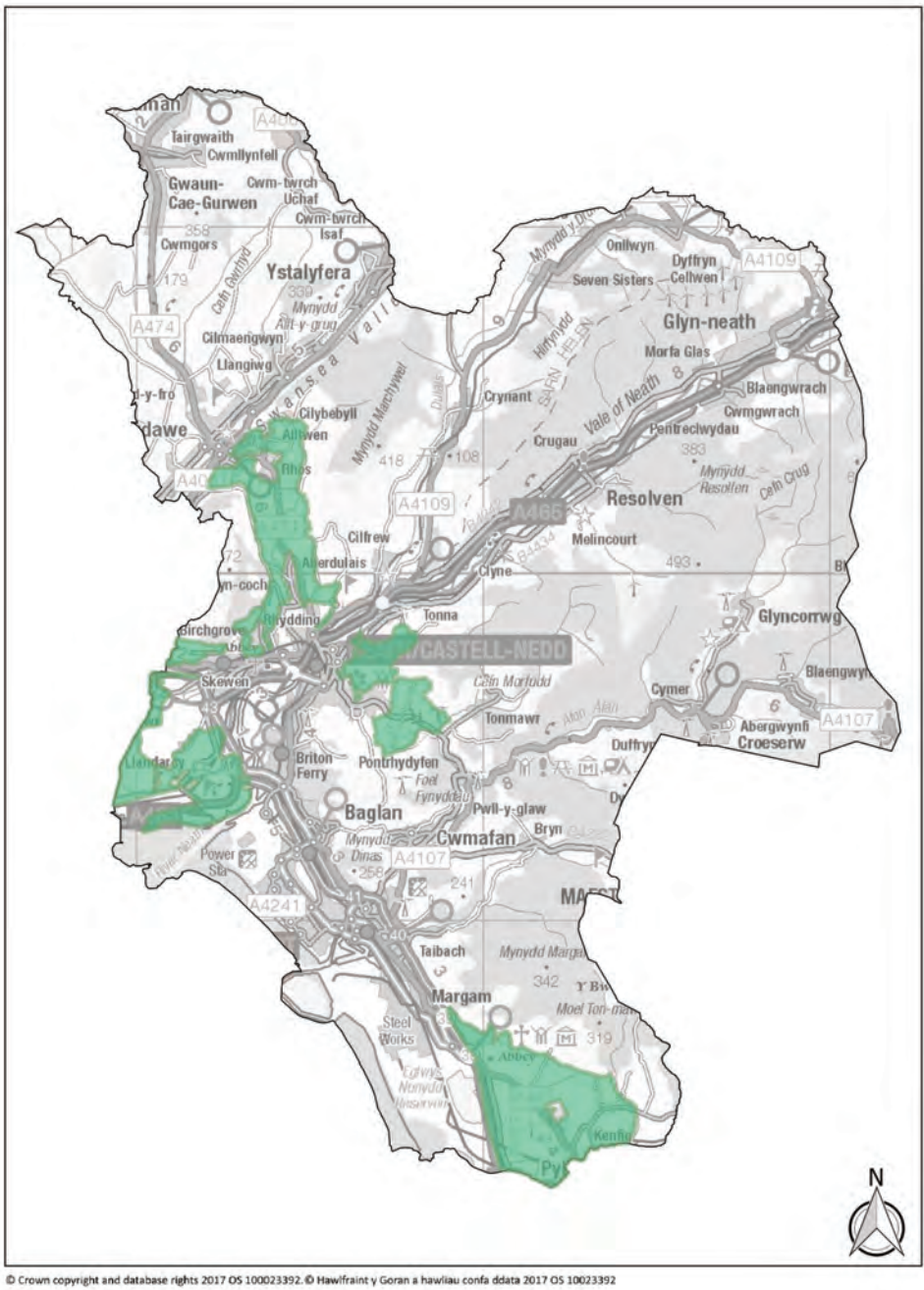
- Prevent the coalescence of large towns and cities with other settlements;
- Manage urban form through controlled expansion of urban areas;
- Assist in safeguarding the countryside from encroachment;
- Protect the setting of an urban area; and
- Assist in urban regeneration by encouraging the recycling of derelict and other urban land.

**5.2.13** Green wedges are therefore not primarily a landscape designation, but they can have an impact on the wider landscape due to their impacts on the form and setting of urban areas. The NPT Landscape Advice Report<sup>(18)</sup> includes a full assessment of the green wedges in NPT. The study took the pre-existing green wedge designations in the former UDP (2008) as a starting point and recommended changes and refinements where necessary. The revised green wedges were adopted through the adoption of the LDP.

**5.2.14** There are five designated green wedges within Neath Port Talbot. These are illustrated on the plan below, with further details for each green wedge in the subsequent sections. The green wedges are also shown in more detail on the LDP Proposals Map.

# 5. Landscape Policy Implementation

Supplementary Planning Guidance: Landscape and Seascape (Consultation Draft - January 2018)



EN3 Green Wedges in Neath Port Talbot

**5.2.15** Policy EN3 states that within green wedge areas *'there is a presumption against inappropriate development'*. The supporting text to the policy states that *'inappropriate development'* in this context is as defined in PPW. This definition is given in Section 4.8 of PPW and states as follows:

The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- Justified rural enterprise needs;
- Essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- Small scale diversification within farm complexes where this is run as part of the farm business.

**5.2.16** It is further clarified that the re-use of buildings in a green wedge is not inappropriate development provided that:

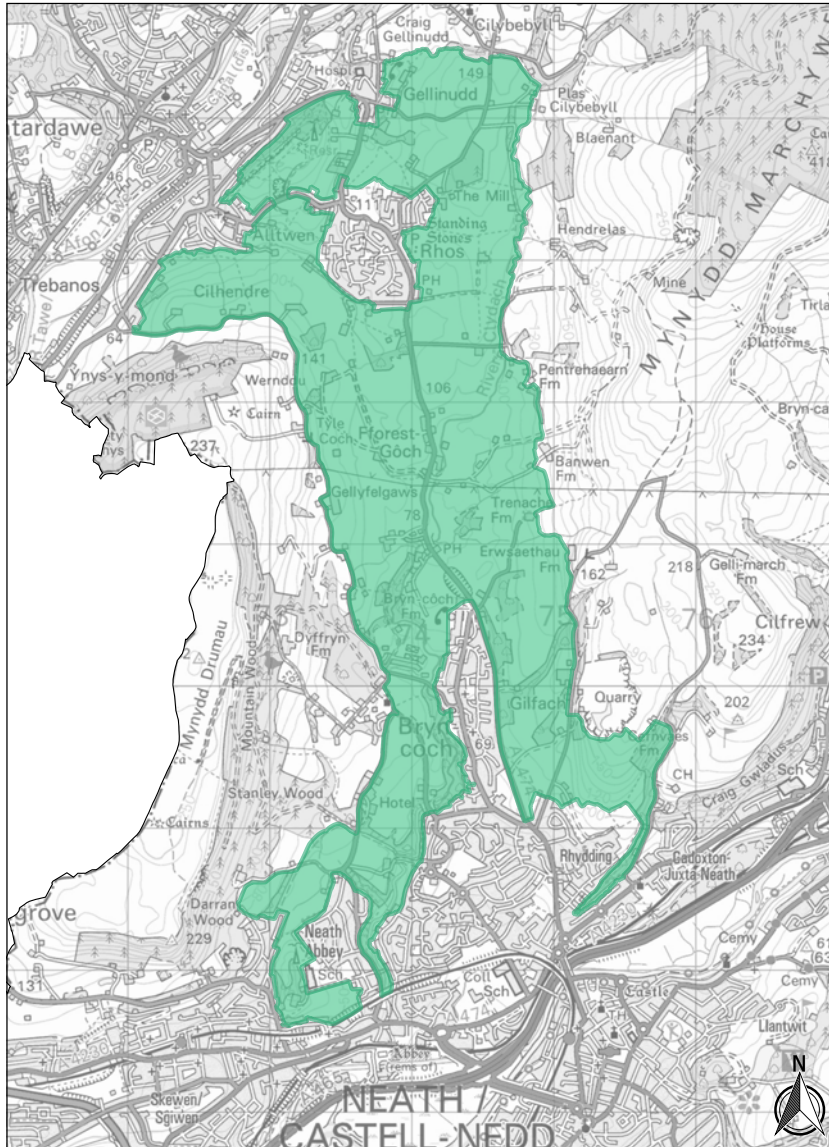
- The original building is substantial, permanent and capable of conversion without major reconstruction;
- The new use will not have a greater impact on the openness of the green belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- The building is in keeping with its surroundings.

**5.2.17** Other forms of development would be inappropriate development and therefore contrary to EN3 unless they maintain the openness of the green belt or green wedge and do not conflict with the purposes of including land within it (as listed in para 5.2.12 above).



## 5. Landscape Policy Implementation

### Green Wedge 1 (EN3/1): Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park



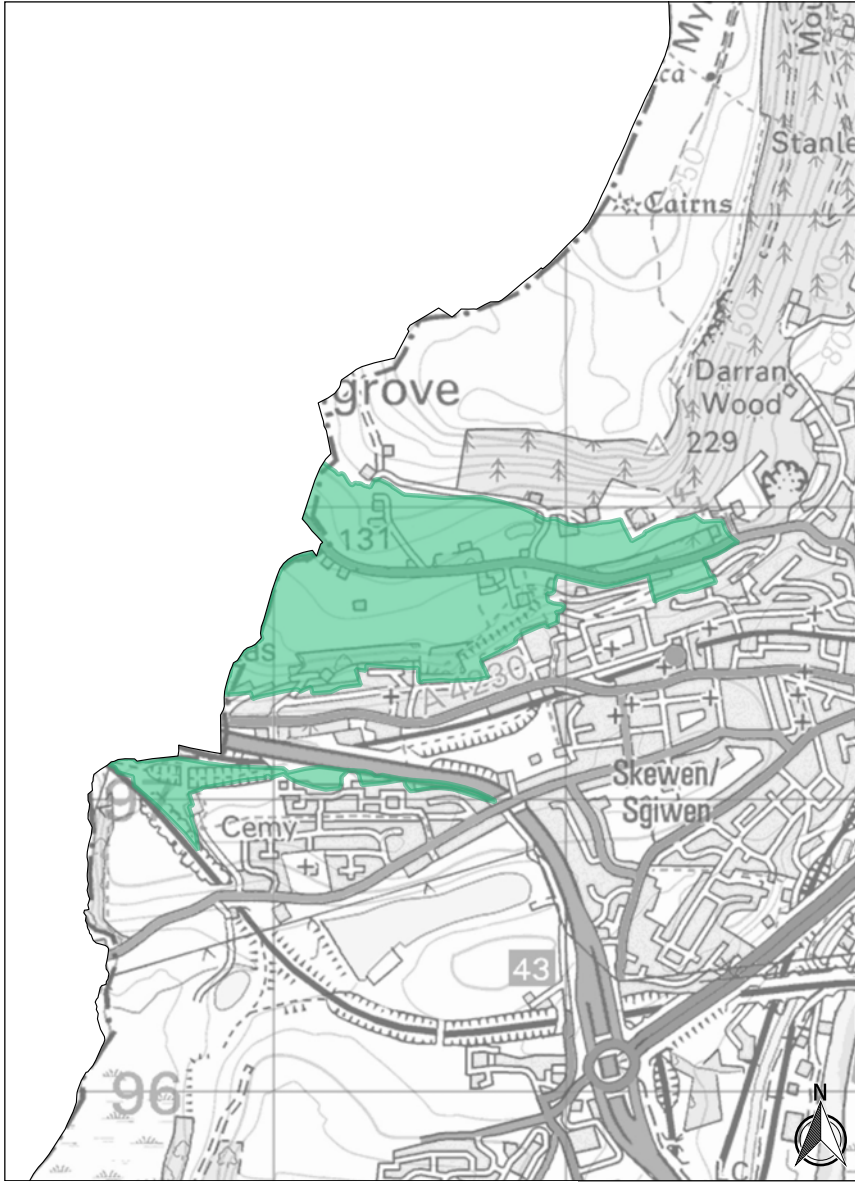
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EN3/1 Alltwen/Rhos/Bryncoch/Neath Abbey/Leiros Park Green Wedge

**5.2.18** The Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park Green Wedge covers an area of some 943 hectares and has an important function of preventing any further expansion of the urban area of Neath northwards. It is also intended to restrict the further southward expansion of Pontardawe and associated settlements

**5.2.19** As illustrated above, the Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park Green Wedge stretches from Neath to Pontardawe and includes the small settlement of Fforest Goch which has a sporadic linear form along the main A474 that links Neath and Pontardawe and lies within the green wedge designation.

## Green Wedge 2 (EN3/2): Skewen / Birchgrove



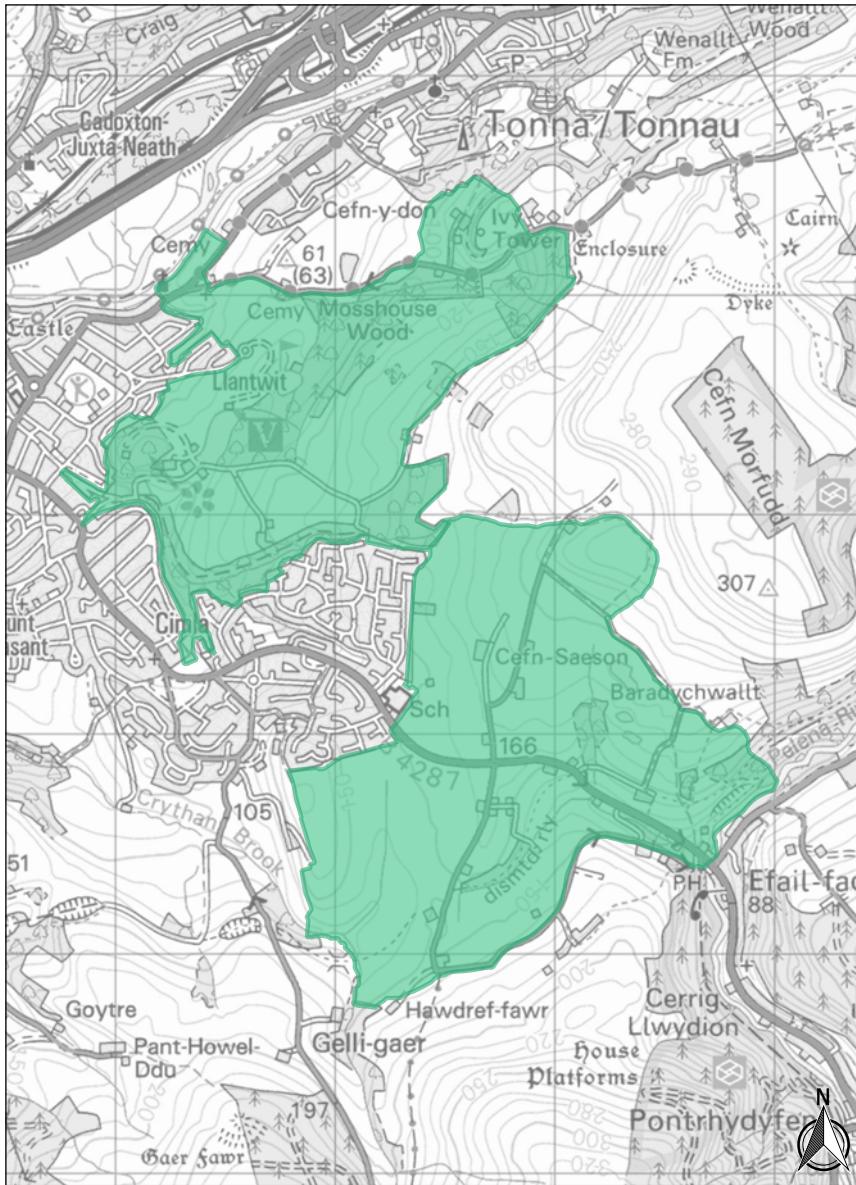
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EN3/2 Skewen/Birchgrove Green Wedge

**5.2.20** The Skewen / Birchgrove Green Wedge covers an area of some 82 hectares and has the important function of preventing the coalescence of the built up areas of Skewen and Birchgrove. It is situated north of the A4230 to the north west of Skewen up to the administrative boundary with Swansea. It falls within a high value landscape and Special Landscape Area broad search area, although it is not within a designated SLA.

## 5. Landscape Policy Implementation

### Green Wedge 3 (EN3/3): Neath / Tonna / Cimla / Efail Fach



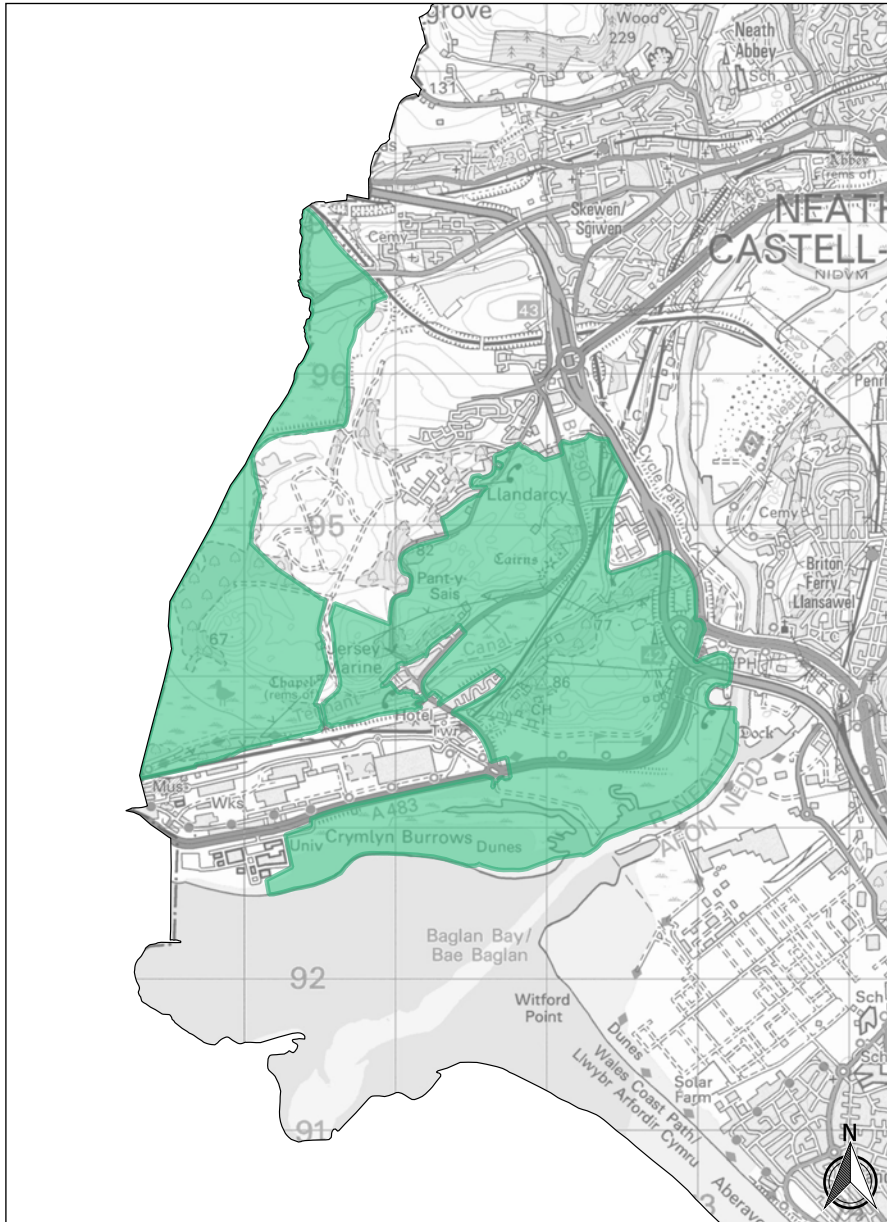
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EN3/3 Neath/Tonna/Cimla/Efail FachGreen Wedge

**5.2.21** The Neath / Tonna / Cimla / Efail Fach Green Wedge covers an area of some 482 hectares and is intended to prevent the coalescence of Neath and Tonna and prevent expansion of Neath (Cimla) towards Efail Fach. Significant parts of the green wedge are situated within SLA search areas and display some of the criteria necessary for SLA designation indicating that they are areas of high landscape value, although they are not within any designated SLA.



## Green Wedge 4 (EN3/4): Crymlyn Bog / Crymlyn Burrows / Llandarcy



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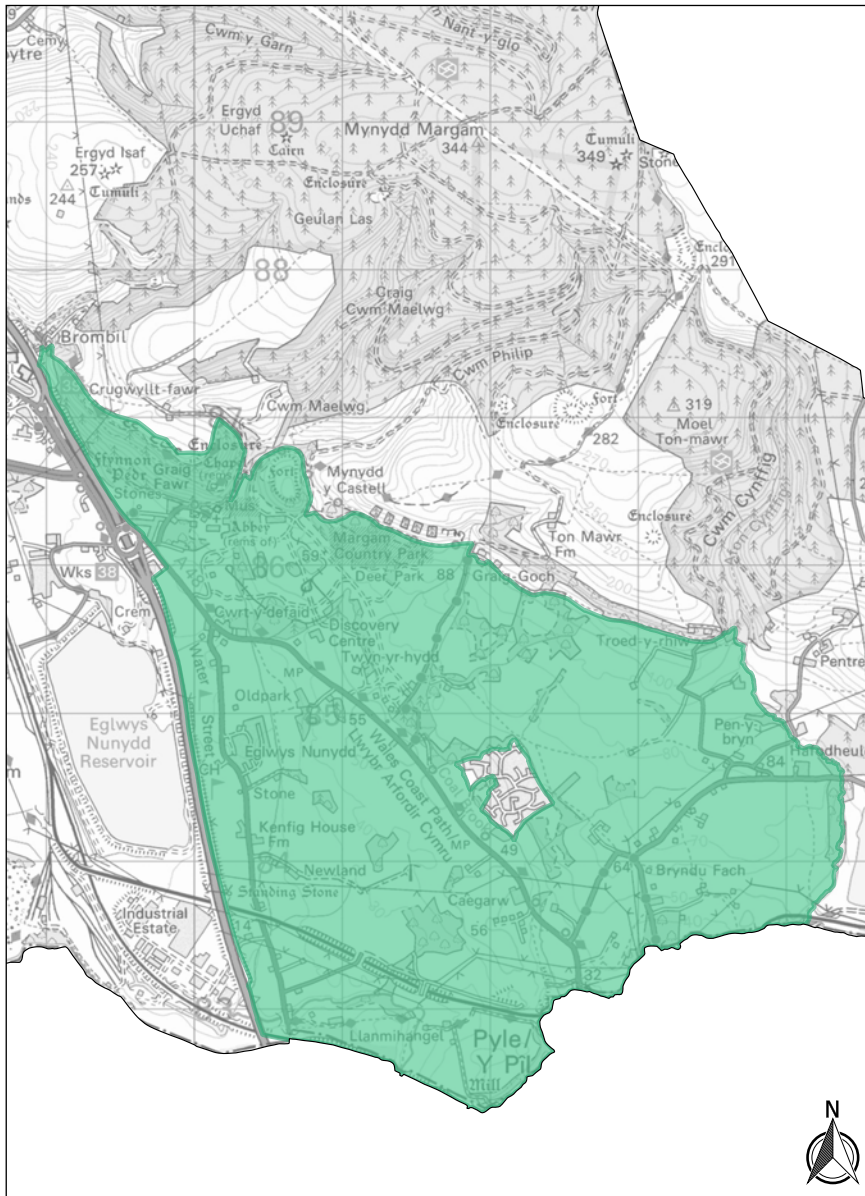
EN3/4 Crymlyn Bog/Crymlyn Burrows/Llandarcy Green Wedge

**5.2.22** The Crymlyn Bog / Crymlyn Burrows / Llandarcy Green Wedge has an area of some 704 hectares and is intended to prevent the coalescence of Skewen, Briton Ferry and the east side of Swansea. It includes Crymlyn Bog, Crymlyn Burrows and extensive areas of land between the M4 and the administrative boundary with Swansea. Crymlyn Burrows and the water frontage to Baglan Bay are within an SLA broad search area and display some of the criteria necessary for SLA designation indicating that it is within a high value landscape, but no part of the green wedge is within a designated SLA.



## 5. Landscape Policy Implementation

### Green Wedge 5 (EN3/5): Margam



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EN3/5 Margam Green Wedge

**5.2.23** The Margam Green Wedge has an area of some 1,280 hectares and is intended to protect the setting of Margam Park and prevent the expansion of the built up areas of Pyle and North Cornelly north into Neath Port Talbot. The green wedge is bounded by the M4 to the west and the main railway line and County Borough boundary to the south and extends as far as the base of the escarpment of Margam Mountain in the east. The part of the green wedge east of the A48 is also designated as part of the Margam SLA (SLA4), indicating that this is an area of high landscape value (refer above).

### 6 Seascape Policy Implementation

**6.0.1** Developments affecting the seascape can include proposals on shore, those within the inter-tidal zone and those in the marine environment.

**6.0.2** This SPG (and the terrestrial planning system generally) covers proposals above the mean low water mark (LWM). Seaward of the mean LWM the local planning authority has no planning controls (except where a Harbour Revision Order has included such provision) and proposals are subject to licensing regimes dealt with by the UK Government.



Crymlyn Burrows

#### 6.1 Seascape in the Design Process

**6.1.1** Any development near to the coast could potentially impact on the local seascape. If a proposed building or structure would be visible in a coastal context (i.e. visible from coastal locations) or would have a coastal setting, the local seascape character should be taken into account in the design, layout and form of the development from the outset. The development design should respond to the identified seascape character and should seek to enhance it where possible. Proposals that would have a negative seascape impact will be resisted.

**6.1.2** Detailed seascape character area assessments relevant to all coastal parts of the County Borough are provided in the **Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment** (refer to Section 6.2 below). Developers should assess the impact of their development in relation to the attributes of the *seascape character areas* (SCAs) within which or from which it would be seen. In all cases it should be demonstrated how the relevant seascape considerations have been responded to and how they have informed the overall development design (refer below).

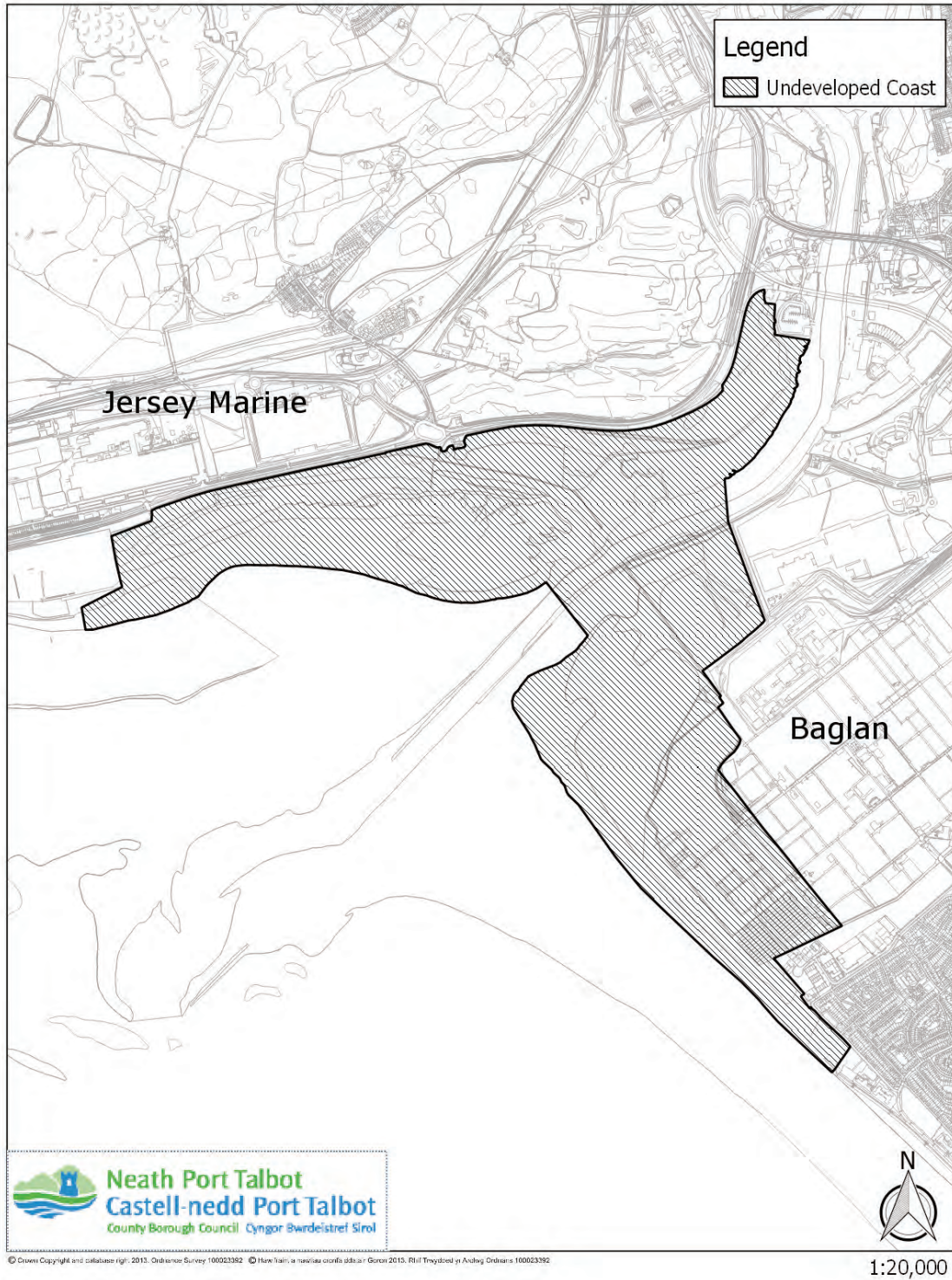
#### 6.2 Policy Implementation

##### LDP Policy EN1: The Undeveloped Coast

**6.2.1** The extent of undeveloped coast to which Policy EN1 applies is defined on the LDP Proposals Map and is also illustrated below.



## ENV1 - Undeveloped Coast



EN1 The Undeveloped Coast in Neath Port Talbot

**6.2.2** The policy indicates that within the defined undeveloped coast, any development will be strictly controlled and that proposals will have to demonstrate firstly that a coastal location is necessary and secondly that the proposal could not be located elsewhere, on a part of the coast that is already developed. Only if these conditions are met would the limited types of development listed in the policy criteria be acceptable.

**6.2.3** This policy follows on from national policy outlined in PPW which indicates that the undeveloped coast will rarely be the most appropriate location for development. It also gives protection to areas that are important for biodiversity reasons and helps to allow flexibility for adaptation to climate change and to implement the provisions of the Shoreline Management Plan. It will also help to maintain important natural parts of the coast and therefore benefit the wider seascape.

### Other Coastal Developments

**6.2.4** Elsewhere, coastal developments will still need to demonstrate that a coastal location is required and to show that the development will be resilient to the effects of climate change, as set out in PPW (Section 5.8). Any coastal proposals or other proposals that could have an impact on the wider seascape will also need to take into account the **Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment**.

### Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment (LSCA)<sup>(19)</sup>

**6.2.5** The Carmarthen Bay, Gower and Swansea Bay LSCA was published in 2017 and covers east Carmarthen Bay, the Burry Inlet / Loughor Estuary, Gower and all of Swansea Bay including territorial waters up to 12nm offshore. The study divides the marine and coastal parts of the study area into *seascape character areas* (SCAs) and seeks to define the distinctive character of each area. This was done by identifying sea areas of shallow depths (0-30m), moderate depths (30-60m), and deeper waters (>60m). Also assessed were sea floor topography and bedrock type and wave climate (relating to wind exposure, tidal and current conditions).

**6.2.6** The wider setting of the SCAs is also taken into consideration and is described within each SCA profile. The SCA profiles are contained within the LSCA. The profiles contain descriptions of the key characteristics, natural and cultural influences, aesthetic, perceptual and experiential qualities, cultural benefits and services, forces for change and key sensitivities of each of the SCAs.

**6.2.7** The LSCA provides a list of factors that contribute to or detract from sensitivity. These should be taken into consideration when defining a level of sensitivity for a given seascape character area in relation to a specific type of development. Overall, the LSCA provides baseline evidence which can inform where and what type of development would be likely to be acceptable in terms of seascape, landscape and visual impact.

## 6. Seascape Policy Implementation

**6.2.8** The method that should be used to assess the effects of a proposal on seascape character is similar to that for assessing effects on landscape character which are set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA) published by the Landscape Institute (refer to Section 3.2). The effects on individual seascape character areas should be assessed in the same way as the effects on landscape character areas or LANDMAP aspect areas.

**6.2.9** Development on areas of coast or hinterland exposed to views from the sea has the potential for significant effects on character and users of the sea, even if outside an SCA. The effects not only include visual impact but also the effects on coastal processes which could more fundamentally change the character of an area.

**6.2.10** Further detailed advice on the use of the LSCA in the development process is given within Chapter 3 of the LSCA document.

### 7 Monitoring and Review

**7.0.1** The implementation of LDP landscape and seascape policies will be monitored annually and will be reported in the LDP Annual Monitoring Report. The effectiveness of the policies in implementing the LDP strategy and objectives in relation to landscape and seascape issues will be evaluated as part of this procedure.

**7.0.2** This SPG may be updated over the Plan period to reflect any significant issues or changes that may arise, and any such findings may be taken into account in future reviews of the LDP.

### A Relevant LDP Policies

#### A.0.1 Policy SC1 Settlement Limits

##### Policy SC1

##### Settlement Limits

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

Outside settlement limits, development will only be permitted under the following circumstances:

1. It constitutes a sustainable small scale employment use adjacent to a settlement limit; or
2. It constitutes live-work unit(s) immediately adjacent to a settlement limit in the Valleys Strategy Area only; or
3. It constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building; or
4. It constitutes the appropriate replacement of an existing dwelling; or
5. It is an affordable housing exception site; or
6. It is an appropriate rural enterprise dwelling; or
7. It is an appropriate 'One Planet Development'; or
8. It is a sustainable tourism or farm diversification proposal that is suitable in a countryside location; or
9. It is associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; or
10. It is associated with either agriculture, forestry, minerals or energy generation; or
11. It relates to the appropriate provision of accommodation for Gypsies / Travellers; or
12. It constitutes the provision of open space and small scale ancillary facilities adjoining the settlement limit.



Where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form.

### A.0.2 Strategic Policy SP14 The Countryside and the Undeveloped Coast

#### Policy SP14

##### The Countryside and the Undeveloped Coast

The countryside and undeveloped coast, including landscapes, seascapes and agricultural land, will be protected and where feasible enhanced through the following measures:

1. The protection of the open countryside through the control of inappropriate development outside settlement limits;
2. The protection of the undeveloped coast through the control of inappropriate development;
3. The designation and protection of Special Landscape Areas;
4. The designation and protection of Green Wedges.

**LDP Objective: OB 15**

### A.0.3 Policy EN1 The Undeveloped Coast

#### Policy EN1

##### The Undeveloped Coast

Development proposals within the undeveloped coast will only be permitted where it is demonstrated that a coastal location is necessary, the development cannot be accommodated on the developed coast and the proposal relates to:

1. The management and/or maintenance of coastal or flood defences or coastal processes; or
2. The management and/or maintenance of shipping channels / port access and other associated infrastructure; or
3. The provision of appropriate recreational, leisure, access or other necessary infrastructure.



## A.0.4 Policy EN2 Special Landscape Areas

### Policy EN2

#### Special Landscape Areas

In order to protect areas of high landscape quality, the following Special Landscape Areas are designated:

Reference	Special Landscape Area
EN2/1	Mynydd y Garth
EN2/2	Dulais Valley
EN2/3	Vale of Neath
EN2/4	Margam
EN2/5	Mynydd y Gelli
EN2/6	Foel Trawsnant

Development within the designated Special Landscape Areas will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated.

## A.0.5 Policy EN3 Green Wedges

### Policy EN3

#### Green Wedges

In order to prevent the coalescence of settlements and to protect the setting of urban areas, Green Wedges have been designated in the following locations:

Reference	Green Wedge
EN3/1	Alltwn / Rhos / Bryncoch / Neath Abbey / Leiros Park
EN3/2	Skewen / Birchgrove
EN3/3	Neath / Tonna / Cimla / Efail Fach
EN3/4	Crymlyn Bog / Crymlyn Burrows / Llandarcy
EN3/5	Margam

Within these areas there is a presumption against inappropriate development.

**A.0.6 Policy EN4 Replacement Dwellings in the Countryside****Policy EN4****Replacement Dwellings in the Countryside**

The replacement of a dwelling outside settlement limits will only be permitted where all of the following criteria are satisfied:

1. It is demonstrated that the building has a current lawful use as a permanent dwelling;
2. The replacement dwelling, its means of enclosure, garden, parking space and other associated features, are sited within the curtilage of the building to be replaced;
3. The proposed scale, form, siting, design, materials and landscaping are suitable within its context and/or the context of the building to be replaced and would not have an unacceptable adverse effect on the character of the area;
4. The conservation of existing buildings which are of architectural or historic interest would not be prejudiced;
5. The original dwelling is removed and the land suitably reinstated prior to the occupation of the new dwelling.

**A.0.7 Policy EN5 Conversion and Extension of Existing Buildings in the Countryside****Policy EN5****Conversion and Extension of Existing Buildings in the Countryside**

The alteration, extension or conversion of existing suitable buildings outside the defined settlement limits for residential, employment, or tourism uses will only be permitted where:

1. The existing building is structurally sound and is capable of conversion without substantial major external alteration or reconstruction.
2. In the case of changes of use to residential purposes alone:
  - (a) It can be demonstrated that there are no viable alternative uses to secure the retention of the building; and
  - (b) That the building is of architectural and/or historic merit.
3. In the case of residential extensions, the extension does not result in a disproportionate increase in the size, scale and massing of the building.

### A.0.8 Policy EN7 Important Natural Features

#### Policy EN7

##### Important Natural Features

Development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where:

1. Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or
2. The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

### A.0.9 Policy RE1 Criteria for the Assessment of Renewable and Low Carbon Energy Development

#### 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.

### A.0.10 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.







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



[www.npt.gov.uk/ldp](http://www.npt.gov.uk/ldp)



Local Development Plan  
Cynllun Datblygu Lleol

## **APPENDIX 2**

Biodiversity and Geodiversity SPG  
Consultation Draft (Jan'18)



Neath Port Talbot County Borough Council

# Local Development Plan 2011 - 2026

## Biodiversity and Geodiversity

Supplementary Planning Guidance  
(Consultation Draft – January 2018)





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### Note to Reader

This note explains the purpose of the Supplementary Planning Guidance (SPG) and how to comment on the document. This note will not form part of the final published SPG.

#### The Purpose of the Document

The Council, at its meeting on the 27<sup>th</sup> 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.

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.

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.

SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

#### Biodiversity and Geodiversity SPG

The Biodiversity and Geodiversity SPG supplements LDP Strategic Policy SP15 (Biodiversity and Geodiversity), Policy EN6 (Important Biodiversity and Geodiversity Sites) and Policy EN7 (Important Natural Features).

The document provides information and guidance setting out the expectations on all development proposals to protect, conserve, enhance and manage important habitats, species and sites of geological interest.

The document focuses on the full range of biodiversity and geodiversity features and interests within Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the relevant aims and objectives set out in the LDP.

#### The Consultation / How to Make Comments

The consultation period will run for 6 weeks, **starting midday on [Date] and ending at midday on [Date]**.

Comments can be submitted:

Directly Online at: [www.npt.gov.uk/ldp/consultation](http://www.npt.gov.uk/ldp/consultation)

## Note to Reader

Alternatively:

By E-mail to: [ldp@npt.gov.uk](mailto:ldp@npt.gov.uk)

By Post to:

**Nicola Pearce**

**Head of Planning and Public Protection,**

**Neath Port Talbot County Borough Council,**

**The Quays,**

**Brunel Way,**

**Baglan Energy Park,**

**Neath,**

**SA11 2GG.**

Comments via e-mail or post will need to be submitted using the 'SPG Representation Form'. Copies of the form are available on request or an editable version is available to download from the Council's website: [www.npt.gov.uk/ldp](http://www.npt.gov.uk/ldp)

**The deadline for comments is midday on [Date]. Comments received after the deadline will not be accepted.**

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](mailto:ldp@npt.gov.uk) or **[01639] 686821**.

## 1 Introduction

**1.0.1** This Supplementary Planning Guidance (SPG) provides information and guidance setting out the expectations on all development proposals to protect, conserve, enhance and manage important habitats, species and sites of geological interest.

**1.0.2** The document focuses on the full range of biodiversity and geodiversity features and interests within Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the relevant objectives set out in the Local Development Plan (LDP).

**1.0.3** The Council's planning policy is set out in the Neath Port Talbot LDP<sup>(1)</sup>, namely Strategic Policy SP15 (Biodiversity and Geodiversity) and detailed policies EN6 (Important Biodiversity and Geodiversity Sites) and EN7 (Important Natural Features) and this SPG should be read in the context of these policies and explanatory text.

**1.0.4** The planning system is an important means by which, in relation to land use, we can attend to the biodiversity and geodiversity needs of the County Borough and beyond, because of the opportunities and potential impacts posed by development. This is fully supported by planning policy and legislative requirements.

**1.0.5** It is therefore important to address such issues as part of the process of dealing with planning applications submitted to the Planning Authority, as failure to do so may result in applications being refused or delayed.

### Purpose of the SPG

**1.0.6** The purpose of the SPG is to assist and guide applicants submitting a planning application in order to ensure that biodiversity and geodiversity is appropriately considered, protected and enhanced within any development proposal. It does so by supplementing the policies set out in the LDP, by providing more detailed guidance and by setting planning policy within the broader context of environmental legislation, commitments, British Standards and Biodiversity Action Plans.

**1.0.7** The SPG sets out a basic framework for dealing with biodiversity and geodiversity in the planning process in Neath Port Talbot. In specific regard to biodiversity, a great deal more detailed guidance can be found in the British Standard 42020:2013 'Biodiversity – Code of Practice for Planning and Development'. Whilst the SPG does not repeat sections of the British Standard, the document does signpost relevant sections where appropriate.

### Structure and Content

**1.0.8** The SPG addresses the following:

- An introduction to the local biodiversity and geodiversity resource;

# 1 . Introduction

- Background information on the relevant biodiversity and geodiversity related legislation and commitments, including biodiversity action plans;
- The role of the planning system, expanding on the detail of national and local planning policy and the British Standard;
- An explanation on how biodiversity and geodiversity conservation is dealt with at different stages in the planning process; and
- How the implementation and compliance with this SPG will be monitored, along with review mechanisms.

**1.0.9** Whilst not forming part of this SPG, the Council has also produced a '*Companion Guide*' which provides additional practical advice to applicants/developers on the basic biodiversity survey requirements (including seasonal and timing constraints); examples of mitigation and compensation proposals; and how to complete the biodiversity / geodiversity elements on the planning application form.

## 2 Biodiversity and Geodiversity in Neath Port Talbot

### 2.1 What is 'Biodiversity' and 'Geodiversity'?

#### Biodiversity

**2.1.1** A useful definition of biodiversity is provided by the UK Steering Group Report on Biodiversity (1995):

*'Biodiversity (shortened from biological diversity) is all living things, from the tiny garden ant to the giant redwood tree. You will find biodiversity everywhere, in window boxes and wild woods, roadsides and rainforests, snowfields and sea shores.'*

**2.1.2** As human beings we ourselves are an element of, and reliant on, the biodiversity of the planet. Plants and animals provide us with food, plants provide oxygen for us to breathe and many recreational and tourist attractions rely upon the enjoyment of our native biodiversity. In addition, biodiversity can aid in the prevention of flooding, temperature rises in towns and cities and in providing health and well-being benefits to people. It is therefore essential that we try to understand and protect our biodiversity as it underpins many of the services we rely upon in our day-to-day lives and is one of the key underpinning components of sustainable development.

#### Geodiversity

*'Geodiversity describes the range and variety of geological features that constitute and shape the Earth, comprising the full variety of rocks, minerals, fossils, landforms, sediments, soils and water, together with the natural processes which form and alter them.'*

**2.1.3** The importance of conserving sites which reflect the geodiversity of the UK landscape and natural environment is now recognised as being of major significance in the context of sustainable land use planning and development. Such sites can provide access to key bedrock, superficial deposits and soil units which contain instructive evidence of previous periods of environmental change, including climate and land use change; many chart the history of local mineral extraction and associated industrial development; others were, and remain, the only source for building stones that contribute to our architectural heritage.

### 2.2 Biodiversity in Neath Port Talbot

#### Species, Habitats and Sites

**2.2.1** The County Borough hosts a great variety of habitats ranging from exposed uplands, through ancient woodlands along valley sides and rivers meandering along the valley floors, to marshland and sand dunes where the rivers meet the sea. In addition to

## 2 . Biodiversity and Geodiversity in Neath Port Talbot

these naturally occurring habitats, the County Borough also has man-made but also ecologically interesting habitats, such as canals, heathland and even previously developed land that has developed its own interesting flora and fauna. Habitats such as hedgerows, canals, rivers and other connecting features also provide an essential role in linking habitats and providing corridors for wildlife movement.

**2.2.2** Some of our habitats, and their associated species, are nationally and internationally important. For example, Crymlyn Bog and Pant-y-Sais Fen are regarded as some of the most important Fen sites in Wales as well as being recognised internationally.

**2.2.3** The habitats of the County Borough are home to a wealth of wildlife species. Some are rare, such as the Fen Raft Spider that is not found anywhere else in Wales and the Honey Buzzard, a species more common in continental Europe but for which Neath Port Talbot is the main Welsh stronghold. Harbour Porpoise utilise our docks in Port Talbot and uncommon plant species such as Sea Stock are found amongst our sand dunes.

**2.2.4** There are a number of sites within the County Borough that have been designated for nature conservation, these include international, national and local designations. The former two classes of designation are afforded protection under specific legislation, whilst local designations such as Sites of Importance for Nature Conservation (SINCs) are largely protected through the planning process.

**2.2.5** In addition to designated sites, the County Borough is home to a number of protected species afforded said protection under European and National legislation.

### Picture 2.1 Fen Raft Spider (by Steve Bolchover)



### Sites of Importance for Nature Conservation

**2.2.6** Sites of Importance for Nature Conservation (SINCs) are local sites of substantive nature conservation value. They are the most important places for wildlife outside legally designated sites such as Sites of Special Scientific Interest (SSSIs). In addition, they are important in providing support and linkage, in a local context, to such internationally and nationally designated sites. SINCs are normally afforded protection, particularly from damaging

development, through the planning process. In addition, support for their management can be a target for grant aid in addition to any funds gained from planning.



## 2 . Biodiversity and Geodiversity in Neath Port Talbot

**2.2.7** Whilst a number of SINC's have already been identified, it should be highlighted that any site that meets the criteria set out in **Appendix A**, but is yet to be designated as a SINC, will be considered by the Council in the same way in the planning process as those already identified. Further detail on the SINC identification, policy and review process is also provided in **Appendix A**.

### Impacts on the Biodiversity Resource

**2.2.8** Over a period of time, the biodiversity resource in the County Borough has been progressively reduced as a consequence of inappropriate management, agricultural intensification and development pressure. Some habitats have declined dramatically and only a very small proportion of the original resource is in existence today, this is particularly true of the coastal habitats such as sand dune.

**2.2.9** Whilst development can significantly impact upon biodiversity across the County Borough through direct loss of habitats and their associated species, disturbance on and off-site, and habitat fragmentation causing species isolation and the prevention of genetic exchange, it can also afford opportunities to enhance biodiversity and reverse previous damage, as well as to avoid net losses through careful planning and design.

**2.2.10** The Local Biodiversity Action Plan and the SINC's register highlight those local habitats and species, outside of statutory designated sites, most at risk of such impacts. These are therefore considered as conservation priorities and provide a focus for conservation action within the development process.

### 2.3 Geodiversity in Neath Port Talbot

**2.3.1** Neath Port Talbot lies mostly on Upper Carboniferous rocks of the South Wales Coalfield, which extends from Pontypool to Swansea and is underlain by Carboniferous Limestone and Millstone Grit. These deposits are underlain by the much older rocks of the Devonian which also form the upland areas of the Brecon Beacons and Black Mountains.

**2.3.2** Within the South Wales Coalfield there are three major east-west folds with widespread faulting, including the Neath and Swansea Valley Disturbances which have influenced the location and orientation of the respective valleys within Neath Port Talbot.

**2.3.3** Pleistocene glacial deposits of boulder clay, sand and gravel are extensive in the area and the Neath and Swansea valleys display the typical U shape resulting from glaciation, with associated hanging valleys and waterfalls, terminal moraines and terraces left by the retreating ice.

**2.3.4** A range of conservation designations can include geological interest, including Sites of Special Scientific Interest (SSSIs) and Regionally Important Geodiversity Sites (RIGS). Within Neath Port Talbot, there are four SSSIs and two RIGS which are designated for geological reasons (refer to **Appendix B**).

## 2 . Biodiversity and Geodiversity in Neath Port Talbot

Picture 2.2 Craig y Llyn



### Regionally Important Geodiversity Sites

**2.3.5 Aberdulais Falls:** The waterfalls and crags in this National Trust visitor attraction provide access to some impressive Brithdir age Pennant Sandstones. The site has its own small museum / education centre and provides excellent, very easy access to a geologically and historically interesting site.

**2.3.6 Melincourt Brook:** Part of the site is very easily accessible

with well maintained footpaths, leading to a spectacular waterfall, graphically illustrating how they are formed by erosion of softer sediments and toppling of harder, overlying beds. The site provides a section through Rhondda and Brithdir Beds of the Pennant Sandstones and coals, constituting one of the most continuous sections in the Brithdir Beds. Also included in the site is a disused ironworks and tips associated with coal working, which is of historical and industrial interest.

**2.3.7** Full details of these RIGS are available in **Appendix B**.

### 2.4 Green Infrastructure

**2.4.1** Biodiversity habitats and natural features, along with geodiversity features, are considered 'green infrastructure assets' that often function to provide important benefits, that otherwise would need to be hard engineered to realise.

Green infrastructure is defined as '*...the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. It is a natural, service-providing infrastructure that is often more cost-effective, more resilient and more capable of meeting social, environmental and economic objectives than 'grey' infrastructure*'<sup>(2)</sup>.

Examples may include parks and gardens, greenspace, allotments, cemeteries, green corridors, green/brown roofs, sustainable urban drainage schemes and trees (including individual trees, street trees, groups of trees or woodland areas).

## 2 . Biodiversity and Geodiversity in Neath Port Talbot

**2.4.2** Green infrastructure assets are often multi-functional and can deliver a great number of benefits to society, including green space , biodiversity protection and enhancement, and flood attenuation and water management to name a few. These, functions then have real economic value through reducing environmental costs and boosting property value due to proximity of greenery or greenspace for example.

## 2 . Biodiversity and Geodiversity in Neath Port Talbot

### 3 Policy Context

**3.0.1** UK national policy on biodiversity and geodiversity has developed within the context of a long history of national wildlife legislation along with more recent international conventions, agreements and European legislation. The current UK national legislative framework is intended to conserve our important biodiversity and geodiversity resources, and deliver the obligations of the relevant international conventions and directives.

#### Commitments and Legislation

**3.0.2** A range of parliamentary Acts, International Conventions and European Directives require biodiversity to be conserved and taken into account in the planning process. The following set out some of the key commitments and legislation most commonly encountered in the planning process:

- The ***United Nations Convention on Biological Diversity (1992)*** requires biodiversity to be used in such a way so as not to lead to its decline. In response to this Convention ***Biodiversity Action Plans*** were introduced.
- ***The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)*** transposes the requirements of the European Habitats Directive into UK law. These Regulations along with the ***Wildlife and Countryside Act 1981 (as amended)*** afford protection to certain sites and species.
- The ***Well-Being of Future Generations (Wales) Act 2015*** places a duty upon public bodies to produce well-being objectives that contribute to achieving a set of overarching well-being goals. The Resilient Wales goal is the key goal that biodiversity and geodiversity conservation, as part of the planning process, will contribute towards delivering.
- The ***Environment (Wales) Act 2016*** places a statutory duty on all public bodies, including the Local Planning Authority, to seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems with the intention of ensuring that biodiversity becomes an integral part of all decision making in public authorities.

## 3 . Policy Context

Picture 3.1 Floodplain, Neath



**3.0.3** The Welsh Government has also published a ***Nature Recovery Action Plan for Wales (December 2015)***, which builds upon the legislative frameworks set out in the Well-Being and Environment Acts and sets out actions for how the underlying causes of biodiversity loss can be addressed.

**3.0.4** The legislative framework in Wales therefore requires biodiversity conservation within the wider environment as well as

the protection of specific sites or species.

### 3.1 National Policy Context

**3.1.1** The national policy framework for biodiversity and geodiversity is set out in ***Planning Policy Wales (Edition 9 November 2016) (PPW9)*** with further detail being provided in ***Technical Advice Note 5: Nature Conservation and Planning (2009) (TAN 5)***. These set out the Welsh Government's objectives for the conservation and improvement of our natural heritage and stresses the important part the planning process has to play in meeting biodiversity objectives. Particular emphasis is placed upon creating new opportunities to enhance biodiversity and mitigating or compensating for losses where damage is unavoidable.

**3.1.2** ***The British Standard: Biodiversity - Code of Practice for Planning and Development (BS 42020:2013)*** is a code of practice for a consistent and professional approach to dealing with biodiversity issues as they arise in the planning process. It sets out recommendations for all those involved, including planners, developers and biodiversity / ecological professionals. In particular, it sets out the requirements for appropriate biodiversity information needed for planning decisions to be based upon, both in relation to survey data, assessment and measures to address impacts.



Picture 3.2 Lapwing (by Barry Stewart)



**3.1.3** The **British Standard** aligns the planning process with the development design process and sets out where biodiversity is needed to be considered as a key element of both these processes. By following the approach set out, biodiversity issues will be addressed throughout the process of development design, minimising delays and the need for costly retrofit or reactive mitigation measures.

**3.1.4** The recommendations set out in the **British Standard** should be followed, as this will ensure that developments will smoothly progress through the planning process, in a timely fashion.

**3.1.5** The above policy framework provides the overarching context for the need for all public, private and voluntary organisations to act proactively to protect and enhance biodiversity.

### 3.2 Local Policy Context

#### Local Biodiversity Plans

**3.2.1** At a local level and in response to the Convention on Biological Diversity signed in 1992 **Local Biodiversity Action Plans (LBAPs)** have been formulated, to include targets for local conservation action, collectively working towards achieving the national targets. This plan lists action plans for a number of species and habitats of national and/or local priority in Neath Port Talbot to concentrate local conservation action upon<sup>(3)</sup>. The **LBAPs** also now form a key part of the delivery mechanism for the Welsh Government's Nature Recovery Plan.

**3.2.2** The Neath Port Talbot CBC **Biodiversity Duty Plan (2017)** demonstrates how the Council will fulfil the biodiversity duty set out under the Environment (Wales) Act 2016 and deliver against well-being objectives and the ways of works under the Well-Being of Future Generations Act 2015, as well as contribute towards the delivery of the Nature Recovery Action Plan for Wales<sup>(4)</sup>.

3 Further detail can be viewed on the Council's website.

4 Further detail can be viewed on the Council's website.

## 3 . Policy Context

### Local Well-Being Plan and Objectives

**3.2.3** As referred to above, the *Well-Being of Future Generations (Wales) Act 2015* places a duty upon public bodies to produce well-being objectives, in addition, the Act also establishes Public Service Boards for each Local Authority area in Wales, who must prepare and publish a local Well-Being Plan, setting out objectives and how the board or its individual members will achieve them.

**3.2.4** The objectives of the Council and/or Public Service Board will be required to deliver against the well-being goals, including the *Resilient Wales* goal that sets out the vision for biodiversity conservation moving forward.

### Local Development Plan (2011-2026) (January 2016)

**3.2.5** The Neath Port Talbot *Local Development Plan (LDP)* has policies that ensure the identification, protection and enhancement of sites, habitats and species of international, regional and local importance along with other important natural heritage features (Strategic Policy SP15). Further detailed policies then follow on from this strategic policy.

#### Policy SP15

##### Biodiversity and Geodiversity

Important habitats, species and sites of geological interest will be protected, conserved, enhanced and managed through the following measures:

1. The identification of the following Internationally and Nationally designated sites within the County Borough to enable their protection:
  - (a) Special Areas of Conservation (SACs) and Ramsar Sites;
  - (b) Sites of Special Scientific Interest (SSSIs);
  - (c) National Nature Reserves (NNRs).
2. The identification and protection of sites of regional and local importance;
3. The protection of important natural heritage features.

##### LDP Objective: OB 15

**3.2.6** Policy SP15 indicates that SACs, SSSIs and NNRs are identified in the LDP (these are shown on the LDP Proposals Map). These designated sites are protected by European and UK legislation, with the relevant planning policies set out in PPW and TAN5. Policies for sites of regional and local importance and for the protection of other important natural heritage features are set out in LDP policies EN6 and EN7.

**Policy EN6****Important Biodiversity and Geodiversity Sites**

Development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42<sup>(5)</sup> habitats or species will only be permitted where:

1. They conserve and where possible enhance the natural heritage importance of the site; or
2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.

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

**3.2.7** Where a site is subject to a regional or local designation [i.e. Sites of Importance for Nature Conservation (SINCs), Regionally Important Geological Sites (RIGS) and Local Nature Reserves (LNRs) along with LBAP and S7 (formerly S42) habitats and species], or the proposed development could have an impact on a locally designated site, the main relevant policy is LDP Policy EN6.

**3.2.8** Policy EN6 sets out the requirements for developments that would affect regionally and locally designated sites, habitats and species. Planning proposals that would not conserve or enhance the natural heritage importance of the site would need to comply with criterion 2 of the policy (i.e. show that the development could not reasonably be located elsewhere and the benefits of the development would outweigh the natural heritage importance of the site).

**Picture 3.3 Adder (Copyright Peter Hill)**

**3.2.9** In cases where it is demonstrated that criterion 2 applies, the policy requires appropriate mitigation and/or compensation measures to be agreed and implemented. Only where full mitigation is not possible will compensation measures be considered, firstly

within the site and, as a last resort, on a suitable site elsewhere. More detail on

## 3 . Policy Context

compensation issues is provided in **Appendix D**. Overall, Policy EN6 aims to ensure that there will be no net loss of biodiversity, and wherever possible a net gain, as a result of development.

### Policy EN7

#### Important Natural Features

Development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where:

1. Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or
2. The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

**3.2.10** Specific natural features are considered under Policy EN7. This policy requires features such as trees, ponds, woodland, hedges and field boundaries to be appropriately considered and incorporated into development design. Where this is not possible, appropriate mitigation or compensation is required. Such features may function as key connections linking populations or allowing movement of species. Whilst many of these features will also be afforded protection under the previous mentioned policies, this policy aims to pick up additional features that may function to support our local biodiversity resource, especially those that provide key connectivity to allow for migration in reaction to climate change, in line with LDP Strategic Policy SP1 (Climate Change).

**3.2.11** Overall, these policies stress that the biodiversity and geological resource to be enhanced and conserved goes beyond statutory designated areas and that conservation involves preservation, protection, sustainable management, creation and restoration. The policies encourage the incorporation of biodiversity and geodiversity into the design of development both in relation to its protection and the mitigation of adverse effects. Where significant losses are unavoidable as part of a development, the policy requires appropriate mitigation and/or compensation measures to be agreed and implemented. However, the latter measure, is stressed to be a last resort and all other options will need to be demonstrated to have been considered before this scenario is agreed.

**3.2.12** Given the extensive protection afforded by these policies, it is clear that information about, and consideration of, biodiversity (and where relevant geodiversity) will be a necessary part of most planning applications. There is also a preference for such considerations to be designed-in to the development in order to aim for a net gain for biodiversity along with the ongoing protection of our geodiversity resource.

### 4 Policy Requirements

**4.0.1** Given the policies outlined in **Section 3**, in the assessment of planning applications the Local Planning Authority (LPA) will have to take into account the likely impact of proposed development on the biodiversity and geodiversity resource amongst other factors. It is therefore essential that developers consider the impact of their proposal on biodiversity and geodiversity. The following sets out general overarching principles that further expand and explain the policy requirements.

#### 4.1 General Principles

**4.1.1** The general principles for the consideration of the impact of development proposals on biodiversity / geodiversity are set out below<sup>(6)</sup>.

##### **General Principles for Biodiversity and Geodiversity in Planning and Development**

- ✓ Anticipate all potential biodiversity impacts of a development proposal as early as possible in the planning process.
- ✓ Protect designated sites, protected species, priority/S7 habitats and species.
- ✓ Ensure development does not lead to net loss of biodiversity.
- ✓ Identify opportunities for a development to contribute towards a net gain for biodiversity and protection of geodiversity.
- ✓ Take account of indirect and cumulative impacts.
- ✓ Recognise the importance of, and protect wildlife corridors and stepping stones.
- ✓ Prevent and aim to reverse habitat fragmentation and species population isolation.

**4.1.2** The Royal Town Planning Institute (RTPI) has produced a useful step-wise approach to ensure that there is adequate consideration of biodiversity in the planning process, and this step-wise approach has formed the basis of the LDP strategy and detailed policies. In accordance with LDP policies, developers must demonstrate that due regard has been given to this step-wise approach.



## 4 . Policy Requirements

### Step-Wise Approach

- ✓ Identify and safeguard any existing, or potential, important habitat/species and ecological connectivity.
- ✓ Avoid loss of any existing or potential important habitats or species; or fragmentation of ecological connectivity.
- ✓ Design biodiversity into applications/projects (e.g. landscaping, SUDs, site layout, living roofs and facades etc).
- ✓ Mitigate for any unavoidable harm or loss to important habitat/species or fragmentation of ecological connectivity.
- ✓ Compensate for any unmitigatable habitat/species losses that can be justified.
- ✓ Enhance and increase the biodiversity of the site or off-site, if on-site cannot accommodate such requirements.

**4.1.3** Whilst it is important to consider the separate biodiversity and geodiversity features of a development, developers should also consider such issues in a more holistic way in order to capitalise upon the benefits of such features as green infrastructure assets and in order to reconcile any competing issues.

**4.1.4** The Council considers the use of a green infrastructure approach as best practice and by ensuring that such green infrastructure assets form an integral part of a development's design and layout, the opportunities and benefits that such assets can bring to a development can be realised. This approach is recommended to be considered whilst reading the remaining sections of this document.

**4.1.5** Further guidance setting out how this approach is applied to the various stages of the planning process is set out in **Section 5**.



## 5 Policy Implementation

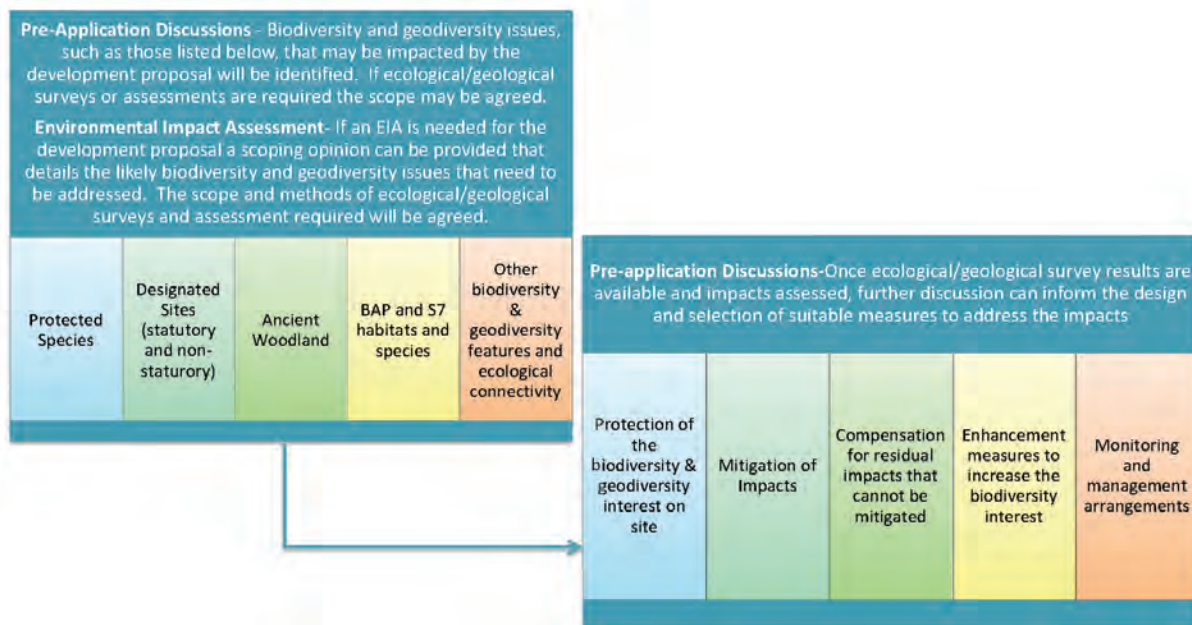
### 5.1 Pre-Application Discussion

**5.1.1** Applicants are encouraged to partake in early discussions with the Planning Department to discuss which policies are relevant to their proposal. It is important that applicants discuss their proposal with a Planning Officer as early as possible in order that any specific biodiversity / geodiversity issues can be highlighted at this early stage to avoid any delays further into the process<sup>(7)</sup>.

**5.1.2** Detailed discussions will focus on all relevant planning obligations and any site specific considerations including the avoidance / mitigation / compensation or enhancement measures the proposal will generate. More specifically, this may include the design of the development; site selection and survey work; where Habitat Regulations Assessment may be required due to the potential for the proposal to significantly affect any European or Internationally designated sites; and in the case of off-site compensation, potential indicative S106 costs can also be provided where relevant.

**5.1.3** It should be noted, that normal permitted development rights may not apply to certain developments where biodiversity is an issue<sup>(8)</sup>.

**Picture 5.1 Summary of the Scope of Pre-Application Discussions**



7 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website.

8 More detail in this respect is provided in the explanation of 'permitted development' in the Glossary (**Appendix E**).

## 5 . Policy Implementation

### Information Requirements

**5.1.4** Where biodiversity and/or geodiversity issues are likely, sufficient information should be gathered by developers at the earliest stage possible to inform the planning process and the design, siting and required survey work for the proposal. This includes information concerning the biodiversity / geodiversity (green infrastructure assets) at the proposed site, potential direct and indirect impacts upon on-site and off-site biodiversity / geodiversity (e.g. the effect on wildlife corridors) and the significance of these impacts.

**5.1.5** Ensuring such information is adequate is likely to require expert support, particularly where the biodiversity and/or geodiversity value of the site is significant. Expert guidance in relation to biodiversity is available from the Council's Countryside and Wildlife Team and Natural Resources Wales (NRW).<sup>(9)</sup>

**5.1.6** In instances where a developer does not provide adequate information as part of the submitted application, this may result in delays to the validation process and consequently the eventual determination of the application, especially in cases where further survey data is required that is seasonally constrained. Applications may also be refused on the basis of lack of adequate information. In addition, if protected species are discovered unexpectedly at a later stage where development has commenced, work may need to be suspended while an appropriate licence is sought from NRW or the Welsh Government, and there is no guarantee that such a licence would be granted.

**5.1.7** A developer should seek pre-application advice from the Planning Department to establish what information is required to be provided as part of their submission. If surveys are required, advice may be given on the scope of the surveys and their methods, and advice will also be provided as to whether the development would need an Environmental Impact Assessment (EIA) and the scope of the biodiversity / geological work needed for that assessment would be detailed.

**5.1.8** An indicative list of information that a developer will be expected to provide as part of a planning application submission is set out below. By seeking pre-application advice, the requirements below will be able to be tailored to ensure that the information is relevant and reasonable for the site and the development proposal.

### Information Requirements

- Details of the site's **existing biodiversity** and its value<sup>(10)</sup>, including the presence or absence of protected species; priority species or habitats as listed in the LBAP or S7 Environment (Wales) Act or meeting SINC criteria; presence of designated sites on or close to the site; presence of habitats or features that support the biodiversity resource (e.g. by forming linkages including wildlife corridors or stepping stones); presence of important features such as trees, woodland,

9 NRW provide a pre-application service, in relation to biodiversity they may advise particularly on statutory designated sites and protected species.

10 To inform the scope of this assessment useful historic site-specific biodiversity data may be sought from the local records centre (South East Wales Biodiversity City Records Centre).

hedgerows / field boundaries, watercourses or ponds; ecological processes upon which the habitat and species recorded rely upon. Detailed surveys may be required<sup>(11)</sup>.

- Details of the site's **existing geodiversity** and its value, including the presence of a Regionally Important Geological Site on or close to the site.
- Consideration of **linkages** with habitats outside of the site (including wildlife corridors and stepping stones).
- Consideration of the services that habitats and features provide and how such services can be retained and wherever possible enhanced (e.g. trees aiding in reducing surface water run-off or air pollution). This should include consideration of the **green infrastructure** assets on site and how they contribute towards the functioning of the on-site and wider environment<sup>(12)</sup>.
- Assessment of direct and indirect **impacts** of the development on the biodiversity / geodiversity found and any proposed **protection, enhancement, mitigation or compensation measures**.
- Quantitative assessment of **biodiversity net loss or gain** per S7/LBAP/SINC habitat and/or species.

**5.1.9** Where ecological surveys are required to be undertaken, these should be undertaken by a suitably qualified / experienced ecologist following standard recognised methodologies and timings. The length of time suitable information is likely to take to collect through relevant surveys should be factored fully into the development programme. Developers should follow the guidelines for ecological reports set out in the 'British Standard 42020' and the 'Chartered Institute of Ecology and Environmental Management'.

### **Additional Requirements (*where relevant*)**

For **certain developments** additional processes or assessments may also be applicable and therefore the following may need to be considered<sup>(13)</sup>:

- Consideration of whether there is a need for the acquisition of **licences** from Welsh Government or Natural Resources Wales.

11 A basic guide to the types of surveys that may be expected for different types of development sites is included in the Council's 'Companion Guide'.

12 This will also aid in the consideration of 'ecosystem resilience' as per the Environment (Wales) Act 2016.

13 A basic guide to the types of surveys that may be expected for different types of development sites is included in the Council's 'Companion Guide'.

## 5 . Policy Implementation

- Consideration of whether the development requires **Environmental Impact Assessment (EIA)**.
- Consideration of whether the development requires a **Habitat Regulations Assessment (HRA)**.

**Picture 5.2 Kenfig, Port Talbot**



### **Habitat Regulations Assessment (HRA)**

**5.1.10** The LPA, as part of the determination of a planning application, is required to ensure that any decision taken on an application is in accordance with legislative requirements under specific biodiversity related legislation.

**5.1.11** To enable the LPA to make an assessment or to demonstrate that the requirements of the legislation have been met, relevant information must be made available by the developer. Where such information is lacking, a precautionary approach is likely to be taken by the LPA. In this respect, it is therefore in the interest of a developer to provide relevant information to inform such assessments and decisions. Specifically in the case of a Habitats Regulations Assessment (HRA), the regulations include provision for requiring detailed information from the applicant.

**5.1.12** HRA, under the 'Conservation of Habitats and Species Regulations (2017)' as amended, may be required where a development has potential to significantly affect any European or Internationally designated sites. Specific information relating to potential impacts will be required (e.g. air pollutant deposition concentrations likely to result from a development). If a development is likely to be on or within 500 metres of a European Designated Site, or there is potential for pollutants to reach such a site (e.g. air or water pollution), it is likely that a HRA will be necessary. It is important for pre-application advice to be sought to ensure a full scope of information needed to be provided to inform this assessment is agreed early on in the process.



**5.1.13** It should be noted that where the outcome of a HRA suggests that an adverse effect upon the European / Internationally designated site(s) may result, the LPA cannot determine the application favourably, with the application being refused or referred to the Welsh Government for determination<sup>(14)</sup>.

### Ecosystem Resilience

**5.1.14** Under the provisions of the Environment (Wales) Act 2016, the Council is required to '*...seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems*' as part of all decisions, including planning decisions. To enable the compliance with this duty the LPA must take account of the resilience of ecosystems, in particular the following aspects:

- Diversity between and within ecosystems;
- The connections between and within ecosystems;
- The scale of ecosystems;
- The condition of ecosystems (including their structure and functioning); and
- The adaptability of ecosystems.

### Picture 5.3 Hedgerow, Bryncoch



**5.1.15** To enable the LPA to meet the requirements of the biodiversity and ecosystem resilience duty, an assessment of the affects of a development upon ecosystem resilience will be required. Where relevant, as part of the information submitted in support of a planning application therefore, developers will be expected to provide suitable information concerning ecosystem resilience (i.e. considering the points referred to above).

**5.1.16** It should be noted that it is not considered necessary for such assessments to be considered for all applications, as many developments (particularly householder and smaller developments) are unlikely to have a significant impact upon ecosystems. It is more likely that larger developments or developments in sensitive locations, where biodiversity or geodiversity impacts are already identified as likely to be significant, will require such assessment. It is therefore important for pre-application advice to be sought

<sup>14</sup> Further advice on HRA is provided in Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009 - Welsh Government).

## 5 . Policy Implementation

to establish whether such an assessment will be needed and if so, to ensure the full scope of information needed to be provided to inform this assessment is agreed at the earliest stage.

**5.1.17** The consideration of ecosystem resilience could be considered through the application of a green infrastructure approach to the development<sup>(15)</sup>.

### Addressing Adverse Impacts

**5.1.18** If a site is found to have clear biodiversity and/or geodiversity interest, the developer will be required to include sufficient measures to protect this interest. If the measures are considered to be insufficient, this is likely to have a bearing on the determination of the application.

**5.1.19** Once suitable biodiversity / geodiversity information is available for the site, further pre-application advice should be sought in respect of suitable schemes for the protection, mitigation, compensation and enhancement of the interest identified. It may be beneficial for an 'Ecological Constraints and Opportunities Plan' (ECOP), as set out in the British Standard, to be prepared to inform these discussions and subsequent stages of the development design and planning process and can be updated throughout the process.

**5.1.20** In designing any development proposal, a key aim should be to **avoid harm** through protecting important habitats, species and geological features, and to avoid impacts upon these as much as is possible. Specifically developers should:

- Avoid adverse impacts on statutory and non-statutory designated sites (including SINCS and RIGS) and protected species.
- Avoid adverse impacts to priority habitats and species identified in the LBAP and under S7 Environment (Wales) Act 2016.
- Retain existing habitat, species and features of biodiversity or geodiversity conservation significance in the site layout and design of the development.
- Avoid isolating existing habitats and species within the development by providing links to adjacent habitats (i.e. wildlife corridors). These could include hedgerows, stepping stones or suitable habitats for more mobile species.
- Carefully design drainage so as not to impact on hydrologically-sensitive habitats, such as wet woodland, bogs and marshy grasslands.
- Retain and build in key green infrastructure assets into the development design to maintain functionality of the on-site and wider environment green infrastructure.

15 Further guidance on 'Ecosystem Resilience Assessment' is being developed by the Association of Local Government Ecologists and the Chartered Institute of Environmental Management.



**5.1.21** In instances where the avoidance of harm to biodiversity and/or geodiversity cannot be incorporated into the design of a development, it may be possible to reduce or minimise adverse impacts upon species and habitats and other features to an acceptable level through **mitigation measures**. These measures should aim to maintain the overall biodiversity / geodiversity value of the site, the particular feature (if relating to SINCs or RIGS) and the wider ecological network of which the site is a part. Mitigation may include<sup>(16)</sup>:

- Carrying out works at appropriate times of the year to avoid disturbance to species, such as breeding birds.
- Incorporating buffer zones between sensitive areas and development to reduce encroachment and disturbance to habitats or geological features (e.g. a 7 metre buffer zone is normally applied for watercourses).
- Designing new infrastructure such as roads, bridges and drainage to allow wildlife movement (e.g. through the provision of wildlife underpasses or ledges) and to ensure the functionality of green infrastructure is maintained.
- Translocating species from habitats to be destroyed to a suitable receptor site (e.g. moving amphibians from a pond to a similar one nearby).

**5.1.22** The adequacy of proposed mitigation measures will be carefully assessed by the LPA and it should be noted that their provision does not in itself mean that planning permission will be granted. The effectiveness and deliverability of any mitigation proposals will need to be adequately demonstrated to ensure that the desired outcomes are achievable. Where HRA is required for proposals with the potential to affect European or Internationally designated sites, additional requirements are imposed by the Habitats Directive and minimising adverse impacts alone may not be sufficient.

**Picture 5.4 Living Roof (Copyright Chris Jones)**



**5.1.23** As a *last resort*, where loss of biodiversity is unavoidable despite mitigation, **compensation** for the residual loss will need to be agreed and implemented. Compensation will only be considered for developments that can demonstrate that all avoidance and mitigation measures have been investigated first.

**5.1.24** It should be noted that newly created or recreated habitats may not offset the loss of

## 5 . Policy Implementation

existing habitat, this is based on the fact that artificially created habitat may be of inferior quality to existing habitats as natural species diversity can only be achieved over a considerable period of time. Compensation therefore is unlikely to be able to replicate the quality of the biodiversity interest lost and as such is considered only a last resort and is to be applied only where the development cannot reasonably be located elsewhere and where the benefits of a development are considered significant enough to outweigh the importance of the biodiversity interest.

**5.1.25** Consequently, development will not be permitted to proceed, with or without compensation, where such overriding benefit is not justified. This, in particular, will be applied to schemes where SINCs or LBAP/S7 habitats / species are identified on a development site. Compensation may involve:

- Creating, recreating or restoring habitats on the site or on other areas of land. Locations and extent of such replacement habitat will need to function ecologically (e.g. will be required to be ecologically connected to other similar habitat).
- Altering the site design to accommodate compensatory features which might include improvements to the conservation value of the site.
- Volunteering planning obligations to secure such measures.
- Creating new green infrastructure assets that contribute towards the functionality of the wider green infrastructure of the site and surrounding environment.

**Picture 5.5 Prenergy Sand Martin Compensation, Port Talbot Docks (Copyright Barry Stewart)**



**5.1.26** To assist developers in providing adequate and ecologically functional compensation, a 'Biodiversity Compensation Scheme' for Neath Port Talbot has been developed, with the aim of reducing the burden on developers particularly in relation to the securing of suitable off-site compensation sites and implementation of necessary management works. The scheme also aims to ensure that compensation is focused at providing the greatest biodiversity benefits. Further detail on the

Biodiversity Compensation Scheme is provided in **Appendix D**.

**5.1.27** It should be noted however that the loss of certain habitats such as ancient woodland, wet woodland, bog or sand dune cannot be replaced and is therefore impossible to compensate for and as such impacts upon such habitats should be avoided within any development.

### Enhancement Opportunities

**5.1.28** All development proposals, whether or not there is a need to incorporate mitigation or compensation measures, should seek to provide additional benefits or 'enhancement' opportunities for biodiversity and/or geodiversity. Adopting such an approach could provide additional benefits, such as reduced visual impact, reduced flood risk and improvements to drainage. In this regard, developers should seek to provide features such as the following<sup>(17)</sup>:

#### Potential New Benefits

- ✓ Areas of new habitat, such as woodland, scrub, grassland or ponds.
- ✓ Incorporation of open space and landscaping so that planting within these areas create wildlife corridors.
- ✓ Nesting or roosting opportunities on new buildings for bats, swallows, swifts, house martin, barn owls or other species.
- ✓ Green / brown roofs and facades to provide additional habitats and bird nesting opportunities, where space is limited.
- ✓ Restoration of mineral and landfill sites to habitats of biodiversity value, such as species-rich grassland, reedbeds or heathland.
- ✓ Sustainable drainage schemes based on reedbeds and ponds so that even the drainage system of a site is of biodiversity value.
- ✓ Trails and interpretation boards or leaflets providing educational information about the biodiversity and geodiversity features.

### Wind Energy Schemes

**5.1.29** Guidance specific to wind energy schemes in respect of the matters for consideration, addressing adverse impacts and enhancement opportunities is presented in **Appendix C**.

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### 5.2 Planning Application Submission

**5.2.1** The planning application submission should reflect the requirements for information as established at the pre-application discussion stage. This will allow the planning process to proceed smoothly and reduces the risk of the need for further information to be provided post-submission<sup>(18)</sup>.

**5.2.2** The LPA requires adequate biodiversity and/or geodiversity information to be provided to inform the decision making process, if further information is required this may result in a delay to determination or refusal of the application based on lack of adequate information. It should be noted however that as a result of the statutory consultation process with relevant consultees [e.g. Natural Resources Wales (NRW)], further information may be required to be provided.

**5.2.3** Furthermore, an 'Ecological Constraints & Opportunities Plan' (ECOP), as set out in the British Standard, may provide a useful visual summary of the ecological information presented in the ecological reports submitted and may assist and speed up the consideration of the information presented.

#### Picture 5.6 River Tawe, Near Ystalyfera



**5.2.4** Through ensuring adequate information is provided as part of the submission following detailed pre-application discussion, the requirement to provide further information prior to the commencement of the development (e.g. mitigation schemes), will be minimised. Severe delays in the implementation of a development can occur awaiting the discharge of pre-commencement conditions, and therefore where possible, such information should be

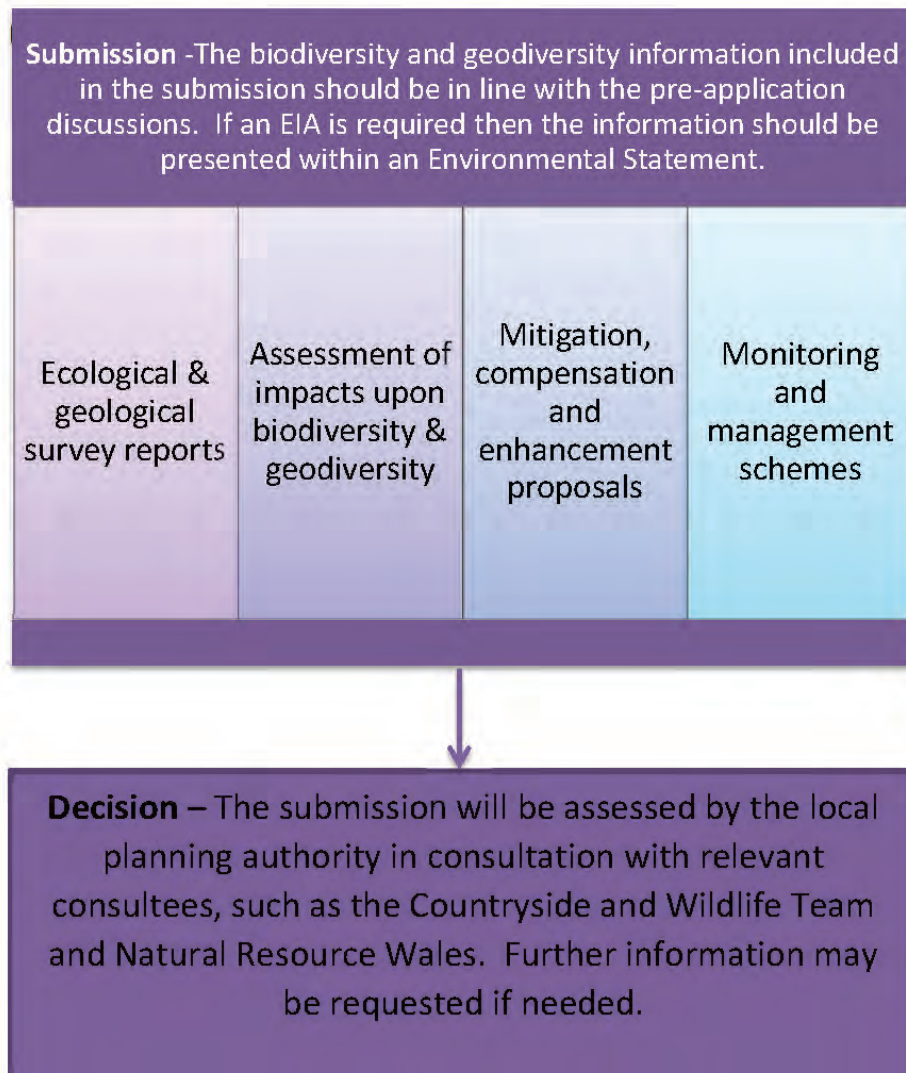
provided as part of the submission.

**5.2.5** Where significant adverse impacts upon biodiversity or geodiversity remain unavoidable and not considered to be adequately addressed at submission stage, the LPA may consider refusal of the application to be appropriate. The decision however will need to consider all other aspects of the development and in particular whether the other benefits associated with the development outweigh the adverse impact on biodiversity or geodiversity.

18 Advice on completing the biodiversity related questions on the Planning Application Form is included in the Council's 'Companion Guide'.



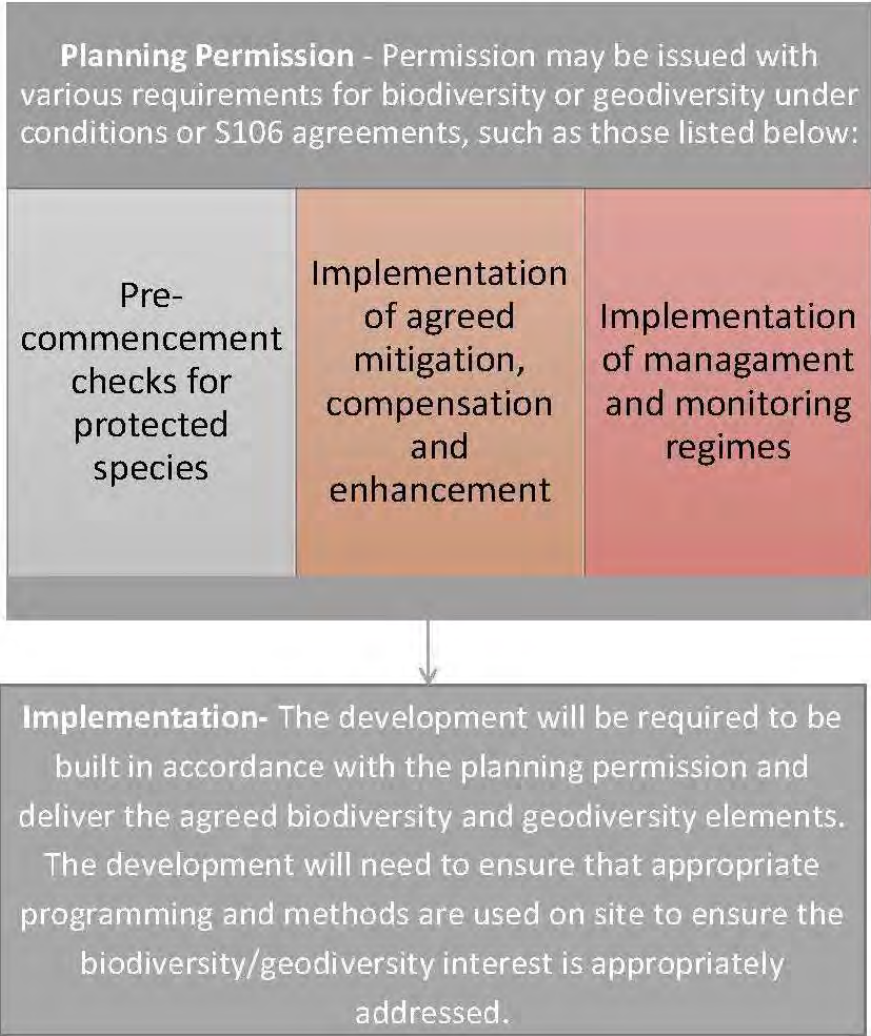
**Figure 5.2 Summary of the Submission Requirements**



### 5.3 Decision / Determination

**5.3.1** Impacts of development may manifest in a wide variety of ways. For example, a development could result in direct loss of habitats or habitats supporting important species; fragmentation or loss of connectivity between habitats or species populations; alteration of regimes such as hydrology that an ecosystem is reliant upon. The requirement for mitigation and/or compensation for significant impacts will therefore be development and site specific.

**Figure 5.3 Issue of Planning Permission and Implementation**



**5.3.2** In many cases where planning permission is granted, conditions or planning obligations may be required to address the impact the development would have on biodiversity / geodiversity irrespective of the type or scale of the development. These may be to secure adequate protection, mitigation and compensation measures to make the development acceptable in planning terms, and may also include provision for the maintenance and management of such measures over time as well as monitoring the success of such measures. Failure to comply with the conditions imposed upon a planning permission may result in the development being deemed unlawful, which could in turn run the risk of enforcement action being taken against the landowner/developer.

**5.3.3** Planning Obligations are legally binding agreements between the developer and the Planning Authority or a unilateral agreement by the developer enforced by the Planning Authority under S106 of the Planning Act 1990, which involve a commitment to address the impacts of a development that will make it acceptable in planning terms, where



otherwise it might be refused<sup>(19)</sup>. Such obligations will normally be required where off-site compensation provisions are necessary or financial contributions are needed to ensure that there are no detrimental impacts on important biodiversity / geodiversity.

**5.3.4** The types of planning conditions that could typically be employed in relation to biodiversity / geodiversity schemes is set out below<sup>(20)</sup>, along with a list of the potentially more flexible mechanism of planning obligations.

**Conditions** - these may help secure biodiversity objectives through a number of mechanisms:

- Restricting or regulating (e.g. restricting operations to particular seasons to avoid impacts on certain species).
- Requiring further details or schemes to be submitted for approval [e.g. environmental or ecological management and monitoring plans; landscaping schemes; construction environmental management plans; or biodiversity method statements (where not provided as part of the submission)].
- Requiring certain features, or existing habitat, to be retained and conserved within a development.
- Requiring restoration or aftercare of land (e.g. following mineral extractions or waste disposal sites).
- Limiting the time duration of all or part of a development.
- Requiring appropriate management and maintenance for a certain period of time.
- Requiring monitoring of newly created habitats and the success of mitigation or compensation measures.
- Requiring the submission / proof of receipt of a protected species licence.
- Requiring protection buffer zones from existing habitats to be retained (e.g. rivers).

**Planning Obligations** - these are particularly appropriate for providing for:

- Access to a feature of biodiversity or geodiversity interest.
- New habitats and even nature reserves or geological reserves.

19 More detailed information on the Council's approach to planning obligations is set out in the Planning Obligations SPG (October 2016).

20 Further examples and details are set out in the **Planning Obligations** for Biodiversity.

## 5 . Policy Implementation

- Monitoring systems and the means of reporting, reviewing and adjusting mitigation, compensation and monitoring measures.
- Management of a habitat or feature, on or off-site, for a period of time.
- Financial provisions for establishment or management of a habitat, nature reserve or geological reserve or feature.
- Information and interpretation material about biodiversity and or geodiversity features present.
- Creation of new rock or fossil exposures.
- Habitat or species translocation schemes.

### Negotiating S106 Contributions

**5.3.5** 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 requirements for mitigation and/or compensation of biodiversity / geodiversity is not viable.

**5.3.6** 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 mitigation and/or compensation. At an early stage in pre-application discussions, developers are encouraged to make themselves familiar with all the planning obligations, including the requirement for mitigation and/or compensation, and to identify any viability issues in the preparation of their application.

**5.3.7** 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 mitigation and/or compensation. **Developers need to consider the costs associated with delivering mitigation and/or compensation requirements and other obligations before entering into land negotiations.**

### 5.4 Monitoring, Management and Review

#### Scheme/Site Monitoring and Management

**5.4.1** Implementation of a development scheme will need to fully comply with the conditions and obligations related to the planning consent. In addition, working practices may need to be developed to minimise risks to the biodiversity / geodiversity interest identified. Programmes of works will need to consider seasonality of species for example, or whether an 'Ecological Clerk of Works' may need to be employed to oversee the mitigation works.

**5.4.2** The 'British Standard' and the 'Construction Industry Research and Information Association' set out guidance for methods and measures of working a development site where biodiversity is present, including suggested contents for 'Construction Environmental Management Plans' and 'Risk Assessments', details on setting out no-go zones, protective fencing and other practical measures. Where the biodiversity / geodiversity on the site is such that appropriate supervision of works is necessary, an Ecological Clerk of Works may be employed<sup>(21)</sup>.

**5.4.3** Where measures to protect, mitigate, compensate or enhance biodiversity and/or geodiversity have been set out as part of a planning permission, developers are likely to be required to provide for their monitoring and management during and post-construction to ensure biodiversity / geodiversity objectives are fulfilled.

**5.4.4** Monitoring is intended to both check compliance with conditions or planning obligations and to establish whether the measures undertaken are effective and are successfully delivering the intended outcomes. The results of the monitoring will then inform any necessary remedial action to be taken to ensure outcomes are met. The types of biodiversity monitoring and management requirements that developers may have to provide is set out below<sup>(22)</sup>.

### Monitoring and Management

Monitoring and management should be undertaken for as long as possible to ensure the establishment or quality of habitats. Normally a minimum of 5-years would be required for monitoring and management schemes, with monitoring checking for the efficacy of management measures. For schemes involving habitat creation and restoration or generally for all off-site compensation sites however, management and monitoring is normally required for a minimum period of 15 years.<sup>(23)</sup>

An 'Ecological Management and Monitoring Plan' may be required to be provided and this should include:

- Descriptions of the habitat, species or features to be monitored and managed.
- Aims of the management.
- Details of management works to be undertaken over the agreed timescale, including methods and timings.
- Details of monitoring works, normally including agreement to submit annual reports to the Local Planning Authority, methods, locations and timings.

21 The British Standard sets out a useful list of duties for such a post.

22 Further information in respect of the scope of a Monitoring Plan is set out in the British Standard.

23 "For development in the UK, the expectation is that compensation sites will be secured for at least the lifetime of the development (e.g. often 25-30 years) with the objective of Net Gain management continuing in the future". Biodiversity Net Gain. Good practice principles for development. Chartered Institute for Ecology and Environmental Management, Construction Industry Research and Information Association, Institute of Environmental Management and Assessment, 2016

## 5 . Policy Implementation

- The contact details of the organisation responsible for the monitoring and management.
- Proposals for the long term management of the site.
- Mechanism for monitoring net change in biodiversity / geodiversity and update the losses and gains assessment.
- Mechanism of plan review and update to ensure remedial action can be taken via an adaptive management regime.

**5.4.5** For small scale development it may not be necessary for long term monitoring to be undertaken, rather just confirmation that the necessary avoidance / mitigation / compensation or enhancement measures have been delivered (e.g. the provision of bird or bat boxes). As suggested in the British Standard, a brief statement confirming that the agreed measures have been implemented, and signed by a competent ecologist, may be all that is necessary in such cases to demonstrate compliance with the planning consent.

**5.4.6** The results of monitoring will inform the future design of biodiversity / geodiversity measures and acceptability for future development going forward. Monitoring results will also provide the Council with relevant information to inform how the the planning process and LDP is contributing towards the delivery of the statutory duties and commitments set out in **Chapter 3**.

### Picture 5.7 Selar Nature Reserve, Blaengwrach



### LDP Monitoring and Review

**5.4.7** In accordance with the strategy set out in the LDP, the Council will expect that future development will not induce net loss in either quality or quantity of biodiversity and wherever possible will contribute positively to its enhancement, thereby promoting net gain of biodiversity. The implementation of policies will be monitored and reported in the LDP Annual Monitoring Report.

### 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](mailto: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

Email: [ldp@npt.gov.uk](mailto:ldp@npt.gov.uk)

#### Countryside & Wildlife

*[For queries relating to biodiversity requirements]*

**Rebecca Sharp [Ecologist]:** Tel: 01639 686149

Email: [biodiversity@npt.gov.uk](mailto:biodiversity@npt.gov.uk)

# 6 . Contact Details



## Appendix A SINC Criteria

**A.0.1** The use of Local Sites as a method of identifying the most important areas of biodiversity resources within a particular administrative area is well established in the UK, including Wales. There is particular reference to such sites in the Environment Strategy for Wales<sup>(24)</sup>, Planning Policy Wales<sup>(25)</sup> and Technical Advice Note 5 (TAN 5)<sup>(26)</sup>.

**A.0.2** TAN 5 requires the selection of such sites in Neath Port Talbot to be based upon rigorous criteria, the 'Wildlife Sites Guidance Wales'<sup>(27)</sup> produced by the Wales Biodiversity Partnership with some local amendments to reflect the local biodiversity resource. The selection is founded on Wales and Local Biodiversity Action Plan (LBAP) priorities. In addition, other habitats and species not included in the LBAP can also form part of the criteria if they are considered to contribute substantially to the local biodiversity resource (refer to Section 3.2).

**A.0.3** The 'Neath Port Talbot Nature Partnership'<sup>(28)</sup> has formed a panel of relevant experts to manage the process of identifying SINC. The Panel will apply the 'Wildlife Sites Guidance Wales' with minor amendments to the criteria to reflect the local context. The amended criteria for selection is provided below. The assessment of all potential sites in Neath Port Talbot will take a number of years to complete due to the requirement to collect detailed information to evaluate sites against the criteria.

**A.0.4** As a comprehensive assessment would not have been possible in the timescales required for the LDP, to date the assessment has been targeted at areas that have the potential for development (i.e. those sites that are allocated and/or largely within or close to settlement limits).

**A.0.5** This, together with sites that already had information available that would automatically qualify them as a SINC (e.g. ancient woodlands), provides a reasonable starting point for SINC designation in Neath Port Talbot. The process has also focused on habitat-based SINC identification, as many species would also be associated with such sites, however further species-specific SINC. will also need to be identified at a later date.

**A.0.6** Work will continue to identify sites and monitor sites following the adoption of the LDP and as such, the current list of sites should not be considered final, as the information represents a snapshot in time. The register of sites will be subject to an annual review and kept up to date by the Council's Countryside and Wildlife Team, with the register being made available to the public through the Local Records Centre<sup>(29)</sup>.

**A.0.7** Any site that meets the criteria, but is yet to be designated as a SINC, will be considered by the Council in the same way in the planning process as those already identified.

24 Environment Strategy for Wales (2006) - Welsh Government.

25 Planning Policy Wales Edition 9 (2016) - Welsh Government.

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

27 Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008) - Wales Biodiversity Partnership.

28 Previously known as the 'Biodiversity Forum of Neath Port Talbot'.

29 South East Wales Biodiversity Records Centre (SEWBRC).

## Appendix A . SINC Criteria

**A.0.8** For those sites already identified as SINC, a great deal of work to collate existing biodiversity information, along with detailed ecological survey work has been undertaken to enable the assessment of each site against the criteria.

**A.0.9** Updates to the register will be informed by the annual review process, which may add new sites or remove existing sites if they are considered to no longer meet the assessment criteria. Due to the existing number of SINC identified and those yet to be considered, a proportion of SINC only will be monitored each year. Given that it is not considered likely that the data collected for the existing SINC will alter significantly for the first few years, the initial focus will be on the identification of new SINC rather than monitoring.

**A.0.10** A full list and details of each identified SINC is held by the South East Wales Biodiversity Records Centre.

### SINC Criteria

**A.0.11** The Wales SINC Criteria are applicable<sup>(30)</sup>. The information below highlights the local amendments to the criteria as agreed by 'Neath Port Talbot Nature Partnership' Panel.

#### NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

#### REVIEW OF GUIDELINES FOR THE SELECTION OF LOCAL SITES IN WALES (2008)

**A.0.12** The '*Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008)*' sets out a common set of detailed guidelines for the selection of biodiversity Local Sites in Wales<sup>(31)</sup>. The guidelines provide a framework within which individual Local Biodiversity Action Plan Partnerships [LBAPs] / Local Planning Authorities are free to refine their own detailed criteria for the selection and designation of Local Sites within their administrative boundaries. The result should be a robust and defensible Wildlife Site system, which is appropriate for application by all of the LBAP areas in Wales, yet flexible enough to allow tailoring to reflect local priorities and circumstances.

**A.0.13** Accordingly, a SINC Criteria Review Panel was established (consisting of a species expert for each group such as birds, invertebrates, plants etc.), and reviewed the guidelines to ensure that the criteria were appropriate in the local context. The amendments to the guidelines are set out below.

30 Refer to 'Wales Biodiversity Partnership' website for full criteria list [Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008 - Wales Biodiversity Partnership)].

31 The Guide is based on an amalgamation of the detailed criteria of the three spatially separate systems developed by the North Wales Wildlife Trust, the Powys Wildlife Trust and the Gwent and Wildlife Trust for South and West Wales.

## Amendments and Additions

### Habitats Guidelines

**A.0.14** No amendments to the habitats selection guidelines.

### Species Guidelines

#### [S1] MAMMALS [Reviewed by Dan Forman (UWS)]

**A.0.15** No change to Welsh guidelines.

#### [S2] BIRDS [Reviewed by Heather Coates (GOS)]

**A.0.16** Spotted Flycatcher - Breeding populations (Table 2) of this species will be considered as designatory (A list) towards site selection to account for its recent significant decline.

**A.0.17** Meadow Pipit - Breeding populations (Table 2) of this species will be considered as contributory (B list) towards site selection in recognition of it being a significant host species for Common Cuckoo (an A list species) (as it is a significant host for Cuckoo).

**A.0.18** The Bird criteria are currently undergoing a further review and will be updated in 2018.

#### [S3] REPTILES [Reviewed by Mark Barber (SWWARG)]

**A.0.19** Adder - To acknowledge the rarity and threatened status of Adders, we will consider the recording of one or more individuals on half or more of the survey occasions to indicate the presence of a 'good population'.

#### [S3] AMPHIBIANS

**A.0.20** Smooth Newt - In recognition of the scarcity of Smooth Newts in Neath Port Talbot, a 'good' population of this species will be considered after a torchlight count of 25 adults, while an 'exceptional' population will be considered after a count of 50 adults.

**A.0.21** Common Frog - Clumps of spawn will be considered as an equivalent of the head count of adults for Common Frogs, therefore a 'good' population of this species will be considered after a count of 100 adults or 100 clumps of spawn, while an 'exceptional' population will be considered after a count of 500 adults or 500 clumps of spawn.

**A.0.22** Great Crested Newt - An LBAP species, and extremely rare within Neath Port Talbot, we will consider a confirmed record of a single individual Great Crested Newt as a 'good' population.

#### [S4] FISH

**A.0.23** No change to Welsh guidelines.

## Appendix A . SINC Criteria

### [S5] INVERTEBRATES [Reviewed by Steve Bolchover]

**A.0.24** In addition to the criteria set out in the Welsh guidelines, sites which support 5 or more Nationally Scarce species will be considered for selection.

### LEPIDOPTERA [Reviewed by Russell Hobson (BC)]

**A.0.25** The Lepidoptera guidelines are now based on Butterfly Conservation's revised National Action Plan for Wales (1998-2009) and focus on those species with targets as published in support of the Wales Biodiversity Framework. This is available on the WBP and Butterfly Conservation websites.

**A.0.26** As a result Butterflies of conservation significance in Wales (Table 6a) will be considered as those listed in the UK Red Data Book, or listed on the Section 7 List with the specific requirement for site protection action (in WAG, 2008 or as updated in Wales plans). Any site which supports populations of these species will be considered for selection.

**A.0.27** Sites supporting Butterflies of medium conservation significance in Wales (Table 6b) will be considered as contributory for selection.

### [S6] VASCULAR PLANTS [Reviewed by Dr Charles Hipkin]

**A.0.28** The selection guidance used in the Welsh Guidelines (2008) will be used with the following amendments to the tables listing primary / contributory species:

**A.0.29** Status Key: NS (Nationally Scarce); NR (Nationally Rare); VU (Vulnerable); EN (Endangered Species); CR (Critically Endangered); LC (Locally Common).

**Table A.0.1 List of Plants on Section 42 List of Vascular Plants in NPT**

Species		Status
<i>Artemisia campestris ssp. maritima</i>	Wormwood spp	NR/VU
<i>Clinopodium acinos</i>	Basil thyme	?/VU
<i>Dianthus armeria</i>	Deptford Pink	NS/EN
<i>Euphrasia rostkoviana ssp. montana</i>	Eyebright spp	NS/VU
<i>Gymnadenia conopsea</i>	Fragrant orchid	?/LC
<i>Liparis loeselii</i>	Fen orchid	NR/CR
<i>Matthiola sinuata</i>	Sea stock	NR/VU
<i>Monotropa hypopitys</i>	Yellow bird's-nest	NS/EN
<i>Salsola kali ssp kali</i>	Saltwort spp	?/VU
<i>Silene gallica</i>	Sandwort spp	NS/EN
<i>Trollius europaeus</i>	Globeflower	?/LC
<i>Vicia orobus</i>	Wood bitter vetch	NS/NT

Table A.0.2 List of Primary Species for Site Designation in NPT

Species		Status
<i>Artemisia campestris ssp maritima</i>	Wormwood spp	NR/VU
<i>Astragalus glycyphyllos</i>	Wild liquorice	LC
<i>Atriplex longipes</i> *	Long-stalked Orache	NS/LC
<i>Baldellia ranunculoides</i>	Lesser water plantain	NT
<i>Butomus umbellatus</i>	Flowering rush	NT
<i>Carex distans</i>	Distant sedge	LC
<i>Carex elata</i>	Tufted sedge	LC
<i>Carex limosa</i> #	Bog sedge	LC
<i>Carex punctata</i>	Dotted sedge	NS/LC
<i>Chrysanthemum segetum</i> *	Corn marigold	VU
<i>Cladium mariscus</i>	Great fen sedge	LC
<i>Climopodium acinos</i>	Basil thyme	LC
<i>Crepis paludosa</i>	Marsh hawksbeard	LC
<i>Cryptogramma crispera</i>	Parsley fern	LC
<i>Dianthus armeria</i>	Deptford pink	NS/EN/Sch. 8
<i>Dryopteris aemula</i> *	Hay-scented buckler fern	LC
<i>Eleocharis uniglumis</i>	Slender spike-rush	LC
<i>Equisetum hyemale</i>	Rough horsetail	LC
<i>Eriophorum gracile</i>	Slender cottongrass	NR/NT/Sch. 8
<i>Erodium lebelii</i>	Sticky stork's-bill	NS/LC
<i>Euphorbia exigua</i>	Dwarf spurge	NT
<i>Euphrasia micrantha</i>	Eyebright spp	DD
<i>Euphrasia rostkoviana ssp montana</i>	Eyebright spp	NS/VU
<i>Festuca altissima</i>	Wood fescue	NS
<i>Filago vulgaris</i>	Common cudweed	NT
<i>Frankaenia laevis</i>	Sea heath	NS/NT
<i>Gymnadenia conopsea</i> *	Fragrant orchid	LC
<i>Hydrocharis morsus-ranae</i>	Frogbit	VU
<i>Hymenophyllum tunbrigense</i>	Tunbridge filmy fern	LC
<i>Hymenophyllum wilsonii</i>	Wilson's filmy fern	NT

## Appendix A . SINC Criteria

Species		Status
<i>Hyoscyamus niger</i>	Henbane	VU
<i>Isoetes echinospora</i>	Quillwort spp	LC
<i>Isoetes lacustris</i>	Quillwort spp	LC
<i>Lepidium latifolium</i>	Dittander	NS/LC
<i>Limonium procerum ssp. procerum</i>	Sea-lavender spp	-
<i>Liparis loeselii</i>	Fen orchid	NR/EN/Sch. 8
<i>Lobelia dortmanna</i>	Water lobelia	LC
<i>Marrubium vulgare</i>	White horehound	NS/LC
<i>Matthiola sinuata</i>	Sea stock	NR/VU/Sch. 8
<i>Mecanopsis cambrica</i>	Welsh poppy	NS/LC
<i>Mentha suaveolens</i>	Round-leaved mint	NS/DD
<i>Misopates orontium</i> *	Lesser snapdragon	VU
<i>Myrica gale</i>	Bog myrtle	LC
<i>Monotropa hypopitys</i> **	Yellow bird's-nest	EN/Sch. 8
<i>Myriophyllum verticillatum</i>	Whorled water-milfoil	LC
<i>Parapholis incurva</i>	Curved hard grass	LC
<i>Parentucelia viscosa</i>	Yellow bartsia	LC
<i>Platanthera bifolia</i>	Lesser butterfly orchid	VU
<i>Polygonum oxyspermum</i>	Ray's knotgrass	LC
<i>Potamogeton perfoliatus</i>	Perfoliate pondweed	LC
<i>Pyrola minor</i>	Common wintergreen	LC
<i>Ranunculus lingua</i>	Greater spearwort	LC
<i>Rosa micrantha</i>	Small flowered Sweet briar	LC
<i>Rubus saxatilis</i>	Stone bramble	LC
<i>Sagittaria sagittifolia</i>	Arrowhead	LC
<i>Salicornia pusilla</i>	One-flowered glasswort	NS/LC
<i>Salsola kali ssp kali</i>	Saltwort spp	VU
<i>Schoenus nigricans</i> *	Black bog-rush	LC
<i>Scirpus holoschoenus</i>	Round headed club rush	NR/EN
<i>Sedum roseum</i> *	Roseroot	LC
<i>Silene gallica</i>	Small flowered catchfly	NS/EN



Species		Status
<i>Sparganium angustifolium</i>	Floating bur reed	LC
<i>Sparganium natans</i>	Least bur reed	LC
<i>Stellaria pallida</i>	Lesser chickweed	LC
<i>Thalictrum minus</i> *	Lesser meadow-rue	LC
<i>Thelypteris palustris</i>	Marsh fern	NS/LC
<i>Trichomanes speciosum</i> (gametophyte)	Killarney fern	NR/LC
<i>Trollius europaeus</i> *	Globe flower	LC
<i>Typha angustifolia</i>	Lesser bulrush	LC
<i>Utricularia australis</i>	Bladderwort	LC
<i>Vaccinium vitis-idaea</i> *	Cowberry	LC
<i>Verbascum nigrum</i> *	Black mullein	LC
<i>Verbascum virgatum</i>	Twiggy mullein	LC
<i>Vicia orobus</i>	Wood bitter vetch	NS/NT
<i>Viola canina</i>	Heath dog-violet	NT
<i>Viola tricolor</i>	Wild pansy	NT

\* No recent records from known sites / \*\* One of the largest populations in Wales of this schedule 8 species, formally at Crymlyn Burrows Amazon site, rendered extinct; other populations in vicinity may survive / # Needs confirming for Neath Port Talbot

**Table A.0.3 List of Contributory Species for Site Designation in NPT**

Species		Status
<i>Agrimonia procera</i>	Fragrant agrimony	LC
<i>Anacamptis pyramidalis</i>	Pyramidal orchid	LC
<i>Apium inindatum</i>	Lesser marshwort	LC
<i>Arenaria serpyllifolia</i> ssp. <i>leptoclados</i>	Thyme-leaved sandwort	LC
<i>Atriplex glabriuscula</i>	Babington's orache	LC
<i>Atriplex laciniata</i>	Frosted orache	LC
<i>Atriplex littoralis</i>	Grass-leaved orache	LC
<i>Ballota nigra</i>	Black horehound	LC
<i>Bidens cernua</i>	Nodding bur reed	LC
<i>Cakile maritima</i>	Sea rocket	LC
<i>Callitriche platycarpa</i>	Various-leaved water starwort	LC

## Appendix A . SINC Criteria

Species		Status
<i>Calystegia soldanella</i>	Sea bindweed	LC
<i>Carex disticha</i>	Brown sedge	LC
<i>Carex extensa</i>	Long-bracted sedge	LC
<i>Carex montana</i>	Soft-leaved sedge	NS/LC
<i>Carex vesicaria</i>	Bladder sedge	LC
<i>Ceratophyllum demersum</i>	Rigid hornwort	LC
<i>Cystopteris fragilis</i>	Brittle bladder fern	LC
<i>Dactylorhiza incarnata</i>	Early marsh orchid	LC
<i>Echium vulgare</i>	Viper's bugloss	LC
<i>Eleocharis multicaulis</i>	Many-stalked spike-rush	LC
<i>Eleogiton fluitans</i>	Floating club-rush	LC
<i>Elytrigia juncea</i>	Sand couch	LC
<i>Epipactis palustris</i>	Marsh helleborine	LC
<i>Eryngium maritimum</i>	Sea-holly	LC
<i>Euphorbia paralias</i>	Sea spurge	LC
<i>Filago minima</i>	Small cudweed	LC
<i>Frangula alnus</i>	Alder buckthorn	LC
<i>Geranium pratense</i>	Meadow crane's-bill	LC
<i>Geranium rotundifolium</i>	Round-leaved crane's-bill	LC
<i>Gymnocarpium dryopteris</i>	Oak fern	LC
<i>Hippuris vulgaris</i>	Mare's-tail	LC
<i>Honkenya peploides</i>	Sea sandwort	LC
<i>Inula crithmoides</i>	Golden samphire	NS/LC
<i>Isolepis cernua</i>	Slender club rush	LC
<i>Juncus acutus</i>	Sharp rush	LC
<i>Juncus subnodulosus</i>	Blunt flowered rush	LC
<i>Lamium hybridum</i>	Cut-leaved dead-nettle	LC
<i>Lathraea squamaria</i>	Toothwort	LC
<i>Lathyrus sylvestris</i>	Narrow-leaved everlasting-pea	LC
<i>Lathyrus nissolia</i>	Grass vetchling	LC
<i>Lemna trisulca</i>	Ivy-leaved duckweed	LC

## Appendix A . SINC Criteria

Species		Status
<i>Leymus arenarius</i>	Lyme-grass	LC
<i>Limonium vulgare</i>	Common sea-lavender	LC
<i>Linum bienne</i>	Pale flax	LC
<i>Malva neglecta</i> *	Dwarf mallow	LC
<i>Medicago arabica</i>	Spotted medick	LC
<i>Mercurialis annua</i>	Annual mercury	LC
<i>Myosotis ramosissima</i>	Changing forget-me-not	LC
<i>Myriophyllum spicatum</i>	Spiked water-milfoil	LC
<i>Nuphar lutea</i>	Yellow water-lily	LC
<i>Nymphaea alba</i>	White water-lily	LC
<i>Oenanthe lachenalii</i>	Parsley water-dropwort	LC
<i>Ophrys apifera</i>	Bee orchid	LC
<i>Orobanche minor</i>	Carrot broomrape	LC
<i>Osmunda regalis</i>	Royal fern	LC
<i>Papaver dubium ssp lecoqii</i>	Long-headed poppy	LC
<i>Parapholis strigosa</i>	Hard-grass	LC
<i>Phegopteris connectilis</i>	Beech fern	LC
<i>Phleum arenarium</i>	Sand cat's-tail	LC
<i>Picris hieracioides</i>	Hawkweed oxtongue	LC
<i>Pinguicula vulgaris</i>	Butterwort	LC
<i>Plantago media</i>	Hoary plantain	LC
<i>Potamogeton pectinatus</i>	Fennel pondweed	LC
<i>Prunus padus</i>	Bird cherry	LC
<i>Puccinellia distans</i>	Reflexed saltmarsh-grass	LC
<i>Ranunculus penicillatus ssp. pseudofluitans</i>		LC
<i>Reseda lutea</i>	Wild mignonette	LC
<i>Rhamnus catharticus</i>	Buckthorn	LC
<i>Rubia peregrina</i>	Madder	LC
<i>Rumex hydrolapathum</i>	Water dock	LC
<i>Sagina maritima</i>	Sea pearlwort	LC
<i>Sagina nodosa</i>	Knotted pearlwort	LC

## Appendix A . SINC Criteria

Species		Status
<i>Salicornia dolichostachya</i>	Long-spiked glasswort	LC
<i>Salicornia ramosissima</i>	Purple glasswort	LC
<i>Samolus valerandi</i>	Brookweed	LC
<i>Scnoenoplectus tabernaemontani</i>	Grey club-rush	LC
<i>Scirpus sylvaticus</i>	Wood club-rush	LC
<i>Seriphidium maritimum</i>	Sea wormwood	LC
<i>Sorbus torminalis</i>	Wild service	LC
<i>Sparganium emersum</i>	Unbranched bur-reed	LC
<i>Spergularia marina</i>	Lesser sea-spurry	LC
<i>Spergularia media</i>	Greater sea-spurry	LC
<i>Trifolium fragiferum</i>	Strawberry clover	LC
<i>Trifolium scabrum</i>	Rough clover	LC
<i>Valerianella carinata</i>	Keel-fruited corn-salad	LC
<i>Veronica agrestis</i>	Green field-speedwell	LC
<i>Veronica catenata</i>	Pink water speedwell	LC
<i>Viola tricolor ssp. curtisii</i>	Wild pansy	LC
<i>Vulpia fasciculata</i>	Dune fescue	NS/LC

### [S8] BRYOPHYTES

**A.0.30** No change to Welsh guidelines.

### [S9] FUNGI

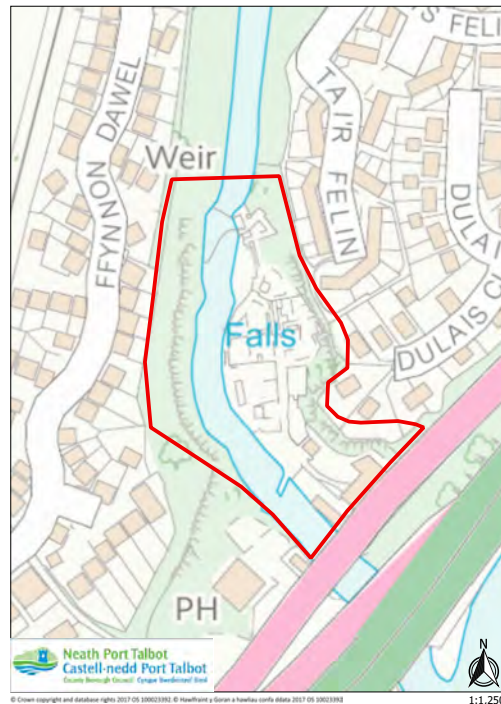
**A.0.31** No change Welsh guidelines.

### [S10] CHAROPHYTES

**A.0.32** No change to Welsh guidelines.

## Appendix B RIGS

### Aberdulais Falls



<b>Site Name:</b> Aberdulais Falls
<b>RIGS Number:</b> 583
<b>Grid Reference:</b> SS 7710 9950
<b>RIGS Category:</b> Educational, Historical
<b>Earth Science Category:</b> Stratigraphic, Sedimentological, Historical
<b>Site Nature:</b> River and falls
<b>OS 1:50,000 Sheet:</b> 170
<b>OS 1:25,000 Sheet:</b> 165
<b>BGS 1:50,000 Sheet:</b> E247R
<b>RIGS Statement of Interest:</b> The waterfalls and crags in this National Trust visitor attraction provide access to some impressive Brithdir age Pennant Sandstones. The site has its own small museum / education centre and provides excellent, very easy access to a geologically and historically interesting site. Ideal for school groups.

### Geological Setting / Context

**B.0.1** This site is owned and managed by the National Trust, telling the story of *'the power of water and its impact on industry'*<sup>(32)</sup>. At Aberdulais, the narrow gorge has provided water power for working copper, flour, wool and tin over the centuries and now generates electricity, making the site self sufficient in energy utilising the waterwheel which is the largest in Europe for that purpose.

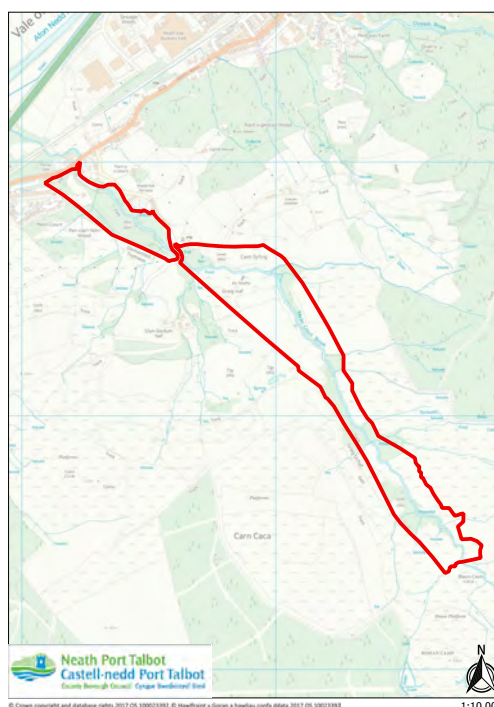
**B.0.2** The site has good exposures of Brithdir age Pennant Sandstone. Brithdir Beds are typically *'green-grey lithic arenites with conglomeratic lenses at the base of units. The sandstones are interbedded with thin mudstones or siltstones and seat earths and thin coals'*. The site displays good examples of massively bedded sandstones and tabular cross beds which have plant debris.

**B.0.3** The joints are significant here partly in that they allowed the rock to be easily excavated along the gorge and other parts of the site and partly because they now afford stable, clean surfaces which facilitate safe access.

**B.0.4** The rock faces are now overgrown and it should be borne in mind that this was a site of heavy industry with little or no vegetation at that time.

**B.0.5** The site is especially important because it provides very safe access to some interesting geological features which are of basic geological educational use with the benefit of café and toilet facilities on site.

### Melincourt Brook





<b>Site Name:</b> Melincourt Brook
<b>RIGS Number:</b> 590
<b>Grid Reference:</b> SS 8220 0190
<b>RIGS Category:</b> Scientific, Educational, Aesthetic, Historical
<b>Earth Science Category:</b> Historical, Industrial, Stratigraphic
<b>Site Nature:</b> River section and waterfall
<b>OS 1:50,000 Sheet:</b> 170
<b>OS 1:25,000 Sheet:</b> 165
<b>BGS 1:50,000 Sheet:</b> 231/248
<b>RIGS Statement of Interest:</b> Part of the site is very easily accessible with well maintained footpaths, leading to a spectacular waterfall, graphically illustrating how they are formed by erosion of softer sediments and toppling of harder, overlying beds. The site provides a section through Rhondda and Brithdir Beds of the Pennant Sandstone and coals, constituting one of the most continuous sections in the Brithdir Beds. Also included in the site is a disused ironworks and tips associated with coal working, which is of historical and industrial interest.

## Geological Setting / Context

**B.0.6** Melincourt covers approx 3km of intermittent exposure through the Pennant Formation in a stream section where the Upper Rhondda and the Brithdir Beds can be examined. Rhondda No.1, Thin Coal of the Brithdir, Graig, Brithdir Rider, Glyngwilym, Wenal and the Wenallt Rider coal seams are all predicted to outcrop here although many are hard to find without clearing the sections. Some are apparent by areas of workings.

**B.0.7** Exposure begins just at the base of the footpath where it meets the B4434, here several metres of silt and mudstone can be found. The mudstones and finely bedded silts soon give way to fining upwards sandstone formations. These massively bedded formations have been deeply eroded, probably along joint-sets, by the river to produce a deep narrow gorge, several small cascades and waterfalls. The sands frequently become fine and occasionally silty, however in general they exhibit much more regular grain size distribution than the lower and middle Rhondda successions. The first of the significant coals in the section unfortunately is not currently visible. Found at the base of the large waterfall, the Brithdir coal is concealed by scree, large boulders and a significant depth of water in the plunge pool at its base. On the northern bank just below the plunge pool, the Brithdir coal's rootlet bedded seatearth can be found, unfortunately the seatearth and coal are covered at footpath level by scree and vegetation on the southern bank.

**B.0.8** The waterfall cascades over massive Pennant sandstones with softer shales layers at its base. Erosion on this shale undercuts the sandstones, causing it to collapse and the waterfall to appear to migrate upstream.

**B.0.9** Another thin coal, about 10cm thick, is found about a third of the way up the waterfall, its position marked by a narrow ledge. This section is within the Melincourt RIGS boundary 1.

**B.0.10** Intermittent exposure of sandstone occurs directly above the waterfall and although unseen in section the position of the Graig seam is clearly marked by several adits to either side of the river. The non-exposed beds are likely to comprise less resistant thin interbedded mudstones, which give rise to the more open landscape in this area. The Graig coal is known to have a section at this locality of 18-24 inches and spoil is known to yield *Anthraconauta tenuis* and *A. Phillipsii* and ostracods (BGS Memoir, Pontypridd).

**B.0.11** Above this level intermittent exposure of cross-bedded sandstones continues for 40-50 metres vertically in stream and bankside exposure. Access to this section of stratigraphy is best achieved by descending the wooded river bank from the farmers fields above. Crossing the stream to the northerly bank facilitates investigation of the sandstones and Brithdir Rider Coal. The position of the coal is only indicated by a deposit of dark shale at the base of a sandstone wall. Digging away this material reveals a substantial overhang and recessed exposure of the coal itself. The exposure only extends for a short period, halted by a significant number of fallen blocks of Pennant sandstone. A certain thickness of mudstone is known to exist below the Brithdir Rider and can be estimated from limited exposure to be greater than 4 metres thick. This mudstone was identified slightly downstream in a steep boulder-strewn tributary on the north bank (Grid Ref: SN 830 014).

**B.0.12** The section upstream continues with cascades and bouldery sections, the weathered Pennant sandstone crags found along the riverbank show beautiful defined crossbed foresets and erosional bedforms. Workings along the riverbank suggest the presence of thin coals, although no significant exposure was identified. The Glyngwilym Seam, which takes its name from the farm (Grid Ref: SN 8300 0117) half a kilometre to the south west of Melincourt is found further upstream below a prominent sandstone cascade. Its 'crop' can be traced across the hillside to the west of the stream, marked predominantly by spoil and old adits. The succession directly above the Glyngwilym seam is known from collieries in the area to be almost entirely composed of argillaceous, silty mudstones and while there is little outcrop evidence, the valley becomes more open and Melincourt Brook flows across open upland peat morrland.

**B.0.13** The iron works and blast furnace, whose remains are still visible at the site were built in the 17<sup>th</sup> Century, with the works opening in 1708 and converted from charcoal to coke in 1795. It produced pig iron which was taken to Dylais Forge at Aberdulais for conversion to wrought iron. The Melincourt blast furnace was powered by an overshot waterwheel, fed by a leat from the waterfalls above. The works finally ceased in 1808. The site was known to have had an air furnace, a finery, foundry and ancillary buildings. This section, above the waterfalls is within the Melincourt Brook RIGS boundary 2.

**B.0.14** Melincourt Brook RIGS boundary 3 is south east of the RIGS area 2 and encompasses an area of colliery tips, levels and trials associated with the Cefn Mawr Colliery (Grid Ref: SS 842 999) and Blaen y Cwm Colliery (Grid Ref: SS 846 997). Both worked the Wenallt Rider coal seam. Blaen y Cwm Colliery was serviced by a tramway which linked the Clyn Tramroad and eventually the Neath Canal.

### Appendix C Specific Guidance on Wind Energy Schemes

**C.0.1** Wind energy development schemes have specific requirements that are not necessary for other projects. Given the nature, scale and upland location of such development, proposals can encounter habitat and species that are not often considered in other types of scheme. In addition, the underlying and supporting processes reliant upon geodiversity, soils and hydrology are also important considerations for such schemes.

**C.0.2** The following guidance should be read in conjunction with **Section 5.1**. The below sets out specific additional requirements or issues to those already covered in that section.

#### Information Requirements

**C.0.3** The following sets out additional wind energy specific issues or information requirements:

##### Specific Information Requirements

- ✓ An Environmental Impact Assessment (EIA) and Ecosystem Resilience Assessment (ERA) are often needed, particularly those schemes with a large number of turbines.
- ✓ Breeding, wintering and migratory bird surveys including assessment of collision risk. This should particularly include surveys for raptor species and Nightjar. Specific Schedule 1 raptors such as Honey Buzzard have specific methodology requirements that should be agreed prior to the start of any survey work.
- ✓ Peatland surveys, including hydrological functioning.
- ✓ Bat roosting and activity surveys including assessment of collision risk.
- ✓ Surveys for rare plant and moss species, particularly along forestry track edges.

**C.0.4** It is important that a developer seek pre-application advice from the Council at the earliest stage to establish what information is required to be provided as part of the planning submission. Notably, the required surveys are likely to take a minimum of a year or two to complete.

**Picture C.1 Wind Turbines at Pen y Cymoedd Wind Farm**



### Addressing Adverse Impacts

**C.0.5** Due to the location and size of wind related schemes, it is likely that proposed sites will have significant biodiversity and/or geodiversity interest, consequently the submitted application should include sufficient measures to protect this interest. Due to the likely complexities of the biodiversity / geodiversity issues on site, it is recommended that the opportunity to regularly engage with the Council's Countryside and Wildlife Team via the pre-application advice service is sought in relation to the development of suitable schemes for the protection, mitigation, compensation and enhancement of the interest identified.

**C.0.6** Specific **avoidance** measures that could be applied to wind energy developments could include:

- ✓ Refining the locations of turbines, associated infrastructure and tracks away from sensitive habitats, habitats supporting sensitive species and peat resources.
- ✓ Refining the locations of turbines, associated infrastructure and tracks taking consideration of hydrological impacts, ensuring key hydrological links are maintained and peatland functionality conserved.
- ✓ Refining the locations of turbines, associated infrastructure and tracks away from areas of significant bird or bat activity, particularly from nesting or roosting locations and locations where collision risk would be increased due to topography or other geographical / ecological issues.

**C.0.7** Specific **mitigation** measures that could be applied to wind energy development could include:

- ✓ Construction Method Statements (CMSs) - as part of the the detailed design process, within a CMS the infrastructure can be designed and construction implemented in ways to minimise impacts (e.g. through designing floating tracks over peat bog; incorporating diffuse drainage measures to maintain hydrological connections; incorporation of wildlife crossing points).
- ✓ Construction Environmental Management Plans (CEMPs) - these can set out specific measures to conserve biodiversity and geodiversity features (e.g. through undertaking pre-commencement checks for species; translocating species; setting out requirements for pollution prevention; setting works programme to take into account seasonal ecological requirements; detailing encroachment prevention measures such as fencing).
- ✓ Cut in speeds - where impacts upon species such as bats are anticipated, the wind speed at which the turbine blades rotate can be altered to minimise collision risk (e.g. at lower wind speeds).
- ✓ Micro-siting - turbines and associated infrastructure and tracks can be micro-sited to avoid sensitive habitats, habitats supporting sensitive species or geological features.
- ✓ Maintaining the area around the turbines to discourage target species use (e.g. Nightjar).
- ✓ Operational Timing - where impacts upon species such as bats are anticipated, turbines may be switched off and/or no rotation permitted during certain time periods at night and within a particular season, thereby reducing collisions at higher risk periods.

**C.0.8** Last resort **compensation** measures that could be applied to wind energy development may include:

- ✓ Creating and managing suitable habitat for target species (e.g. Nightjar and Honey Buzzard).
- ✓ Creating, recreating or restoring habitats, particularly upland habitats such as peat bog and heathland on the site or on other areas of land. Locations and extent of such replacement habitat will need to function ecologically and hydrologically (i.e. will be required to be ecologically connected to other similar habitat and functional hydrological regimes restored).



- ✓ Altering the site design to accommodate compensatory features which might include improvements to the conservation value of the site.
- ✓ Providing long-term management measures for habitats to ensure their value is retained and sustained over the long-term.
- ✓ Volunteering planning obligations to secure such measures.
- ✓ Formulation of a steering committee of relevant organisations (e.g. the Council, NRW, nature conservation bodies such as the 'Royal Society for the Protection of Birds' or 'Wildlife Trust') to advise on and oversee the delivery of the compensation and mitigation on the site.

**Picture C.2 Nightjar at Pen y Cymoedd Wind Farm  
(Copyright Dan Carrington)**



**C.0.9** Given the scale of wind related schemes, it is unlikely that the Council's 'Biodiversity Compensation Scheme' will be feasible for such developments. Developers are however able to negotiate with landowners in order to identify / provide potential compensation areas, and it is considered that this will continue to be the most likely mechanism for compensation delivery for this type of development.

### Enhancement Opportunities

**C.0.10** Wind energy developments could provide any of the following **enhancement features**<sup>(33)</sup>:

33 Further examples may be gained from the Council's 'Companion Guide' which provides examples of different types of schemes and how they may incorporate biodiversity considerations.



### Potential New Benefits

- ✓ Areas of new habitat, such as woodland, heathland, grassland or ponds.
- ✓ Nesting, roosting and foraging opportunities for bats and birds.
- ✓ Restoration of land to habitats of biodiversity value, such as species-rich grassland, woodland or heathland.
- ✓ Sustainable drainage schemes or natural solution based drainage (e.g. ponds, wetlands, allowing overland flow during high rainfall events). This will allow the drainage system of a site to be of biodiversity value.
- ✓ Creating and managing suitable habitat for target species (e.g. Nightjar and Honey Buzzard).
- ✓ Providing long-term management measures for habitats to ensure their value is retained and sustained over the long-term.
- ✓ Trails and interpretation boards or leaflets providing educational information about the biodiversity and geodiversity features.



### Appendix D Compensation Scheme

**D.0.1** The requirement for biodiversity compensation is set out in Policy EN6 (Important Biodiversity and Geodiversity Sites). Whilst in many cases, developers will be able to address the biodiversity (including legislative) requirements on-site, in certain circumstances, there may not be enough land available to enable the biodiversity interest to be maintained and enhanced on-site.

**D.0.2** In these cases, off-site compensation for biodiversity losses are needed to ensure the policy requirements and the necessary legislative duties are met. Unfortunately, the need for compensation sites is continually increasing and more recently, finding and agreeing such provisions has become more of a challenge. Furthermore, the known biodiversity value that exists on a number of LDP allocated sites would suggest that this issue is likely to be an ongoing consideration moving forward.

**D.0.3** The Council recognises that it can be difficult for some developers to find additional land to utilise as off-site compensation, and as a consequence developers often request that the Council identify and facilitate this. Furthermore, experience has shown that many developers would rather pay a sum of money for the problem to be addressed and the ability to proceed with their development without the burden of delivering such compensation themselves. To date the approach taken to compensation has been ad hoc and very slow to negotiate.

#### The Way Forward

**D.0.4** The Council has recently commissioned 'David Clements Ecology Ltd' to undertake research to establish the various processes already in existence in England and to investigate possible funding mechanisms. This research has informed the development of the 'Biodiversity Compensation Scheme' set out below.

**D.0.5** The scheme aims to identify and deliver biodiversity compensation in the most practicable way, whilst at the same time reducing the burden on developers and investors in Neath Port Talbot, thereby ensuring the Council is able to meet its legislative duties. The scheme sets out the steps that the Council can take to provide a workable compensation service.

**D.0.6** Whilst some developers may be able to take on responsibilities for finding sites and delivering biodiversity management works, others may not wish to take this forward. In addition, where developers have undertaken works in the past, there have been issues of enforcing delivery over the length of time necessary for biodiversity works to deliver, companies go bust, merge and land changes ownership, making it difficult to track down a route of enforcement and thus making it difficult to ensure the required biodiversity outcome is realised.

**D.0.7** In order to address such issues and to deliver the best outcome possible for biodiversity, the Council will seek to facilitate and deliver a 'Biodiversity Compensation Service'. This approach will not only be intended to be beneficial for those developers wishing to utilise the service, but it will also provide a more robust and transparent delivery

mechanism to guarantee biodiversity outcomes. It is not the intention of the Council to make the use of this service mandatory, but the Council does wish to encourage the use of the service via negotiation during the planning process.

### **Biodiversity Compensation Process**

*[Note: whilst the process set out below specifically considers habitat compensation, this will equally be required for the translocation or compensation for species impacts].*

#### **Step 1 - Habitat Banking**

**D.0.8** To enable development and reduce delays, the process aims to bank ('habitat banking') a number of sites in readiness to deliver necessary compensation works. This will reduce significant delays currently experienced whilst a compensation site is being identified / located.

**D.0.9** Sites will be identified; their biodiversity assessed to ensure the sites do not already have significant interest (e.g. existing LBAP/S7/SINC habitats or species; nature conservation designation) and an Environmental Management Plan (EMP) prepared detailing proposed biodiversity management works that could be undertaken to improve the biodiversity value on the site. These works will be costed, with the survey work and preparation of the EMP being undertaken by the Council's Ecologists<sup>(34)</sup>.

**D.0.10** A number of issues were identified in the research that suggests that working with private landowners may be problematic (e.g. length of legal agreements needed, conflicts with farming subsidies). Initially therefore, the focus of the habitat bank will be publicly owned land, particularly land that is in Council ownership. In addition, land purchase will also be considered where a landowner would prefer not be tied into a lengthy legal agreement and to ensure enough sites of differing habitat / habitat potential types are banked ready.

#### **Step 2 - Development**

**D.0.11** As part of the planning submission, the exact type and extent of the residual habitat / biodiversity loss, after all mitigation measures are applied, will be detailed by the developer. Potential compensation for such a loss will be agreed with the Council's planning officers and ecologists.

**D.0.12** The extent of habitat compensation required will be negotiated, with the exact quantity being dependent upon the nature of the compensation agreed, although as a minimum this must exceed that being lost. The exact extent deemed appropriate will also take account of the requirements for enhancement and the length of time for new habitats to develop to replace the quality of that lost (tens or even hundreds of years in some cases). The relevant multipliers required to address this time-lag will be habitat specific<sup>(35)</sup>.

34 A number of pilot sites have already been identified and surveyed with EMPs produced as part of a feasibility study undertaken by David Clements Ecology.

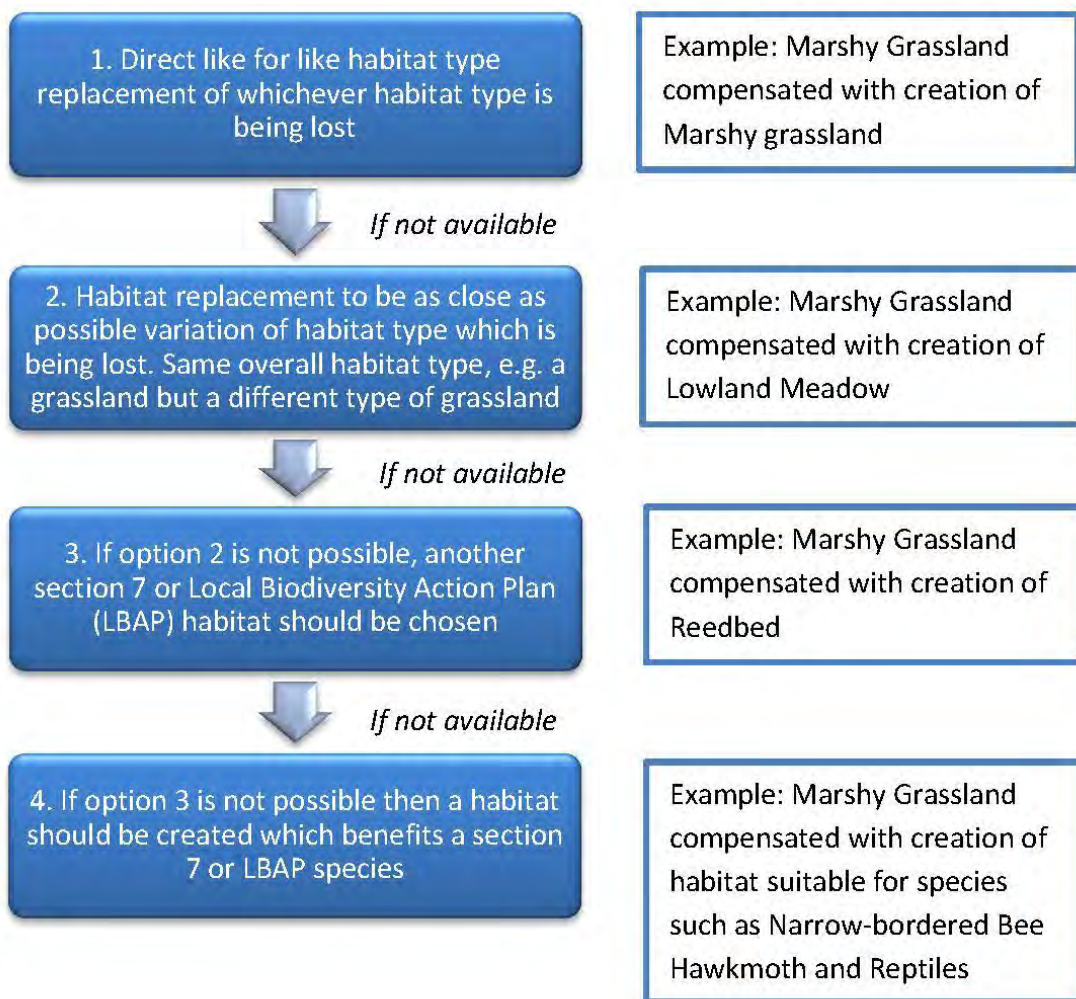
35 Further detail on the issue of time-lags and multipliers is set out in 'Biodiversity Offsetting Pilots Technical Paper: The Metric for the Biodiversity Offsetting Pilot England' (DEFRA - March 2012).

**D.0.13** For small losses where compensation habitat creation would have limited biodiversity value or ecological functioning, a financial contribution may be used to maintain and improve existing biodiversity value on a site. Such cases will be considered on a individual basis and will only apply to sites that will result in a loss of less than 0.5 hectares of habitat.

### Step 3 - Compensation Site Selection

**D.0.14** The Council's ecologists will seek to match the developer to a suitable compensation site from the Neath Port Talbot habitat bank based on the type of habitat and extent being lost from the development site, and the developer may be matched to one or more management aims within an EMP for that biodiversity compensation site. Like for like habitat type compensation is however not always possible, and in cases where direct habitat type compensation cannot be achieved, the 'Habitat Compensation Hierarchy' will be used to establish a suitable alternative.

**Figure D.1 Habitat Compensation Hierarchy**



**D.0.15** The 'Habitat Compensation Hierarchy' set out above is designed to help justify and establish which habitat type should be used as compensation if direct like for like habitat compensation is not possible. Whilst this may mean an overall loss of a specific habitat type (which will need to be reported), there will be a gain in another habitat type thereby ensuring that overall the biodiversity of the County Borough is accounted for, and in the long run a variety of sites delivering different biodiversity improvements will aim to balance out such individual site habitat losses.

**D.0.16** This will however need to be carefully monitored. If a single habitat type is continually being lost due to this site selection process, the process will need to be reviewed. It may be the case that such habitat is included in the list of habitats considered irreplaceable and thereby development should be discouraged from such sites where such habitat could be lost.

### **Step 4 - Legal Agreement**

**D.0.17** Only once a compensation site and habitat type has been agreed can the details of a S106 be negotiated. A financial contribution will be secured for the agreed biodiversity management works as set out in the EMP for the site for a minimum of 15 years<sup>(36)</sup>; a land fee (i.e. a charge for the use of the site to ensure no net loss of income to the landowner is experienced); and project management costs. Once the S106 and all other matters relevant to the application are agreed, planning permission may be granted with the S106 agreement being a condition of any planning consent granted.

**D.0.18** More than one development may contribute towards a single compensation site where the impacts from a single development would not be commensurate with the size of the compensation site identified. As biodiversity compensation is not classed as infrastructure, pooling any number of S106 agreements in this way would be acceptable.

### **Step 5 - Delivery**

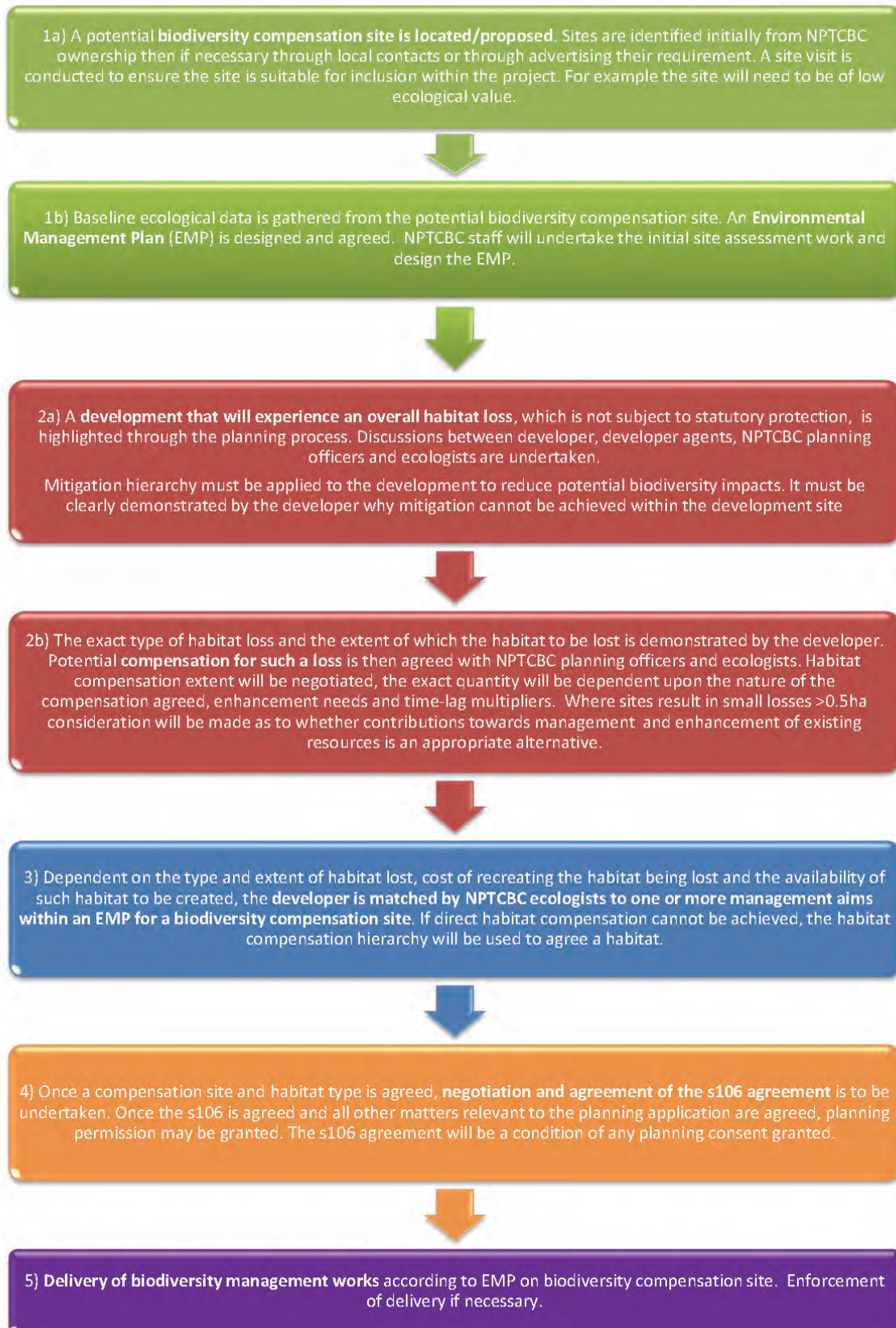
**D.0.19** Once the S106 becomes active (normally on development commencement), the funds will be released and biodiversity management works can be delivered on-site under the project management of the Council's Countryside and Wildlife Team.

**D.0.20** Where works are undertaken by the developer or by another external party, arrangements for the appropriate enforcement of the delivery of the S106 will be undertaken by the Planning Department as necessary.

36 *"Biodiversity compensation should be planned for a sustained Net Gain over the longest possible timeframe. For development in the UK, the expectation is that compensation sites will be secured for at least the lifetime of the development (e.g. often 25-30 years) with the objective of Net Gain management continuing in the future".* (Biodiversity Net Gain. Good practice principles for development. CIEEM, CIRIA, IEMA, 2016.)



## Figure D.2 Biodiversity Compensation Process





## Appendix E Glossary

**Table E.0.1 Glossary of Terms**

Ancient Woodland	Woodland that has either: 1. been assessed and listed in the Ancient Woodland Inventory for Wales as being in continual existence on a site since 1600 and greater than 5ha in size. 2. supports ancient woodland indicator species such as Bluebell. These species are slow to colonise surrounding areas and therefore may remain on a site of woodland which may have since been cleared. Many Ancient woodland sites in Neath Port Talbot have been overplanted by coniferous plantation however there are still semi-natural and replanted examples. The Ancient woodland inventory can be obtained from the Natural Resources Wales.
Appropriate Assessment	Where a development is likely to have a significant impact upon a Natura 2000 Site (Ramsar Site, SAC or SPA), an appropriate assessment will be required under Conservation of Habitats and Species Regulations 2017. Full details of a development must be provided by the applicant to the planning authority in order for the authority to carry out an appropriate assessment. An ecological report should be submitted as part of the application. Planning permission will only be granted if the appropriate assessment clearly demonstrates that the development will not adversely effect the integrity of the Natura 2000 site, in isolation, or in combination with other effects. In cases where the integrity of the site may be affected, but there are imperative reasons of over-riding public interest, permission may only be granted to proceed following permission from the Welsh Assembly Government (for devolved matters) or the UK Secretary of State (for non-devolved matters). If there is any likelihood of an AA being required, prospective applicants are advised to contact the local planning authority as early as possible to discuss the issues.
Brown Roofs	Roofs that have been designed to mitigate for the loss of brownfield (previously developed land) that supports species such as ground nesting birds and invertebrates. A substrate of varying size from crushed aggregates, through to pebbles and small boulders laid over a waterproof membrane and allowed to colonise naturally with a sparse covering of vegetation or sedum.
Conservation (in relation to biodiversity)	Actions taken to ensure the continued existence of species populations and their habitats; this includes restoration and enhancement measures.
Cumulative Impacts	Impacts resulting from the combined effects of more than one development.
Ecosystem Resilience	The resilience of ecosystems is a term to encompass the ability of our ecosystems (including habitats, species, air, water, soils and ecological processes ) to continue to function and provide the services upon which we rely. In considering ecosystem resilience the following must be considered: Diversity between and within ecosystems; Connections between and within ecosystems; Scale of ecosystems; Condition of ecosystems (including their structure and functioning); and Adaptability of ecosystems.
Environmental Impact Assessment (EIA)	Under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, certain proposed developments require particular assessment to identify their likely effects (positive and negative) on the environment. EIA is required for all projects listed under Schedule 1 of the Regulations whilst those listed under Schedule 2 need to be 'screened' to establish whether they require EIA according to particular thresholds or locations. If developers are unsure about whether a development will require an EIA they should seek a 'screening opinion' from the planning authority.
Fauna and Flora	Animals and plants.
Fen	A type of wetland habitat normally found in an area of peat with an input of water from groundwater or streams. This habitat supports many plant and animal species not found in other habitats, such as sedges and sphagnum mosses.
Genetic Exchange	The exchange in genetic information between populations as part of the breeding process. This exchange ensures that species are able to evolve and adapt to prevailing conditions through the introduction of new genetic information into the gene pool (total amount of genetic

## Appendix E . Glossary

	material in a breeding population). Where genetic exchange is prevented due to population isolation inbreeding may occur and a population may die out due to their inability to adapt and mutations that occur from inbreeding.
Green Roofs	Roofs intentionally designed to enable vegetation to grow on them. They may be of an intensive form akin to ground-level gardens, or extensive self-sustaining forms based on a thin layer of soil-type matter.
Green Infrastructure	The Landscape Institute defines green infrastructure as <i>'the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. It is a natural, service-providing infrastructure that is often more cost-effective, more resilient and more capable of meeting social, environmental and economic objectives than 'grey' infrastructure'</i> (Landscape Institute, Green Infrastructure. An Integrated Approach to Land Use. Position Statement, 2013).
Habitat	A place in which a population of a species lives, a term used also to refer to assemblages of plants and animals such as woodland, grassland.
Habitat Fragmentation	The process by which habitats become broken up into smaller parts and isolated through development or inappropriate management.
Impacts	The effect and implications of a development.
Indirect Impacts	Impact of a development that occur as a result of a direct impact as a knock-on effect or due to interactions between impacts. Indirect impacts may be delayed or off-site.
Invasive Species	Non-native species that have become a particular problem through their tendency to proliferate and threaten native species. They include Japanese Knotweed, Rhododendron and Himalayan Balsam. A full list of invasive non-native species is available under S9 of the Wildlife and Countryside Act 1981 as amended.
Licensing	Works that would result in the disturbance or injury of a protected species require a license from the relevant responsible body. In respect to European Protected Species such as bats and otters, this is Natural Resources Wales. For badgers this is Welsh Government.
Local Biodiversity Action Plans (LBAPs)	LBAPs are the mechanism for the local delivery of the targets set out in the UK Biodiversity Action Plan and the Wales Nature Recovery Plan. Each LBAP identifies local priorities for the conservation of species and habitats. LBAPs have been developed throughout Britain by partnerships of local stakeholders. Each LBAP reflects the priorities of the National Plans, covering priority habitats and species that are at risk or whose status are uncertain, as well as more widespread habitats and local species.
Material Consideration	Key topic that the Local Planning Authority has to take into account whilst making the decision as to whether to grant permission.
Native Species	Species that occur naturally within an area rather than having been introduced intentionally or unintentionally by humans.
Natural Feature	A feature that supports nature; this could be through providing shelter, food, breeding locations for wildlife species; or could provide ecological connections to facilitate movement; or could provide ecological services. Such features may include man-made features as well as naturally occurring features.
Permitted Development	Certain developments that do not require planning permission. However, a full planning application is required for developments that require an environmental assessment under the EIA Regulations, even those that would normally be permitted under the Development Order. In addition the Conservation of Habitats and Species Regulations 2017 restrict permitted development that have a significant effect on a European Site – SPA or SAC, or European Protected Species. Planning permission is also required for the following permitted developments within SSSIs: temporary land use for war games, motor sports and clay pigeon shooting.

Planning Obligations (or Section 106 Agreements)	These are agreements between the developer and the Planning Authority or a unilateral agreement by the developer enforced by the Planning Authority under s106 of the Planning Act 1990. They involve a commitment to provide something that will make the application acceptable in planning terms, where otherwise it might be refused.
Protected Species	Plant and animal species listed in and protected by national wildlife legislation.
Priority Species and Habitats	Species and habitats identified as particularly at risk and in need of priority action under the UK Biodiversity Action Plan, as reflected in local biodiversity action plans and S7 of the Environment (Wales) Act 2016.
Residual Impacts	Impacts from a development which are not dealt with by prevention, mitigation or compensation measures.
Seasonally Constrained	The limitation imposed on species surveys by seasonal behaviours such as migration, hibernation and breeding, which dictate species presence and vulnerability to disturbance.
Species	A group of animals or plants of the same kind which reproduce amongst themselves but are usually reproductively isolated from other types of animals or plants.
Species Isolation	Process by which species become separated from others reducing the gene pool and potential for evolutionary adaptation.
Statutory Designated Sites	Sites that are given particular protection under law. For biodiversity these include: Special Sites of Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and National Nature Reserve (NNR).
Sustainable Development	The standard definition of sustainable development is ' <i>development which meets the needs of the present without compromising the ability of future generations to meet their own needs</i> ' (Brundtland, 1987). This requires development to ensure effective protection of the environment, make prudent use of natural resources, and enable equal opportunity and well-being.
Sustainable Drainage Schemes (SuDS)	Drainage schemes designed to improve control of, and the quality of, run-off from a development, usually by incorporating features that mimic more natural drainage systems as opposed to impermeable surfaces and concrete drains. Such features include ponds and reed-beds, which may also improve the amenity and biodiversity value of a site.
Wildlife Corridor	Wildlife corridors provide a physical link between wildlife habitats and allow some species to move between otherwise isolated areas. This can help to replenish isolated populations. The corridor habitat itself also meets some or all of the needs for shelter, protection, food and breeding sites and is therefore needs to be a vegetated or natural habitat link, such as hedgerows and streams.









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



Local Development Plan  
Cynllun Datblygu Lleol

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration and Sustainable Development Cabinet Board

26<sup>th</sup> January 2018

### Report of the Head of Planning and Public Protection

N. Pearce

#### Matter for Decision

Wards Affected: *All Wards*

#### Report Title

#### Proposal to charge a fee for the provision of Environmental Health & Trading Standards business advice

#### Purpose of Report

1. To seek Members approval for the introduction of an hourly charge for the provision of advice to new and existing businesses by the Environmental Health & Trading Standards service

#### Executive Summary

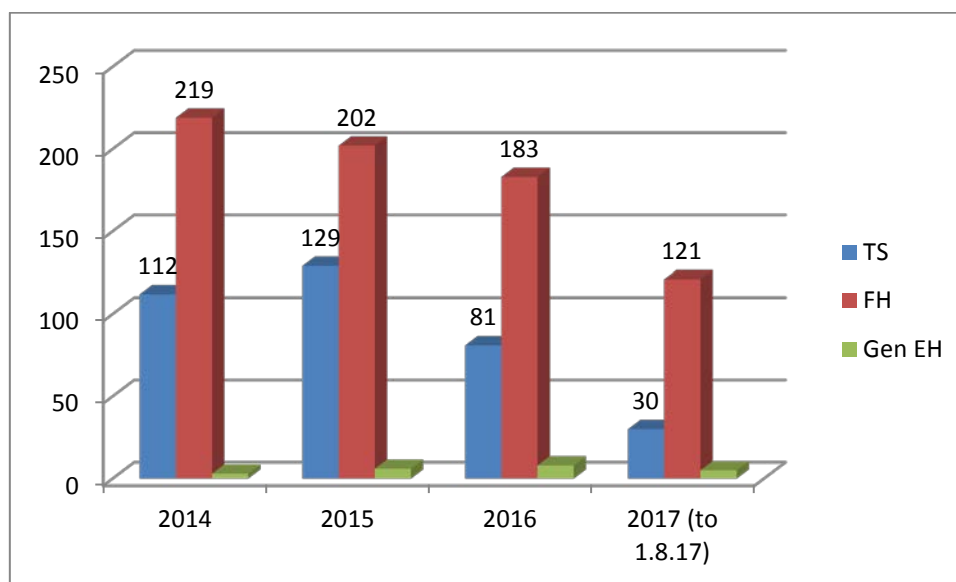
2. This report outlines the provision of advice to new and existing businesses by the Environmental Health & Trading Standards Department and the proposal to charge for this service as a means of cost recovery for the department.

#### Background

3. Environmental Health & Trading Standards have the statutory duty to enforce a wide range of legislation from food safety, weights and measures and product safety, health and safety and private rented properties including housing of multiple occupation.

As part of that service, Environmental Health & Trading Standards will provide advice to new and existing businesses that request such advice to enable them to comply with the relevant legislation.

The graph below indicates the number of service requests for business advice that have been received per calendar year since the 1<sup>st</sup> of January 2014. Data for the General Environmental Health service is not recorded for business advice except for advice concerning Houses in Multiple Occupation.



The length of time in dealing with delivering business advice can vary considerably. Advice may only consist of a 10 minute telephone conversation and an e-mail directing the trader to a relevant web link for advice but it can also mean a number of hours pouring over systems of work, procedures, labels, advertisements and examining the fabric of buildings.

Peaks in demand can occur when new legislation is brought into force. For instance, the Trading Standards peak in 2015 can be traced back to the introduction of new food allergen information rules for catering premises, such as takeaways, cafes, and restaurants.

The alternative for businesses is to buy the advice commercially from experts with Trading Standards or Environmental Health backgrounds or relevant qualifications, or for the businesses to carry out their own research. The cost to businesses of purchasing this advice from commercial operators far exceeds that proposed by the council, while those businesses who are undertaking their own research are running the risk of not complying with the legislation correctly. There is therefore a

compelling argument for the provision of a fee paying service by the council.

Such is the demand for food hygiene advice currently provided free of charge by the council's Food Hygiene team, a small section of that team has been established to deal solely with new business enquiries.

Trading Standards already charge for the provision of metrology services including assessing weighing and measuring equipment to establish whether it is fit for use for trade and certification. However, this service is seldom used by business following its deregulation at the end of the 1990s, which allowed private industry to offer the same service.

There are concerns that a charge may discourage businesses from approaching the services for advice. There is an argument that it is preferable to offer a free service to businesses to ensure that they meet their legislative requirements and ensure that a business is legal and primarily safe to operate. However, it has been reported that other authorities who have implemented a charge have seen no drop in demand, and that businesses attach a greater "value" to advice for which there has been a fee paid.

Neath Port Talbot would not be the first authority to charge for Environmental Health & Trading Standards advice. The following authorities within Wales are those that already charge for the provision of business advice:

Shared Regulatory Services (Cardiff, Vale of Glamorgan, Bridgend)

Pembrokeshire County Council (Food Hygiene and Standards)

Monmouthshire County Council (Food Hygiene)

Powys County Council (Food Hygiene)

Charges range from £45-75 per hour. Some authorities also specify a minimum 2 hour initial consultation.

Given the importance of operating within the regulations and the comparative low cost of advice as a proportion of the costs associated with a business start-up, it is considered that they remain good value for money.

There is already a means of charging on a cost recovery basis under the Primary Authority scheme. This scheme offers assured advice within a formal partnership between businesses and a local authority on a statutory basis.

Priorities for the service remain public protection and the investigation of criminal breaches of Environmental Health & Trading Standards legislation.

## **Proposal**

4. To charge for business advice on a cost recovery basis for the service, with exception to the “sign posting” to a source for advice which will continue free of charge given how little resource this requires.

Fees for the provision of advice will be £60 per hour or part thereof with a minimum of a 2 hour initial consultation.

## **Financial Impact**

5. No significant adverse financial impact.

## **Equality Impact Assessment**

6. A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.



## **Workforce Impact**

7. No significant impact on current workforce as existing officers will incorporate these duties into their current work activities, in accordance with existing Job Evaluation responsibilities.

## **Legal Impact**

8. No significant legal impacts.

## **Risk Management**

9. None

## **Consultation**

10. There is no requirement under the Constitution for external consultation on this item.

## **Recommendation(s)**

11. It is recommended that the establishment of a charge for the provision of business advice by the Environmental Health & Trading Standards service on a cost recovery basis is approved.

## **Reason for Proposed Decision(s)**

12. To ensure that the service recovers the cost of delivering complex advice to existing and new businesses.

## **Implementation of Decision**

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

## **Appendices**

14. None

## **List of Background Papers**

15. None

## **Officer Contact**

16. Nicola Pearce, Head of Planning and Public Protection.  
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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration and Sustainable Development Cabinet Board

26<sup>th</sup> January 2018

### Report of the Head of Planning and Public Protection

Nicola Pearce

#### Matter for Decision

#### Ward Affected: All

#### Planning Enforcement Charter

#### Purpose of Report

1. To seek approval of a 'Planning Enforcement Charter' which sets out to identify policies and procedures against which NPTCBC, as Local Planning Authority, will robustly enforce compliance with planning controls.

#### Executive Summary

2. A Planning Enforcement Policy or Charter sets out the overall service standards for the Local Planning Authority in relation to dealing with planning enforcement complaints in addition to providing general advice to members of the public and others. This council does not currently have an adopted Charter or Policy but it is increasingly becoming best practice to have such an approved document in place.
3. Although not adopted by Welsh Government as a formal Indicator in the Welsh Government's '[Planning Performance Framework](#)', the Planning Officers Society for Wales (POSW) agreed in February 2017 that having a current adopted Planning Enforcement Charter/ Policy in place was a sign of a good Planning Authority. Welsh Government has, however, formally approved two revised Enforcement Indicators which require amendments to internal processes, and provide the opportunity to align procedures with guidance.
4. Within this context, the Planning Enforcement Charter seeks to :-

- Provide an overview of the planning enforcement system, including a summary of what may constitute a breach of planning control;
- Detail the enforcement processes and powers available to the Council;
- Identify policies and procedures which set out how the NPT Planning Enforcement team will deal with enforcement complaints in a fair, reasonable and consistent manner;
- Detail the service standards that we strive to achieve to ensure that enforcement complaints are dealt with in a timely manner, and that complainants are advised of the outcome of such investigations at appropriate stages.

## **Background**

5. Planning enforcement is one of the most complex parts of the planning system and is an issue that concerns many members of the public, given the need to ensure that appropriate action is taken against unacceptable development in the wider public interest. While all valid complaints will always be investigated, it is not always possible or expedient for the Authority to take action against unauthorised development.
6. Within the context of Welsh Government's Planning Performance Framework, and the need to ensure the enforcement service is given appropriate weight, the aim of the Planning Enforcement Charter is to provide guidance on the enforcement service, and to establish a framework against which the public can judge the effectiveness of the delivery of the Planning Enforcement service.
7. In addition to setting out how the team deal with enforcement investigations, the Charter also establishes a system of prioritising complaints based on the likely level of harm being caused to the local community and public amenity, thus ensuring that the limited resources of the Planning Enforcement team are appropriately and proportionately targeted.
8. Finally, the Charter establishes a set of service targets relating to registration, investigation and taking 'positive action', providing the customer with an understanding, and managing their expectations in respect of, the likely timescales within which complaints will be investigated and they will be informed of the outcome.

9. In addition to seeking adoption of the Charter, Delegated Authority is sought for the Head of Planning and Public Protection and the Development Manager – Planning, to make non-material changes to the Charter / Policy in future. This would relate primarily to minor procedural changes, but may also reflect changes in Welsh Government Procedures or the Planning Performance Framework, and would be dependent on such changes having no material impact on the overall service standards within the Charter.

### **Financial Implications**

10. There are no financial impacts associated with this report.

### **Equality Impact Assessment**

11. There is no requirement for an Equality Impact Assessment.

### **Workforce Impact**

12. The Charter does not introduce any additional workforce impacts, although the operation of the Planning Enforcement team will be assessed against the service targets within the Charter.

### **Legal Impact**

13. There are no legal impact issues associated with this report.

### **Risk Management**

14. There are no risk management issues associated with this report.

### **Consultation Outcome**

15. Although there is no requirement for consultation on this item, a training / briefing session was held with Planning Committee Members (albeit open to all Members to attend) on 10<sup>th</sup> October 2017, and subsequent consultation with the Chair of Planning on 8<sup>th</sup> November 2017. Minor changes were made to the initial draft, including reference to the role of Town and Community Councils and Ward Members in cases where complainants do not wish to provide their details.

## **Recommendation**

16. That Board resolves to adopt the Planning Enforcement Charter
17. That Delegated Authority is given to the Head of Planning and Public Protection and the Development Manager – Planning, to make non-material changes to the Charter / Policy in future.

## **Reasons for Proposed Decision**

18. To ensure a robust Planning Enforcement Charter / Policy is in place.
19. In the interests of efficiency.

## **Implementation of Decision**

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

## **Appendices**

21. Draft Planning Enforcement Charter.

## **List of Background Papers**

22. Welsh Government [‘Planning Performance Framework’](#)

## **Officer Contact**

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# Planning Enforcement Charter

A guide to the Enforcement  
of Planning Control in  
Neath Port Talbot

**Draft Document**

**January 2018**



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## **Planning Enforcement Charter:**

### **A guide to the Enforcement of Planning Control in Neath Port Talbot**

#### **Executive Summary**

Enforcement is one of the most complex parts of the planning system and is an issue that concerns many members of the public, given the need to ensure that appropriate action is taken against unacceptable development in the wider public interest.

While all valid complaints will always be investigated, it is not however always possible or expedient for the Authority to take action against unauthorised development. The aim of this Charter is therefore to establish a framework against which the public can judge the effectiveness of the delivery of the Planning Enforcement service delivered by Neath Port Talbot Council.

This Charter seeks to:-

- Provide an overview of the planning enforcement system, including a summary of what may constitute a breach of planning control
- Detail the enforcement processes and powers available to the Council
- Identify policies and procedures which set out how the NPT Planning Enforcement team will deal with enforcement complaints in a fair, reasonable and consistent manner
- Detail the service standards that we strive to achieve to ensure that enforcement complaints are dealt with in a timely manner, and that complainants are advised of the outcome of such investigations at appropriate stages

## 1. Introduction

### Objectives of the Enforcement System

The planning system operates to regulate development and the use of land in the public interest, and planning enforcement is a key part of the trinity of Development Plans, Development Management and Enforcement which make up the statutory planning process in Wales.

Neath Port Talbot County Borough Council (NPTCBC) recognises the importance of an effective planning enforcement service in seeking to ensure that national and local planning policies are robustly and reasonably applied, and the integrity of the system is not undermined.

Within this context, the primary objectives of our enforcement team are as follows:

- To investigate alleged breaches of planning control, acting proportionately and reasonably
- To remedy undesirable effects of unauthorised development; and
- Taking action where appropriate and expedient to bring unauthorised development under control in the wider public interest.

This Charter seeks to identify the policies and procedures which allow NPTCBC, as Local Planning Authority, to robustly enforce compliance with planning controls.

### Planning Enforcement Officers

The planning enforcement function of the council is carried out by the Council's Planning Enforcement Officers within the Planning Division (Development Management) of the Environment Directorate.

Contact Details for the Enforcement team and Managers are provided at [Section 8](#).

### Framework and Guidance

The planning enforcement team operates within the legislative framework of the Town and Country Planning Act 1990 (as amended) ("the Principal Act"), the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), the Planning (Wales) Act 2015 and all their subordinate and associated legislation.

Welsh Government Policy on planning enforcement is set out in section 3.6 of [Planning Policy Wales](#) (PPW). National policy guidance was formerly set out in Technical Advice Note (TAN) 9: Enforcement of Planning Control (1997), but is now included in the [Development Management Manual](#), incorporating where appropriate the guidance on changes introduced by the Planning (Wales) Act 2015. This provides guidance on when enforcement action is appropriate.

Detailed consideration of all enforcement investigations are undertaken within the above legal framework, and are led by the need to ensure that development is acceptable within the context of national guidance in **Planning Policy Wales** and the Council's adopted [Neath Port Talbot Local Development Plan](#), having regard to all other material planning considerations.

## 2. What is a Breach of Planning Control?

There are many ways in which a breach of planning control can occur, although the two main reasons are:

- Undertaking building works or engineering operations, or materially changing the use of land or buildings, without the necessary planning permission;
- and
- Where planning permission has been granted but the approved plans and/or the conditions attached to the approval have not been complied with.

The planning system is, however, complex, and it is quite often the case that building works (often called 'operational development') or changes of use may not actually require planning permission. This could be because they are not actually 'development'<sup>1</sup>, or they may be 'permitted development' (meaning that an application for planning permission is not necessary)<sup>2</sup>. Examples of this could include some small-scale extensions to houses or outbuildings within specified limits.

### Types of Breaches

While a complaint may relate to something not requiring permission, or not constituting a breach of planning, we will always investigate validly-made complaints. Examples of the kind of breaches that the planning enforcement team investigates are:

- Unauthorised Operational Development – carrying out of building works. For example, construction of new buildings or extensions;
- Unauthorised Material Change of Use of Land or Buildings. For example, changing the use of a shop to a hot food takeaway;
- Breach of Conditions attached to planning permissions. For example, failing to comply with conditions restricting hours of operation;
- Development out of accordance with approved plans. For example, a building may be larger than shown on the approved plans;
- Unauthorised works to a Listed Building that affect its character as a building of special architectural or historic interest;
- Unauthorised demolition in a Conservation Area;

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<sup>1</sup> [Section 55](#) of the Town and Country Planning Act 1990

<sup>2</sup> Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales)

- Unauthorised display of advertisements;
- Unauthorised works to trees protected by Tree Preservation Order (TPO) or by reason of their location in a Conservation Area; and
- Untidy Land or Buildings that may be adversely affecting the amenity of an area.

### 3. Determining Whether Action should be Taken

[Planning Policy Wales](#) states that an effective Development Management process requires Local Planning Authorities to be prepared to take enforcement action in appropriate circumstances. The decisive issue is to consider whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

Welsh Government guidance emphasises that: -

- Any enforcement action should be commensurate with the breach of planning control to which it relates;
- The intention should be to remedy the effects of the breach of planning control, not to punish the person(s) responsible for the breach;
- It is usually inappropriate to take formal enforcement action against a trivial or technical breach of control which causes no harm to public amenity; and
- Enforcement action should not be taken simply to regularise development for which permission had not been sought but which is otherwise acceptable.

When investigating an alleged breach of planning control, therefore, the Authority always seeks to ensure that decisions are taken concerning the most appropriate way forward in an effective and timely manner. This does not, however, mean that formal action will be taken. Indeed such action is limited to the most serious cases where harm arises and action is warranted in the public interest.

In the majority of cases, even where breaches are identified, we will seek to resolve these informally, which may include: -

- Informal negotiation with an owner / developer to remove a breach, or to make changes to a development such that it no longer constitutes a breach, or no longer causes material harm;
- Seeking the submission of a planning application to regularise a breach, which may include the need to comply with conditions to mitigate any harm caused by the development;
- Concluding that no harm arises from the breach, such that it is not expedient for the Council to take the matter further.



### **How Do We Determine When it is, or is not, 'Expedient' to Take Action?**

When we investigate complaints, and these are found to require planning permission ('a breach of planning'), we will undertake an initial assessment to determine whether the development would be acceptable judged against the Policies within the Council's adopted Local Development Plan. Although the nature of such assessment will vary depending on the breach, this may involve consideration of matters including: - the principle of development; and the impact on visual amenity / local character, highway safety, and residential amenity.

Where we feel that such development is likely to be acceptable, or could be made acceptable by condition, we would usually seek submission of an application to regularise development.

There will often be cases, however, where the nature of the breach is considered to have no unacceptable impacts, and we will conclude that it would not be 'expedient' in the public interest to take any action (including requiring submission of an application). An example may be where a boundary enclosure technically exceeds the 'permitted development' limit, but causes no demonstrably adverse impact on neighbouring amenity. In such cases, we will inform complainants of our conclusions and close the investigation.

In such 'non expediency' cases, we appreciate that complainants will not always agree with our decision. Officers will, however, always be happy to explain the reasoning behind such conclusions with a complainant. Should a complainant remain dissatisfied with such a response, [Section 6](#) of this Charter explains how they may progress such complaint.

National Policy guidance covering the different ways investigations can be resolved is covered in the [Development Management Manual](#).

### **What Type of Action can be Taken?**

When a decision is made that it is expedient to take action against a breach of planning, there are a number of types of action that can be taken. A summary of these enforcement powers can be found in [Appendix 2](#).

### **Are there Time Limits for Enforcement Action?**

Planning Policy Wales states that the statutory time limits for taking enforcement action must be adhered to and prompt initiation of action may be necessary to prevent an unacceptable breach of planning control from becoming well established and more difficult to remedy.

For most types of 'operational' development, plus the change of use of a building to a single dwelling house, the time limit is four years after the development is completed.

For any other breach of planning control the time limit is ten years after completion.

### **If Enforcement Action is taken, is there a right of appeal?**

There is a right of appeal against an Enforcement Notice (including an 'amenity notice' served under section 215), but not against a Breach of Condition Notice, Stop Notice or Temporary Stop Notice.

An appeal against a Notice may be made to the Planning Inspectorate during the period (usually 28 days) before it comes into effect. The grounds for appeal can include that planning permission ought to be granted for the activities cited in the Enforcement Notice or that the alleged breach of planning control has not taken place.

If an appeal is received, no further action can usually be taken until the appeal has been determined.

## **4. Reporting a Breach of Planning Control**

### **Who Can Report a Breach of Planning Control?**

Although the Council will seek to identify possible breaches of planning control as part of its service, it is largely a reactive service which responds to complaints received from members of the public and Elected Members.

The Council accepts that many people do not like to make formal complaints to the Council. However, although a complainant may find it difficult to report a nearby development which they suspect may be unauthorised, the role of the public in identifying potential breaches of planning control is essential in allowing the Authority to effectively and robustly enforce the planning system, in the wider public interest.

Please note and be assured that **complainant's details will remain confidential** and will not be publicly available (although please note advice at [section 7](#) regarding how the Authority will deal with requests under the Freedom of Information Act / Environmental Information Regulations).

### **Contact Details**

It is important that complainant's provide full contact information, and ideally an email address, so that we can contact them to inform of our investigations.

For all online complaints, and when we are provided with an email address, all written communication will be undertaken electronically only.

## How We Deal with Anonymous Complaints

Please note that we will not normally deal with anonymous complaints, and will only investigate such complaints in the following circumstances: -

- When Officers determine that the nature of the complaint is sufficiently serious that it may require immediate action by the Council in terms of public amenity and /or are irreversible actions that involve serious breaches resulting in significant harm (see Priority 1 Complaints).
- When Officers consider the nature of the complaint is of specific interest having regard to the need to protect the wider public interest, and /or where it is acknowledged that protecting disclosure of the identity of the complainant may be justified (for example, allegations of new dwellings / residential uses in the countryside, or concealment of breaches of planning control)

Officers will always seek to reassure complainants of the confidentiality of complainants details (as explained above), but please note that, if you would prefer, you may approach your local Ward Councillor, or the Town Council / Community Council in your area to make a complaint on your behalf.

## How to Make an Enforcement Complaint

The Council will accept complaints relating to breaches of planning control by any of the following methods: -

- **ONLINE** by completing the Enforcement Complaint Form at [www.npt.gov.uk/planningenforcement](http://www.npt.gov.uk/planningenforcement)

**Note:** This is the preferred method of contact since it allows complainants to provide full information, and upload any relevant photographs etc. which may assist our investigation and lead to earlier resolution of a complaint.

- **BY EMAIL** to: [PlanningEnforcement@npt.gov.uk](mailto:PlanningEnforcement@npt.gov.uk)
- **IN WRITING TO:** Development Manager – Planning  
The Quays, Brunel Way, Neath SA11 2GG
- Although we always seek to get complainants to provide details of their complaint in writing using one of the above methods, we will also take details by Telephone on 01639 686735 or 01639 686752

## What Information Do We Need?

When receiving an enforcement complaint, it is essential that complainants supply us with sufficient information to enable us to identify the location of the site, and the nature of the alleged breach of planning, including any background information relating to the breach (such as the name of the person involved if known).

This will ensure that we are able to deal with all complaints in a timely manner, and for our investigations to be undertaken in the most efficient way. Failure to provide sufficient information could not only result in delays to our initial investigation, and our ability to meet our service standards, but also potentially affect our conclusions.

The information and evidence supplied by a complainant is therefore vital to the Council's investigation and potentially the success of any formal action. In this regard, please be aware that complainants may be contacted and requested to provide further information such as:

- Photos or diary evidence to substantiate any claims made, e.g. if the alleged breach is of a business operation in a residential property, details of what has been observed
- Details of how long the alleged breach has been taking place or when the unauthorised works were commenced or completed

Please note that the Authority will not normally investigate some complaints, such as neighbour disputes over boundaries or complaints over anti-social behaviour as they relate to matters over which the planning service has no control and cannot be investigated by the planning enforcement section.

Where Officers consider the complaint relates to such matters where there are private or civil law solutions, the Council will not become involved. In such cases you will be advised of this and, if relevant, where the complaint could be directed.

## 5. How Do We Deal With Complaints?

Our investigation into an enforcement complaint can usefully be broken down into the following stages, with the appropriate service standards based on the Welsh Government's current expectations for delivery of the enforcement service: -

### **STAGE ONE: Registration and Acknowledgement**

Upon receiving a complaint with supporting evidence the Authority will:

- Register the complaint in the Council's Enforcement System
- Check that we have all the necessary information to investigate the complaint and, if not, make further contact with the complainant
- Prioritise complaints based on the 'Prioritisation Scheme' at [Appendix 1](#).
- Acknowledge complaints in writing within 5 working days from receipt (by email), providing:-
  - The Enforcement Case reference number
  - The name and contact details of the investigating Enforcement Officer
  - The Priority assigned to the case
  - Details of this Enforcement Charter

**SERVICE TARGET 1:** The Council will seek to ensure that 100% of complaints are registered and acknowledged in writing within 5 working days of receipt.

**STAGE TWO: Investigation Phase**

Following registration and acknowledgement of a complaint we will: -

1. Undertake any relevant initial research (a 'desktop study') which may assist in identifying whether the complaint constitutes unauthorised 'development' (as defined under Section 55 of the Planning Act 1990 (as amended));
2. Undertake a site visit to gather information and evidence relating to the alleged breach of planning control, including taking notes and photographs from the site or adjoining land;
3. Depending on the seriousness of the alleged breach and available resources the target time for our initial investigation will be as follows: -

**Priority 1 Cases:** A site visit and initial investigation will be made no later than the **next working day** following the registration of the complaint.

**Priority 2 Cases:** A site visit and initial investigation will be made within **ten working days** of receipt.

**Priority 3 Cases:** A site visit and initial investigation will be made within **fifteen working days** of receipt.

4. Where contact with either the complainant or the person who has carried out development without planning permission is necessary and access is required (or not given), Officers will seek to contact the complainant / owner / developer by phone or in writing to ensure such access is afforded (using the Council's access powers if appropriate)
5. (Where relevant) Contact the alleged offender to discuss the allegations and seek any relevant information relating to the alleged breach of control to inform the investigation
6. If adequate information is unavailable, undertake further site visits if necessary to gain further information and/or evidence, or contact a complainant to assist in the collation of any necessary evidence (for example to record activities where an alleged breach relates to a business activity from a residential property)
7. Following the site inspection, undertake any necessary further research into the planning history or other relevant sources, for example ownership details, aerial photography and records from other Council services such as Building Control and Council Tax. Officers may also serve a [Planning Contravention Notice](#) (PCN) which requires person(s) to provide information pertaining to the alleged breach

8. In accordance with the Welsh Government's '[Planning Performance Framework](#)' reach one of the following formal conclusions on the 'investigation stage': -

A. That there has not been a Breach of Planning Control

B. That there has been a Breach, but it would not be *expedient* to pursue further action in the public interest

Note: Even where a breach has been identified, it may not be expedient to take action against a development that Officer's consider to be acceptable, when assessed against policy and guidance and to not cause any harmful impact upon public amenity.

C. That a breach has occurred, and action is expedient

This could be either through the submission of a planning application to regularise development with conditions, or the service of an [Enforcement Warning Notice](#) (EWN)

D. That a valid planning application has been received in respect of the development in question

Note: Where it appears to officers that there is a reasonable prospect that planning permission would be granted for the development, the planning enforcement team will encourage submission of a retrospective planning application. The person will also be advised to cease any work or use.

9. Notify the complainant(s) in writing of the outcome of the investigation phase, including information on the next stages of the investigation where relevant.

10. (Where relevant) Notify the owner / developer of the conclusions of the investigation phase, including details of the next stage of the investigation where a breach of planning has been identified and it is expedient to pursue the matter further

**SERVICE TARGET 2:** The Council will strive to ensure that in 90% of enforcement cases, complainants (where an email or postal address has been provided) are notified in writing of the outcome of the 'Investigation Phase' within 12 weeks (84 days) of receipt.<sup>3</sup> (80% or higher is considered by Welsh Government to be 'good' performance).

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<sup>3</sup> The date on which written notice is given of the outcome is known as the 'investigation date'



### **STAGE THREE: 'Positive Action' Stage**

Where Officers have decided that a breach has occurred and it is (or would be) expedient to take action, the Council will then seek to resolve the breach through one of the following 'positive actions': -

#### **A. Removal of the breach through informal negotiation**

The purpose of the enforcement system is not to punish an offender, but to remedy a breach of planning in the wider public interest. Officers will therefore usually seek, wherever possible, to informally negotiate a solution to a breach of planning control.

In considering this, it is important to bear in mind that it is **not an offence** to carry out development without first obtaining any planning permission required for it. In line with guidance in [Planning Policy Wales](#) the Local Planning Authority should first attempt to resolve breaches of planning control informally through negotiation with the land owner or developer.

Formal action by the Council will be as a last resort or used in situations where an immediate solution is necessary in the interests of public amenity.

#### **B. Serve an Enforcement Notice in respect of the Alleged Breach;**

Where a breach is found which is considered to be a high priority due to its harmful effect upon public amenity, and negotiation has been unable to remedy such harm, authorisation will be sought to take formal enforcement action through service of an [Enforcement Notice](#) or other appropriate Notice.

In line with PPW, enforcement action taken by the council will always be commensurate with the breach of planning control to which it relates. In addition, the council will only take action where it is appropriate to do so – for example, it would normally be inappropriate to take formal enforcement action against a trivial or technical breach of planning control.

Where formal action is to be taken against small businesses and self-employed persons, such action will in normal circumstances only be taken once informal discussions have been unable to remedy the breach. When setting periods for compliance with formal Notices, the Council will seek to be reasonable having regard to individual circumstances, weighed against the harm to the public interest.

In all cases of formal enforcement action, careful consideration will be made of the impact on the human rights of affected parties.

The most appropriate Notice will be used to remedy the harm being caused. Where authorised, this could take one of the following forms: -

- Enforcement Notice (Operational Development or Material Change of Use)
- Stop Notice (including Temporary Stop Notice)
- Section 215 Notice ('Amenity Notice')
- Breach of Condition Notice
- Listed Building Enforcement Notice

See [Appendix 2](#) for more detail of the enforcement powers available to LPAs.

Details of Enforcement Notices, Breach of Condition Notices, Temporary Stop Notices and Stop Notices are entered into an Enforcement Register. The Register is available for inspection on request at:

The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

- C. Planning permission is subsequently granted through an application (or following an appeal against service of an Enforcement Notice);**
- D. By Taking Prosecution Action (e.g. against unauthorised display of an advertisement, or Unauthorised Works to a Listed Building)**

Please note that in a small number of cases a complainant may be asked to assist the Council by providing evidence at an appeal or in Court. Before this happens the Case Officer will ask for their consent. If they are unwilling to give consent it is possible that the Authority would be unable to take further action.

- E. By the Authority taking Direct Action to remove the breach of control.**

Although the costs of 'direct action' can be placed as a charge on land, it is often difficult to recover such costs. Therefore any decision to take such action will always be a final resort, and will have regard to the costs involved weighed against the degree of ongoing harm

**SERVICE TARGET 4:** The Council will strive to ensure that 'Positive Action' (as defined above) is taken in no less than 80% of cases where action has been deemed expedient within 180 days of the 'investigation date'. Where such action has not been possible, the complainant will be notified in writing of the reasons for any delay in taking action.

## **STAGE FOUR: Closure of Case**

For positive actions (A) (C) and (E) above, the case will be formally closed and the complainant notified in writing.

For all other cases, the Breach of Planning will only be resolved once any formal Notice has been complied with through removal of the breach or, for example, an unauthorised advertisement has been removed.

Unfortunately, the timescale for 'final resolution' of such cases can take a considerable amount of time, and is often dependent on factors outside the control of the Authority, such as the time taken for determination of an appeal and subsequent compliance periods. It can also need the Authority to take Prosecution Action against an offence.

For this reason, the Welsh Government indicators for enforcement no longer set 'target dates' for closure of enforcement cases. The Authority will, however, always seek to ensure final resolution of enforcement cases at the earliest opportunity, and will pursue all appropriate and reasonable action to secure resolution.

The Authority will also always notify a complainant in writing once the enforcement case has been resolved / closed.

**SERVICE TARGET 5:** The Council will ensure that all complainants are notified in writing within 5 working days of a decision being made to close an enforcement investigation.

## **6. Making a Suggestion or Complaint about the Service**

We hope that those involved in our enforcement investigations will always be happy that Officers have strived to investigate and resolve breaches of planning control efficiently and in accordance with this Charter. We appreciate, however, that this may not always be possible, and there may be concerns about the way in which an enforcement investigation has been handled.

In the first instance, if a person is dissatisfied with the service we have offered, the Case Officer should be contacted to discuss such concerns and see if they can help. However, in the event a person remains dissatisfied, contact should be made with one of the following: -

- Steve Ball                      Development Manager – Planning  
[s.ball@npt.gov.uk](mailto:s.ball@npt.gov.uk) or 01639 686727
- Chris Davies                    Team Leader (West)  
[c.j.davies@npt.gov.uk](mailto:c.j.davies@npt.gov.uk) or 01639 686726
- Nicola Lake                      Team Leader (East)  
[n.lake@npt.gov.uk](mailto:n.lake@npt.gov.uk) or 01639 686737

It is emphasised that not everyone will agree with the outcome of an enforcement investigation, whether it be a complainant or alleged offender. That, however, is not in itself a reason for a complaint to be upheld.

Written complaints about the service (as opposed to the outcome of an investigation) will be acknowledged and investigated in accordance with the [Council's Complaints Procedures](#).

While the Authority will always strive to resolve a complaint locally, if this is not possible and dissatisfaction remains following the conclusion of the Council's formal complaint process, a complaint may be sent to the Public Services Ombudsman for Wales at: 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ or [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

## **7. Freedom of Information**

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give a general right of access to information / environmental information held by public authorities. While the presumption will always be in favour of disclosure of such information, having regard to the wider principles of promoting accountability and transparency in the planning process, in respect of enforcement complaints details will be treated in strictest confidence.

Accordingly, while requests to disclose the identity of a complainant are likely to be resisted because it would discourage others from reporting alleged breaches of planning control to the Council, thereby prejudicing the proper enforcement of planning laws, each request will be considered individually to establish whether an exemption applies.

Where the Council does refuse a request to disclose information under the Act, a written explanation will be provided setting out the exemptions relied on by the Council for withholding the information and the relevant appeal procedures.

## 8. Contacts

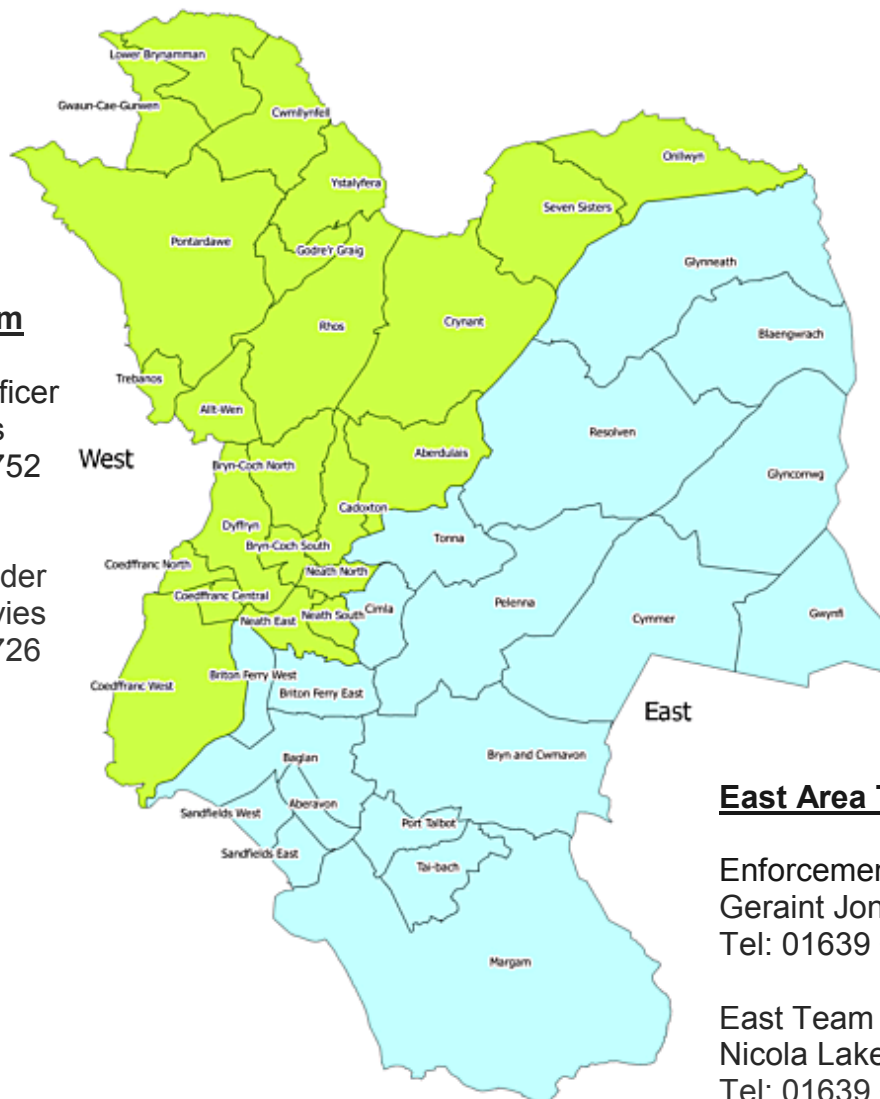
Should you wish to contact the Planning Enforcement team, please review the map to see which team covers your area, and use the following contacts:

**Email:** [PlanningEnforcement@npt.gov.uk](mailto:PlanningEnforcement@npt.gov.uk)

### West Area Team

Enforcement Officer  
Richard Howells  
Tel: 01639 686752

West Team Leader  
Christopher Davies  
Tel: 01639 686726



### East Area Team

Enforcement Officer  
Geraint Jones  
Tel: 01639 686735

East Team Leader  
Nicola Lake  
Tel: 01639 686737

## APPENDIX 1: Prioritisation of Complaints

Due to the large number of enforcement complaints received by the Planning Enforcement team, as part of a review into the effective operation of the team it has been determined that with effect from January 2018, at registration stage complaints will be prioritised.

This will ensure that the resources of the Planning Enforcement team are appropriately and proportionately targeted, having regard to the likely level of harm being caused to the local community and public amenity. It also ensures that expectations of complainants can be managed, notably during periods of high workload and holiday periods.

All complaints will be prioritised in accordance with the following protocol:-

### **PRIORITY 1: HIGH PRIORITY CASES**

In general, 'Priority 1' cases will be restricted to those cases where the likelihood of harm being caused to the environment or amenity is significant, immediate and potentially irreparable, and there is a likelihood that urgent action may be needed to prevent or mitigate existing or potential immediate harm.

This is likely to relate to serious breaches such as:

- Unauthorised works to a Listed Building, archaeological site or Scheduled Ancient Monument (SAM) (contact will be made with Cadw in respect of SAM)
- Demolition of important unlisted buildings in a Conservation Area,
- Development Works affecting a European Protected Species (EPS) Site of Special Scientific Interest (SSSI) or other designation
- Unauthorised development that is causing severe disturbance to neighbours or poses a threat to public safety.
- Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation Area.
- Unauthorised display of advertisements which appear likely to be causing significant harm to public safety

### **PRIORITY 2: MEDIUM PRIORITY CASES**

'Priority 2' will normally be given to those cases which the Authority consider there is a potential likelihood of a serious or significant effect on the environment or local amenity, which could merit formal enforcement action being taken, but no short-term harm would arise from a minor delay in investigation.

This is likely to relate to serious breaches such as:

- Breaches of planning contrary to the policies of the Local Development Plan (e.g. Unauthorised residential use in the countryside)
- Complaints where the time limit for taking formal action may be about to expire.



- Serious breach of conditions on planning permissions, including non-compliance with 'conditions precedent'<sup>4</sup>
- New Building works of medium-large scale
- Complaints of significant harm being caused to amenity, for example, extensions to residential property that result in serious overlooking or other amenity problems, unauthorised uses of land which cause amenity problems to neighbouring properties.
- Unauthorised display of advertisements which appear likely to be causing significant harm to visual amenity

### **PRIORITY 3            LOW PRIORITY CASES**

'Priority 3' will be assigned to all other cases, these cases being those which, while potentially of significance to a complainant, are nevertheless (based on the information available at registration stage: -

- Likely to have a limited degree of harm, and thus may be cases where it will not be expedient to take positive action; or
- Deemed unlikely to represent a breach of planning;

This is likely to relate to complaints relating to:

- Householder development such as small-scale extensions, boundary enclosures etc.
- Advertisements (other than those identified under Priority 2)
- Minor development where there may be a breach of planning control but there is little or no immediate harm to amenity, for example incidental minor developments that only just exceed permitted development rights.
- Material Change of Use of a property
- Minor Breaches of Planning Conditions

### **Assigning a Priority to a Case**

The priority of a case will normally be assigned by the Enforcement Officer in liaison with the Team Leader and/or Development Manager – Planning.

In all cases it will be for the Council to determine whether and to what level any harm to public amenity results from an alleged breach, and which priority is assigned to an enforcement case.

#### Please note:

1. A Priority will be assigned to a case irrespective of the source of the complaint
2. Although a Priority rating will be given to each case as it is received, the rating may change during the investigation
3. Notwithstanding the priority given to a complaint, the Council remains committed to investigating every alleged breach of planning in accordance with the guidance and targets within this Charter.

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<sup>4</sup> A condition which require approval of details or actions to be undertaken prior to development commencing

## **APPENDIX 2 : The Enforcement Powers**

The Town and Country Planning Act 1990 defines taking formal "enforcement action" as the issue of an Enforcement Notice or the service of a Breach of Condition Notice. Failure to comply with either constitutes an offence.

There are also a number of supplementary powers granted to the Local Planning Authority (LPA) that allow other types of notice to be served. Failure to comply with these notices is also an offence.

A summary of the main enforcement powers available to the Local Planning Authority are detailed below: -

### **1. Planning Contravention Notice (PCN)**

A Planning Contravention Notice can be served in respect of any suspected breach of planning, and enables the Authority to require detailed information to inform its investigation, including: -

- details of all operations being carried out on the land which might be suspected as being a breach of planning control;
- matters relating to the conditions or limitations subject to which any planning permission has been granted;
- names and addresses of any person known to use the land for any purpose; and
- the nature of any legal interest in the land and the names and addresses of any other person known to have an interest.

The service of a PCN does not stop the Authority taking other formal action against a breach of planning control.

The recipient of a PCN has 21 days to respond to it. Failure to reply to a PCN (or making a false or misleading statement within a response) is an offence against which prosecution action can be taken.

### **2. Enforcement Warning Notice (EWN)**

Introduced in Wales by the Planning (Wales) Act 2015, an Enforcement Warning Notice can be issued by a LPA where the Authority considers that, subject to the imposition of conditions, there is a reasonable prospect that, if an application for planning permission in respect of the unauthorised development were made, planning permission would be granted.

An EWN will give a specified period within which time an application must be made, after which time enforcement action may otherwise be pursued.

The issue of an Enforcement Warning Notice will 'stop the clock' in terms of the unauthorised development potentially gaining immunity from enforcement action.

### **3. Enforcement Notice (EN)**

Where the LPA determines that it is expedient to take formal enforcement action against a breach of planning in the wider public interest, it may issue an Enforcement Notice.

An Enforcement Notice may allege an unauthorised material change of use of land or buildings, operational development or breach of a condition.

The Enforcement Notice must specify the time at which it takes effect, what steps must be undertaken to remedy the breach and a time period in which those steps must be undertaken.

An appeal against an Enforcement Notice (which can be made on planning or legal grounds) must be made before the date on which the Notice takes effect (normally within 28 days of service). If an appeal is made, the requirements of the Notice are suspended until the appeal has been decided.

Once a Notice comes into effect, there is a further period of time to allow for compliance. The length of time depends on the nature of the breach.

Failure to comply with an Enforcement Notice is a criminal offence and can lead to a fine of up to £20,000.

### **4. Listed Building Enforcement Notice**

Similar to an Enforcement Notice, such Notice relates to unauthorised works to a Listed Building and may:-

(a) require the building to be brought back to its former state; or

(b) if that is not reasonably practicable or desirable, require other works specified in the Notice to alleviate the effects of the unauthorised works; or

(c) require the building to be brought into the state it would have been in if the terms of any listed building consent had been observed.

The Notice must specify time constraints for securing compliance with the requirements of the Notice.

There is a right of appeal against a Listed Building Enforcement Notice. The procedures are similar to those for an appeal against an Enforcement Notice.

If works subject to a Listed Building Enforcement Notice are later authorised by a retrospective application for Listed Building consent, the Listed Building Enforcement Notice will cease to have any effect although the liability to prosecution for an offence committed before the date of any retrospective consent remains.

## **5. Breach of Condition Notices (BCN)**

A BCN may be served where a condition attached to a planning permission is not being complied with. The BCN will specify the steps which the LPA require to be taken in order to secure compliance with the condition as is specified in the notice.

There is no right of appeal against a BCN (although the Authority's decision to issue a Breach of Condition Notice can be challenged in the Courts) and failure to comply constitutes a criminal offence which can be prosecuted, which can lead to a significant fine.

## **6. Stop Notices (SN)**

In certain cases, a Stop Notice can be served in order to cease an unauthorised activity on the land. A Stop Notice can only be served at the same time as, or after, the service of an Enforcement Notice, and is usually restricted to the most urgent and harmful breaches of planning control, with a LPA at risk of compensation if it is used in inappropriate cases.

There is no right of appeal against a Stop Notice, only the Enforcement Notice to which it is attached.

Failure to comply with a Stop Notice can lead to a substantial fine of up to £20,000.

## **7. Temporary Stop Notice**

Since June 2015<sup>5</sup> LPAs in Wales have been able to issue Temporary Stop Notices which can require that an activity which is a breach of planning control should stop immediately.

A Temporary Stop Notice does not have to be issued with an Enforcement Notice, and ceases to have effect after 28 days. Such Notice should only be issued when the LPA believes that the breach should be stopped immediately.

## **8. Section 215 'Amenity' Notices (s215)**

Where the condition of land is adversely affecting the amenity of the area, the LPA may serve a notice under s215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land.

The s215 Notice will specify the steps that the LPA require to be taken in order to remedy the condition of the land.

There is a right of appeal to the Planning Inspectorate against a s215 Notice.

Failure to comply with a s215 Notice is an offence

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<sup>5</sup> *Planning and Compulsory Purchase Act 2004 (Commencement No. 14 and Saving) Order 2015.*

## **9. Injunction**

If an authority considers that a breach of planning control is sufficiently serious, and is causing or likely to cause exceptional harm, it may apply to the Courts for a restraint injunction. Those in breach of an injunction can be imprisoned.

## **10. Prosecution Action**

As referred to above, where someone is in breach of the requirements of an Enforcement Notice, Breach of Condition Notice, or a Stop Notice, they are guilty of an offence and the planning enforcement service can initiate prosecution proceedings.

In addition, the LPA may also instigate prosecution proceedings against offences such as:-

- Display of Advertisement without Express Consent
- Unauthorised Works to Protected Trees
- Unauthorised Works to a Listed Building
- Non-Compliance with a PCN or s215 Notice

Prosecution action will always be dependent on legal advice that there is a reasonable prospect of success, and that it is in the public interest to pursue such action.

In some cases, it may be determined that a 'Simple Caution' can be issued, where there is evidence of an offence, the offender has admitted the offence, and mitigation is taken into account having regard to the public interest test.

## **11. Direct Action**

The Authority can also enter the site and carry out the works required by the Notice in default and then seek to recover its costs from the owner/occupier.

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## **Regeneration & Sustainable Development Cabinet Board**

**26 January 2018**

### **Report of the Head of Property & Regeneration Simon Brennan**

#### **Matter for Information**

#### **Wards Affected:**

Port Talbot, Aberavon, Sandfields East, Sandfields West and Margam.

#### **ABERAVON SEAFRONT REGENERATION– UPDATE REPORT**

#### **Purpose of Report**

1. The purpose of this report is to provide members with an update on the various regeneration schemes and investment at Aberavon Seafront.

#### **Executive Summary**

2. The Authority is committed to the ongoing regeneration of Aberavon Seafront. The Authority's regeneration programme has delivered a number of improvement schemes and provided additional visitor facilities at the seafront, along with encouraging the private sector to further invest in the area.

#### **Background**

3. Since 2001, the Council has been undertaking an extensive programme of Regeneration on the Seafront. Over £22million has been spent on enhancing the Seafront and upgrading public facilities with over £8million of this being funded from external sources and private investment.
4. These improvements have truly transformed the attractiveness of the Seafront and contributed to its increased popularity for visitors and local users. The Authority's programme and private sector development has included the following projects:

## Projects Update

### 5. New Aberavon Fitness & Leisure Centre

The beachfront leisure centre development which opened in 2015 incorporates a 'wave' concept design roof and features a 25m pool (with rising boom and a moveable floor to adjust pool depth), 17m learner pool, gym & fitness suite, dance studio, spin room, four court sports hall, various community rooms, café, reception and extensive changing facilities.



### 6. Adventure Golf Course

The Authority secured funding from The Big Lottery for a Coastal Communities Grant and Pirate Cove Adventure Golf Course opened in 2016. The twelve hole adventure golf course has become a very popular visitor attraction at the Seafront.



## 7. Sunken Gardens Redesign

Opened in June 2012, the redesigned sunken gardens incorporate timber step features, new site furniture including benches, seats and bins and soft landscaping. Within the scheme, features include grass terracing and a shingle beach garden with seaside timber groynes to the west side of the garden and maritime themed plantings to the east.



## 8. Shelter and Signage

A timber beach canopy was constructed within the redesigned sunken garden in order to provide much needed shelter from the elements. The shelter forms the central feature within the gardens and is themed upon the idea of beach groynes that form a wall with an overhead canopy. Three new information panels were also installed along the promenade which includes a plan of the seafront, safety information, and details on local facilities and activities.





## 9. Toddlers Play Area

A new play area designed for children aged between two and five was completed in September 2012. The new facility includes a play area designed around a seaside theme along with new fencing, bins, seating and a picnic area.



## 10. Skatepark

Built on the site of the existing skate park the works involved removing the existing steel construction skate elements and constructing a new concrete design skate park producing an exciting, challenging and durable skate facility. The scheme was completed in April 2015 and has proved extremely popular.



## 11. Scarlet Avenue Car Park

A new 111 space (inclusive of disabled provision) car park built on the site of a temporary un-surfaced car park adjacent to the Trem-Y-Mor development.



## 12. Fort Play Area

Opened in May 2012 a revamped seaside themed play area replaced the previous wooden fort playground.



### **13. Refreshment kiosk and public toilets**

Located at the Western end of the promenade this high quality modular building incorporates a refreshment kiosk along with unisex toilets, a disabled toilet and baby changing facilities.



### **14. Trem-y-Mor, Respite Care and Day Centre**

Opened in 2014, this 16 Bed facility is split into 4 separate 'pod' units where each pod is clustered around its own Courtyard, Kitchen and Lounge. They are designed for a particular user need and encourage personal development where staff are able to maintain and develop social, emotional, communication and independent living skills.





## **15. Coastal Defence Work**

As part of the Trem-y-Mor Project enabling works, coastal defence works were carried out as there was concern that storms and high seas had the potential to undercut the building's foundations. The work involved the remodelling of the existing blockstone revetment and the importing of new stone forming an apron to protect the western end of the promenade.

## **16. New fish and chip restaurant (Franco's)**

A new seafront restaurant with outdoor dining area was completed in November 2015. The new facility created 40 new jobs.



## 17. Bar Gallois

Completed in 2017, Bar Gallois has had a complete refurbishment of its restaurant, function room and toilet facilities along with an extension to increase the size of the restaurant. As well as internal improvements a new outdoor seating area was created along with a new car park.



## 18. Bay View Close

Hale Construction have recently completed a high quality residential development consisting of 13 dwellings at the former Bay View Social Club site. All houses were sold off plan and the site is fully occupied.



### **Current projects**

#### **19. Old Afan Lido site**

The Authority has recently appointed Hale Construction to develop a mixed use development consisting of 200sq metres of retail space along with up to 150 residential units. The development at the former Afan Lido Leisure Centre and overflow car park sites is due to commence on site early in 2019.



#### **20. Promotional material for the seafront**

A promotional film has been commissioned to promote the Seafront during 2018 Visit Wales' Year of the Sea, the film(s) will be promoted on the visitnpt website and via social media. The outcome of the filming will be one



showcase video and two shorter videos, one targeting the couples market and another targeting the family market.



## 21. Ongoing works

The Authority has a programme of ongoing upgrading and maintenance works for the Seafront to ensure that the street furniture and public realm are up to the required standard.

## 22. Future plans

The Authority will be taking to the market a piece of land between the sunken gardens and whale site along the promenade, for the development of a restaurant.



## 23. Kiosk development

The Authority also has aspirations to locate a kiosk type development along the seafront at a location to be confirmed. This development will attract additional service providers and encourage further private sector presence at the seafront.

## 24. Reel Cinema Extension

The owners of Reel Cinema have planning approval to extend and redevelop their existing site at Hollywood Park, creating a number of new jobs. The plans include a new cafe and restaurant, a leisure unit, such as laser quest/family entertainment centre, and a restaurant.



25. The ongoing regeneration of the seafront is being delivered in partnership with a number of organisations and with funding from various sources. There is an allocation for match funding within the Council's capital programme to contribute to the delivery of the programme.

### **Equalities Impact Assessment**

26. Screening Assessment has been undertaken to assist the Council in discharging its Public sector Duty under the Equality Act 2010. Screening of individual projects have been undertaken and Equality Impact Assessments will be undertaken for each project.



## **Workforce Impacts**

27. There are no workforce impacts associated with this report.

## **Consultation Outcome**

28. 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 individual projects.

## **Background Papers**

29. Aberavon Seafront Strategy, August 2003  
Aberavon Seafront Strategy Review, August 2005  
Neath Port Talbot Waterfront Regeneration Strategy, 2011

## **Officer Contact**

30. Andrew Collins, Regeneration and Strategic Development Manager  
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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration & Sustainable Development Board

26 January 2018

### Report of the Head of Property & Regeneration Simon Brennan

#### Matter for Information

Wards Affected: All

#### PROPERTY PERFORMANCE REPORT

#### Purpose of Report

- 1 For Members to note the Council's Property Performance Report for 2017.

#### Executive Summary

- 2 To present to Members the Property Performance Report 2017. This being the first performance report under the current Property Asset Management Plan 2016-2021.

#### Background

- 3 The Council's Property Asset Management Plan, sets out the Council's proposals for the effective use of its property assets to support the delivery of quality public services and major regeneration initiatives.
- 4 As a five-year plan, the Property Asset Management Plan is of course a strategic document. The Annual Property Performance Reports are however, more dynamic in that it will be produced annually and will provide a more detailed analysis of the performance of the Council's property portfolio whilst setting out the emerging challenges and issues that will affect our use of property, together with an Action Plan to include FFP targets that will address these issues.

## **Financial Implications**

- 5 The asset management process and the monitoring of property performance are key elements in the drive to reduce expenditure and contribute to the Council's Forward Financial Plan, whilst reducing the maintenance backlog. These actions will assist with the aim of making the portfolio financially sustainable.

## **Equality Impact Assessment**

- 6 This report does not require an Equality Impact Assessment.

## **Workforce Impact**

- 7 There are no significant impacts on the Property and Regeneration Sections resources.

## **Legal Impact**

- 8 There are no legal impacts associated with this report.

## **Risk Management**

- 9 There are no risk management issues associated with this report.

## **Consultation**

- 10 There has been no requirement under the Constitution for external consultation on this item.

## **Sustainability Appraisal**

- 11 The Property Performance Report provides data and a reporting system to assist with the Council management of its property assets. Effective stewardship of its property assets enables the Council to direct its resources to the delivery and support of frontline services.
- 12 Its impact is therefore wide-ranging but specifically it impacts on sustainability by helping to reduce the Council's use of energy and CO<sub>2</sub> emissions by disposing of surplus and inefficient buildings and with regard to equality by promoting accessibility within Council premises.

## **Recommendation**

13 Information only and that the report be noted.

## **Background Papers**

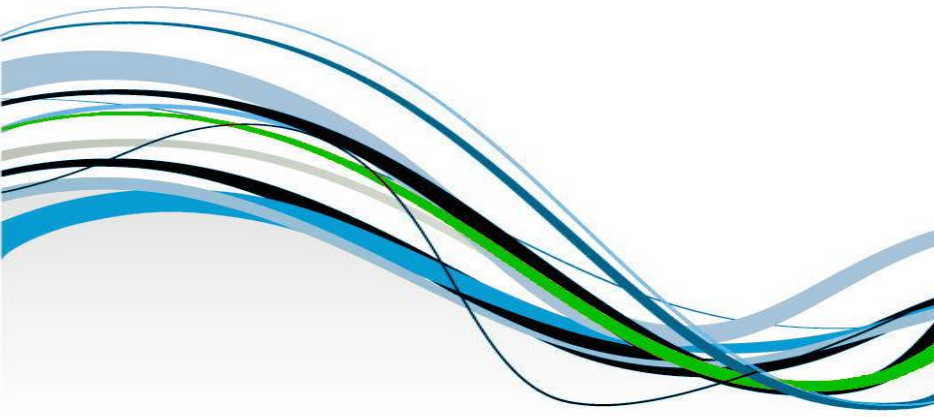
14 [www.npt.gov.uk/PropertyPerformanceReport](http://www.npt.gov.uk/PropertyPerformanceReport)

## **Officer Contact**

15 David Phillips, Strategic Property and Valuation Manager  
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2017

# NPT Property Performance Report



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## Introduction

This is the first Property performance report linked to the current 5 year Corporate Property Asset Management Plan covering the period 2016-2021.

The Property Performance Report is produced annually and outlines, as set out below, a range of property performance data, the issues that face the Council in respect of its Property Portfolio and the Action Plan to address these issues. As an aide to the reader, please see set out below some definitions for areas referred to in the report.

**Performance Indicators** – these are the range of key performance indicators (KPI's) that are submitted to the Data Unit Wales to enable comparison on an all-Wales basis. When considering the data it should be recognised that the comparisons are for indication purposes only and acknowledge the difficulties that many councils have in collating the required information.

**Operational land and buildings** – These are assets which are owned or leased by the Council for which it has management and or maintenance responsibilities.

**Performance Criteria** – to ensure there is robust property data available to inform the decision making process the council has undertaken comprehensive assessments of all its properties on a rolling programme basis. The condition data is backed up by assessment of sufficient and suitability and energy performance. The collection of these latter data sets is ongoing with the new property groups being added on a continual basis.

**Asset management Issues** – recent years have witnessed significant changes in the delivery of public sector services and property has had to respond to these pressures. The current financial difficulties have exacerbated these challenges.

**Action Plan** – whilst the Strategic direction for property is set out in the Corporate Asset Management Plan, the annual 'Action Plan' within this document enables the Council to respond to changing financial, legislative and service delivery pressures.

**Achievements** - these are included to track how effective the Action Plan has been in terms of delivery.

## Performance Indicators

The Council collects a range of Asset Management Performance Indicator Data in respect of its building stock and submits it to the Data Unit for Wales, who gather and analyse similar data from all Councils across Wales.

The Data Unit Asset Management Performance Indicators, CAM086 – CAM089 (Previously CAM006 – CAM009) provides an indication of the current condition of a Council's buildings, by stating what percentage of the gross internal area, i.e. the floor space of its buildings, falls into the following categories:-

- A. Good – performing as intended and operating efficiently.
- B. Satisfactory – performing as intended, but showing minor deterioration.
- C. Poor – showing major defects and/or not operating as intended.
- D. Bad – life expired and/or serious risk of imminent failure.

The buildings are assessed and rated by the Council's Asset Management Surveyor with updated information provided to the Data Unit on an annual basis.

Since the last report in 2016, the Council has reduced its number of sites from approximately 260 to 250. Sites can incorporate a number of buildings or can be defined to be a single building only it is not possible therefore, with existing resources, to survey each building/site every year. The intention is to visit each building within a four to five year period.

This schedule is dependent upon the Council's work programme with recent efforts being concentrated on the schools re-survey.

The surveys undertaken also set out the cost of the works that are required at each building. The required works are then split into three categories.

**Priority Level 1 – Urgent Works**

These are works that will prevent immediate closure of the premises and/or address an immediate risk to the health and safety of the occupants and/or remedy a serious breach of legislation.

**Priority Level 2 – Essential Works**

These are works that are required within two years that will prevent serious deterioration of the fabric or services and/or address a medium risk to the health and safety of the occupants and/or remedy a minor breach of the legislation.

**Priority Level 3 – Desirable Works**

These are works required within three to five years that will prevent deterioration of the fabric or services and/or address a low risk to the health and safety of the occupants and/or a minor breach of the legislation.

As with CAM086 – CAM089, this information is submitted to the Data Unit on an annual basis with the results being provided to each Council.



Data Unit Submission for 2016 / 2017

Reference	Indicator	Data Item(s)	2015-16	2016-17
CAM086	Percentage of the gross internal area of the local authority's buildings in condition category A - Good	Amount of GIA in condition category A - Good (m <sup>2</sup> )	50,885	65,299
		PI value	13.5	18.5
CAM087	Percentage of the gross internal area of the local authority's buildings in condition category B - Satisfactory	Amount of GIA in condition category B - Satisfactory (m <sup>2</sup> )	155,914	146,764
		PI value	41.5	41.6
CAM088	Percentage of the gross internal area of the local authority's buildings in condition category C - Poor	Amount of GIA in condition category C - Poor (m <sup>2</sup> )	130,917	109,270
		PI value	34.8	30.9
CAM089	Percentage of the gross internal area of the local authority's buildings in condition category D - Bad	Amount of GIA in condition category D - Bad (m <sup>2</sup> )	38,327	31,821
		PI value	10.2	9.0
		Amount of GIA in all the local authority's buildings (m <sup>2</sup> )	376,043	353,154
CAM014	Percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level 1 - Urgent	Value of required maintenance for works of priority level 1 – Urgent	£29,109,510	£21,998,209
		PI value	22.0	19.5
CAM015	Percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level 2 - Essential	Value of required maintenance for works of priority level 2 – Essential	£67,305,827	£56,591,117
		PI value	50.8	50.1
CAM016	Percentage of the total value of required maintenance for the local authority's buildings assigned to works of priority level 3 - Desirable	Value of required maintenance for works of priority level 3 – Desirable	£36,191,633	£34,421,079
		PI value	27.3	30.5
		Total value of required maintenance in local authority buildings	£132,606,970	£113,010,405



## **Commentary on KPI's**

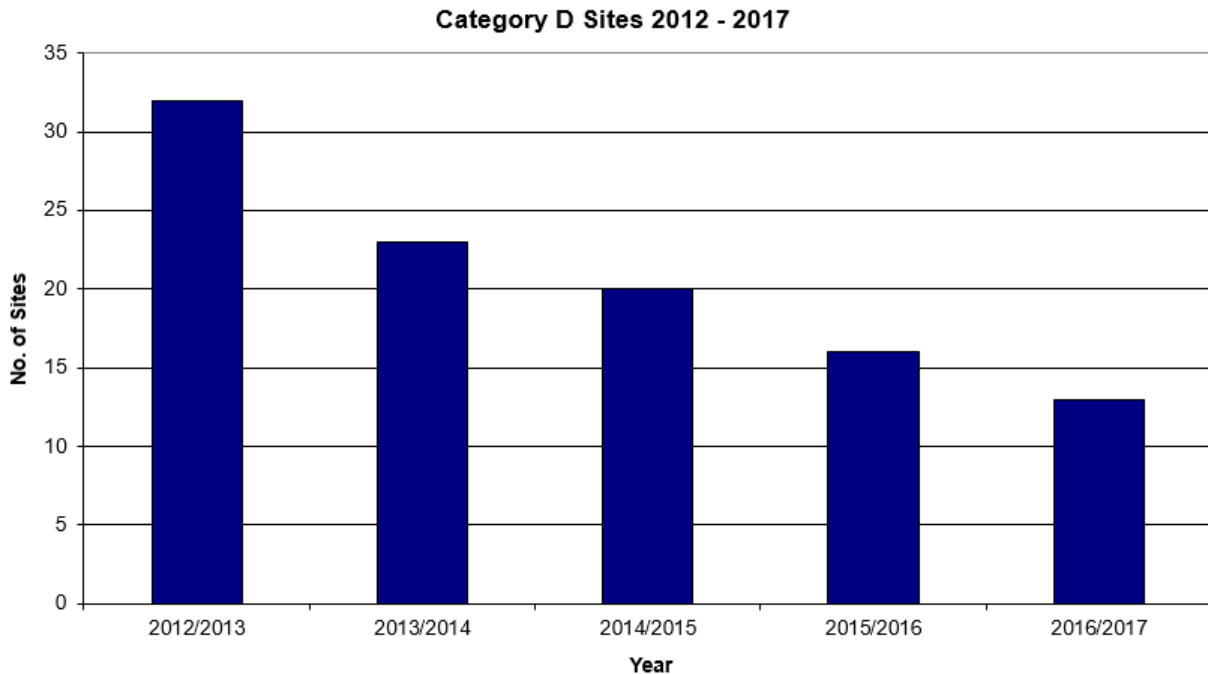
The data collected from the comprehensive programme of condition assessments accurately provides the current position of the portfolio's condition and maintenance liabilities. As this information is used as a key element of the asset management decision making process, it is imperative that the collection and interpretation process is analysed and continuously reviewed.

The 2016/17 figures show a significant increase in Category A buildings, a slight drop in the number of buildings in Category B and a significant decrease in Category C and D buildings over the period.

The general improvement in the figures is a result of several factors, including the closure of a range of buildings in poor condition and the construction of several new buildings. Several Category D buildings have been removed from the portfolio as they are replaced under the School Improvement Programme-and further buildings will be removed following the sale of vacant sites.

The condition surveys are undertaken on a rolling programme, with each building surveyed every five years, which may also affect the total maintenance backlog figure.

In considering the all-Wales benchmarking data, it should be noted that there are issues with the interpretation of the guidance for the collection of the data.



The Council is endeavouring to remove all properties from Category D, those which are in very bad condition and require significant investment to bring them up to a satisfactory standard. In the main, this will be achieved by replacing the facility with a new building or by alternative means of service provision that renders the building surplus. In special circumstances a refurbishment project may be considered.

It is a concern that, with the limited maintenance budget currently available, there are likely to be more buildings 'slipping down' into the C and D categories. In addition, with the reduced capital funding available, there will be less opportunity to replace buildings that are beyond economic repair.

The following table sets out the proposals for of the 13 buildings that are currently classified as condition 'D'. The action from the Action Plan within the 2016 Property Performance Report "to reduce the number of Category D buildings annually" is therefore on target.

The table below sets out the buildings that are currently classified as 'D' and the proposals for dealing with them:

**The Council's 'D' Category Buildings**

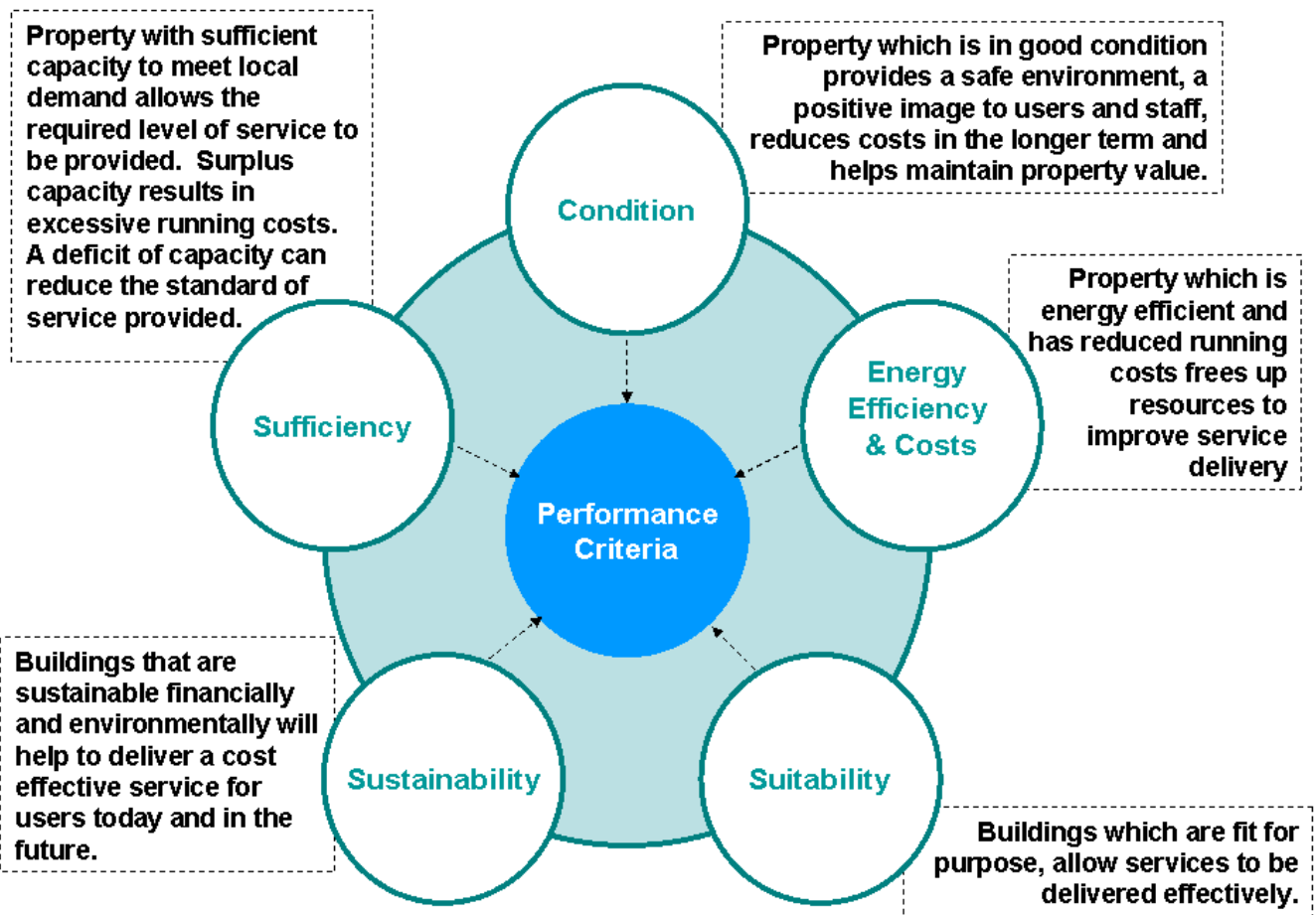
<b>Name</b>	<b>Proposal</b>
Cwmgors Village Workshops	Let to various tenants and generates income.
Glyncorrwg Village Workshops	Let to various tenants and generates income.
Library Resource Centre Velindre	Alternative premises to be identified
Taibach Library	The ground floor Library has been leased to a local voluntary group and the remainder is rented to ELLs Flying Start Team and generates an income.
Disused Bryn Public Convenience	Vacant to be considered for sale/lease/demolition
Dyffryn Lower Comprehensive School	New school to be completed by June 2018 as part of the Council's 21 <sup>st</sup> Century Schools Programme (Band A).
Bryndulais Avenue Depot	Legal formalities for disposal on going
Briton Ferry Library House	Vacant attached to Library
Former Plaza	Vacant and awaiting determination of Welsh Government "Buildings for the Future" Grant
Clun School	Awaiting legal completion (subject to planning) for disposal of asset.
St Joseph's Comprehensive School.	Now classified as a (C) by Welsh Government
Cefn Saeson Comprehensive School	Operational property – Priority under the Band B of the 21 <sup>st</sup> Century Schools programme for demolition and renewal.

**Properties removed from the 2016 “D” list**

<b>Name</b>	<b>Proposal</b>
Neath Multi Storey Car Park	Demolished as part of Town Centre re development
Blaengwynfi Recreation Park	Re-assessed following refurbishment.
Maerdy Playing Fields	Leased out
Disused Cwmllynfell Public Convenience	Demolished
Disused Ystalyfera Public Convenience	Demolished
Ysgol Gyfun Ystalyfera	Phase 1 complete, phase 2 nearing completion, anticipated May 2018. Final phase 3 due to be completed in 19/20.

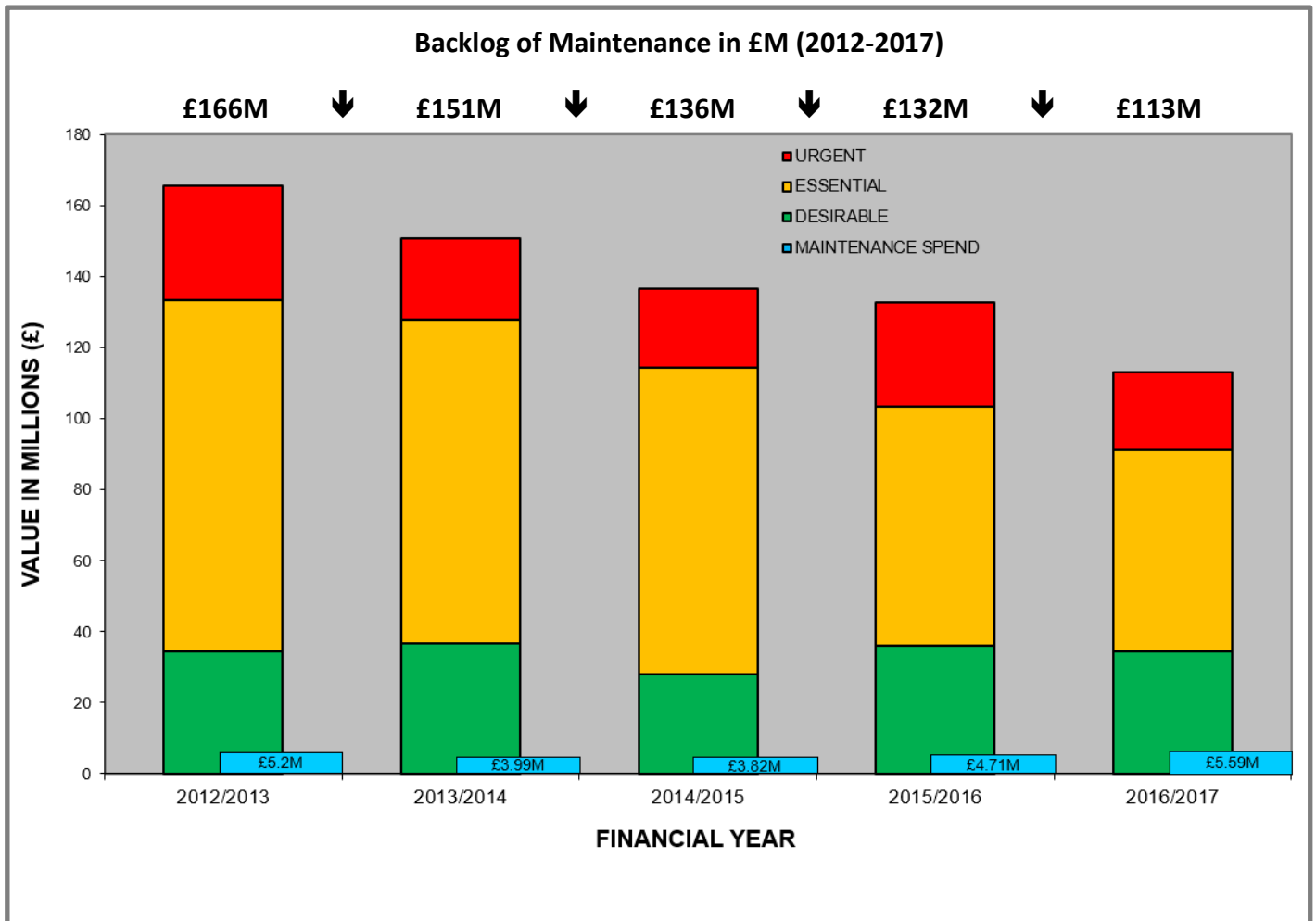
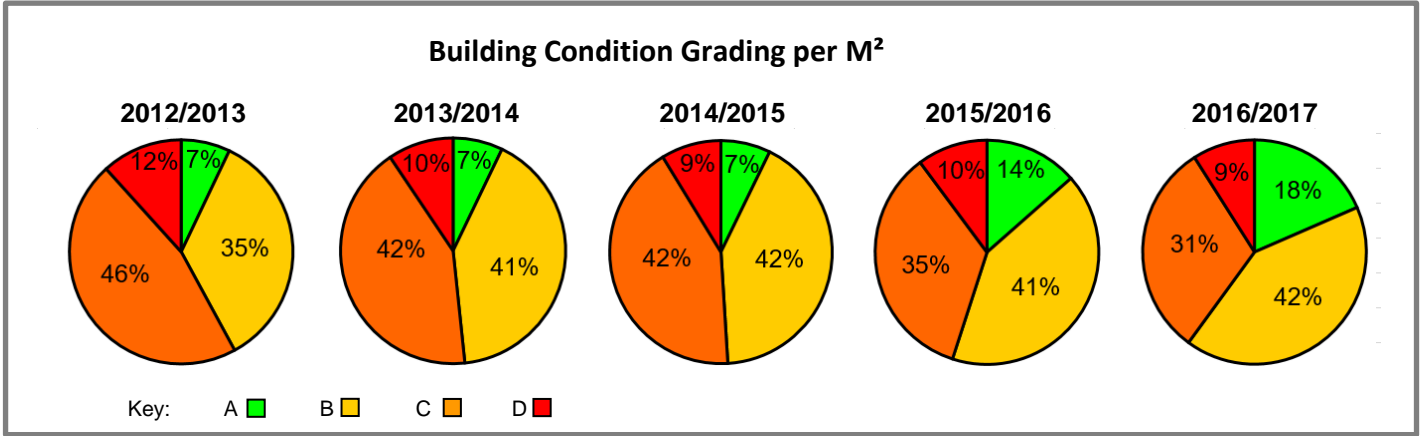
**Performance Criteria**

Each property surveyed is given a grading for each category depending on how well it performs. As more information is made available more of the criteria will apply to each building type. The Categories used are the following:



**Condition.**

The condition of the Council’s operational buildings can vary significantly not only between different sites but also between individual buildings within the same site. As noted previously the Council’s aim is to have proposals to vacate or refurbish all category D properties within five years. It is acknowledged, however, that some of those properties at the lower end of category C may also require considerable investment.

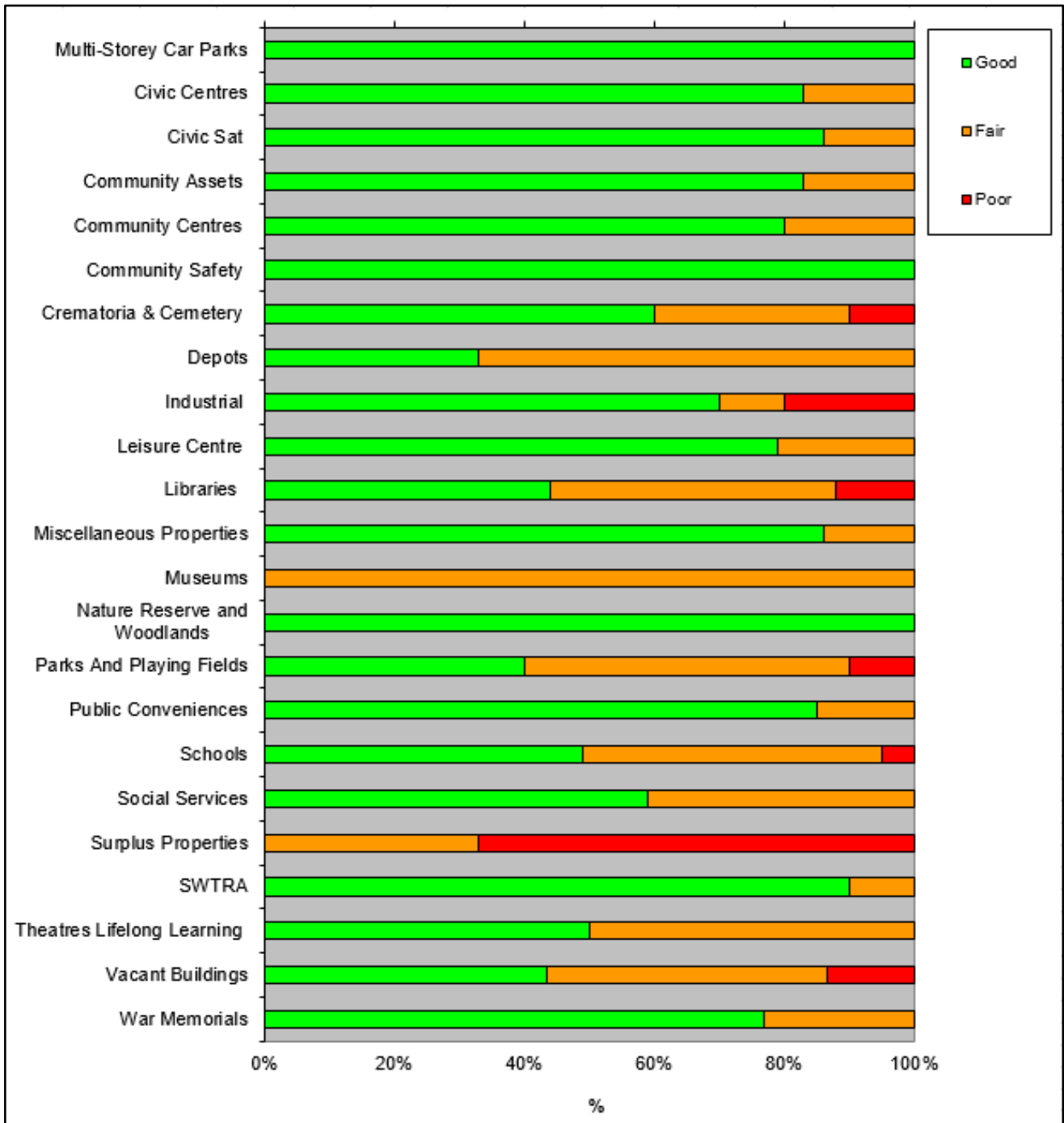




The chart below shows the condition of the Council building's in terms of the Number of Properties for each property category.

Traffic Light Definition	% Of number of properties that require only revenue expenditure to enable the service to be delivered to a satisfactory level.	% Of number of properties that require moderate levels of investment to enable the services to be delivered to a satisfactory level	% Of number of properties that Requires Significant investment or releasing to enable the services to be delivered to a satisfactory level.
<b>Category</b>	<b>Good</b>	<b>Fair</b>	<b>Poor</b>
Multi-Storey Car Parks	100%	0%	0%
Civic Centres	83%	17%	0%
Civic Satellite	85%	15%	0%
Community Assets	100%	0%	0%
Community Centres	100%	0%	0%
Crematoria & Cemetery	60%	30%	10%
Depots	33%	67%	0%
Industrial	70%	10%	20%
Leisure Centre	67%	33%	0%
Libraries	40%	40%	20%
Miscellaneous Properties	60%	30%	10%
Museums	0%	100%	0%
Nature Reserves and Woodlands	83%	17%	0%
Parks and Playing Fields	60%	40%	0%
Public Conveniences	83%	17%	0%
Schools	50%	46%	4%
Social Services	64%	36%	0%
Surplus Properties	0%	75%	25%
SWTRA	90%	10%	0%
Theatres Lifelong Learning	50%	50%	0%
Vacant Buildings	39%	50%	11%
War Memorials	77%	23%	0%

The bar chart below provides an illustration of the condition of the Council’s buildings in terms of the number of properties in each property category.



## Energy/Carbon & Water Management

The Authority has 250 sites within its operational building portfolio located throughout the County Borough served by 308 electricity, 222 gas and 8 oil supplies.

The continued drive to reduce both the consumption of energy and water resources, and the Council's carbon emissions will be achieved by:

- Implementation of effective energy management practices throughout the Authority's operational building portfolio.
- Building rationalisation programme, consolidation and reduction of operational buildings, and overall floor space, from which the Council operates by improving space utilisation and building efficiency.
- Making the remaining building stock as energy efficient as possible, also installing renewable low carbon technology where practicable and viable.
- Ensuring that 'Energy efficient, environmental and sustainable design' is a key consideration in all new build projects.

The Authority's expenditure on energy and water in 2016/17 for its operational building portfolio of approx. 250 sites was £2.77m (exclusive of Street Lighting).

	2015 / 2016	2016 / 2017
Electricity	£1.60m	£1.55m
Gas	£0.90m	£0.72m
Oil	£0.03m	£0.02m
Water & Sewerage	£0.50m	£0.48m
<b>TOTAL:</b>	<b>£3.03m</b>	<b>£2.77m</b>

*Figures generated from the Authority's financial accounting system.*

This equates to a reduction of £260,000 over the financial years 15/16 – 16/17

**Priorities and Outcomes to date for 2016-17**

1. Completed LED lighting projects to the value of £38k using Welsh Government funding at :
  - Tregelles Court
  - Blaenhonddan Primary School
2. A Draft annual energy/carbon and water report has been produced for the Authority's operational building portfolio, to be consulted upon prior to formal publication.
3. Management and production of Display Energy Certificates (DECS) for qualifying buildings within the Authority ensuring statutory compliance avoiding financial penalties.
4. Submitted annual Welsh Government Energy Performance indicators (percentage change in the average Display Energy Certificate (DEC) score within local authority public buildings over 1,000m<sup>2</sup>).
5. Develop next step action plan based on the findings of the District Heating Network feasibility report.
6. Providing assistance on a number of City Deal project proposals under the Internet of Energy stream.
7. Giants Grave solar PV farm feasibility study – Assisting develop the scheme proposal.

**Key Priorities for the next 12-18 months:**

**Corporate Energy, Carbon & Water Priorities**

1. Building management System (BMS) upgrade at PT Civic Centre.
2. Undertake £60k LED lighting upgrade to external car park and depot public lighting system at The Quays and SRC. Incorporating intelligent control.
3. Carryout £50k LED lighting system upgrade project to Gnoll Primary School within the operational building portfolio.

4. Over the next 12 to 18 months a Strategic Energy, Carbon and Water Policy will be developed for adoption by the Authority

The intention is to develop and implement the Policy in two stages as follows:

- Publish Policy Statement & Policy Document (completion target December 2018)
- Develop and Implement Energy, Carbon & Water Management Strategy Programme report 2018 to 2023

The following output documents will be generated:

- Energy, Carbon and Water Policy Statement
- Energy, Carbon and Water Policy Document
- Energy, Carbon and Water Management Strategy Programme

5. Provide technical support for the Hydro scheme at Margam Country Park

6. To carry out feasibility studies on the following:

- Battery storage aligned to solar PV systems within key buildings
- Undertake Authority wide hydro resource study

7. Investigation into electrical baseload at the four main Civic buildings:

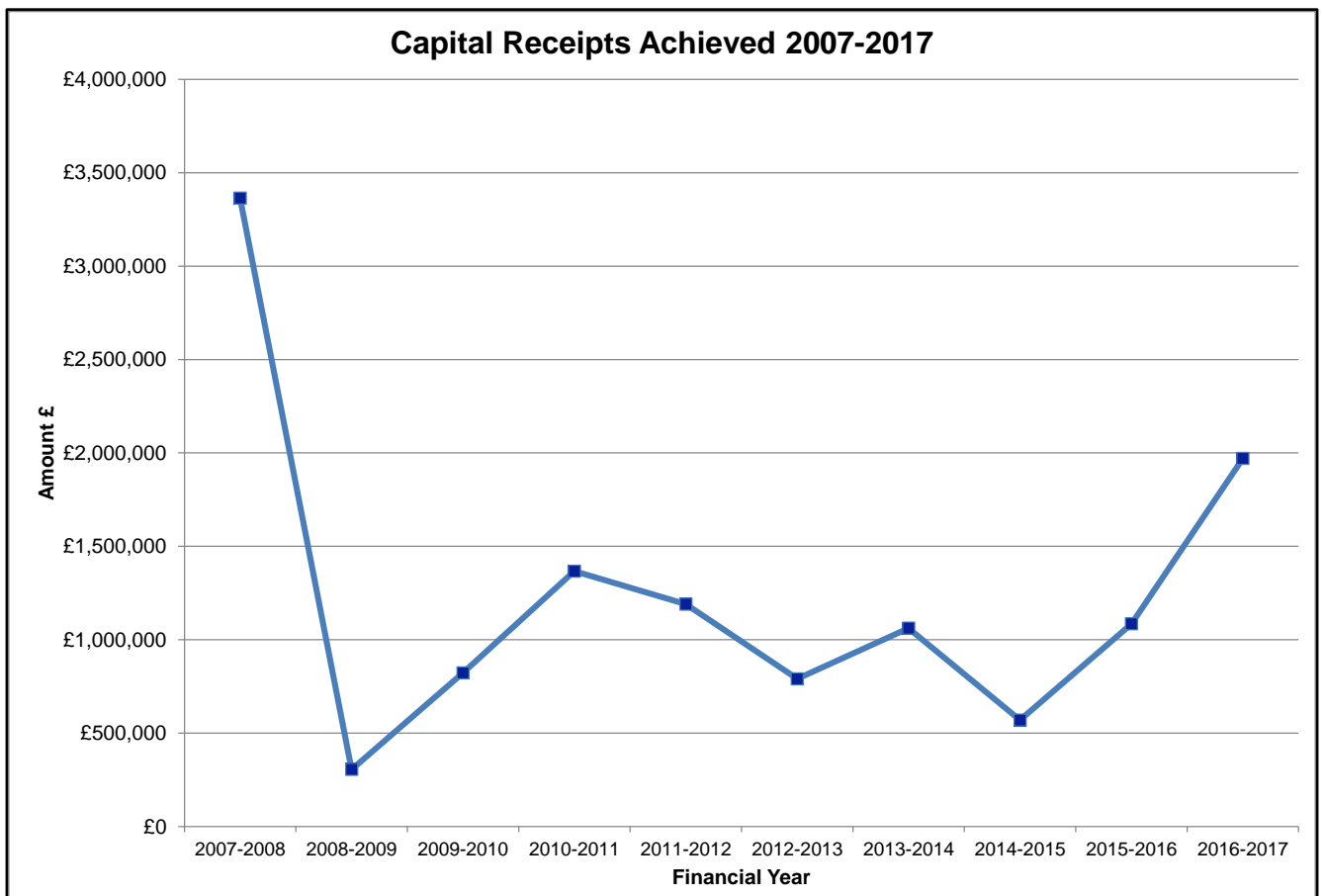
- PT Civic Centre
- The Quays
- Neath Civic Centre
- Tregelles Court

8. Over the next 12/18 months, the intention is to develop and deliver an “Invest to Save” Programme to improve the energy and carbon performance within the Authorities operational building portfolio for which a list of potential “invest to save” projects will be identified.

### Capital Receipts

The Council keeps its surplus property holdings under constant review to ensure that there is an orderly disposal of operationally surplus buildings and land. It is important that this is achieved without the Council compromising or discharging its statutory duty of achieving best value for its assets.

The total Capital Receipts achieved by the Council in the last 10 financial years can be found in the graph below.



The graph shows a sharp downward trend in capital receipts since the so-called 'credit crunch' in 2007/2008. However, this should be seen in context. Whilst there has been a negative effect on market values within the property sector since 2008, the 2007 capital receipts represent a historic high and do not necessarily represent the long-term trend for capital receipts before 2008.



In terms of on-going disposals, the Council's continued rationalisation of its property portfolio has seen an unprecedented number of operational properties declared surplus to requirements at a time when the property market is at its most fragile. Moreover, there has been the added difficulty that several development sites have had unforeseen site constraints which has led to viability issues. This has meant that the ability to achieve capital receipts on some of these sites has proven difficult as developers have become more risk averse since 2008.

Despite the difficult property market, the Council has continued to successfully dispose of its surplus properties, whilst also ensuring that maximises capital receipts. As background for 2017/18, the Council is on target to achieve over £1m in capital receipts and has in place a further £2m of agreed sales that are likely to complete in the next two financial years. This figure does not include the former Lido site where a capital receipt of £2m will be received over the next 4 years.

The Council is therefore on target to achieving capital receipts of £3m over a 3 year period.

## Pressures on the Portfolio

Pressures on the portfolio - There are currently a range of financial, social, political and technical challenges facing all services within the public sector that will shape the Council's property portfolio over the next five year period. An outline of these challenges will be set out as a means of underpinning the decision making process.

New pressures/ legislation that may impact on the portfolio are:-

- Financial
- Service Reviews
- Legislation
- Consultation

### **Financial**

The Council still expects to have to make considerable reductions in its budget for the foreseeable future whilst continuing to provide public services to the highest possible standards. The savings required for the five year period 2018/19 to 2022/23 are currently estimated to be £65m, which is an increase of £27 million from the previous forecast. To achieve this the Council will continue to strive to be even more efficient and effective in the way it provides its services in the future and this includes the way it uses its various assets including property.

There will continue to be pressures on the Councils property portfolio to contribute to the Forward Financial Plan through the further "sweating" of the commercial property portfolio, as well as further targeted area and service property reviews to continue to challenge the need for certain classes of assets to be retained, either for direct or indirect services.

Significant tranches of Community and sports facilities/ buildings have already been successfully transferred out under lease arrangements to community/sports groups over the last 2 years.

The Council will also continue to seek property investment opportunities that provide an acceptable income stream whilst also, potentially, assisting with its' regeneration aspirations.

### **Service Reviews**

Since the last property performance report, (where it was reported that a total of 53 land and building assets had been leased out to sports and community groups), an additional 21 land and building assets have been transferred under leasing arrangements to third sector and community organisations, continuing the emphasis to transfer asset types in the areas of Community centres, and leisure facilities.

There has also been a modest transfer of former operational premises into the commercial sector where there continues to be the delivery of some public benefit as part of these commercial lease transactions, notably:

- Afan Forest Park Countryside Centre.
- Gnoll Estate Country Park Visitors Centre shop.

The success of the asset transfers under lease to the third sector in recent years does mean that there are limited opportunities for further work in this area. The challenge is then to provide adequate support to those groups to sustain them in their objectives and goals and support their actions through regular officer reviews.

## **Accommodation Strategy**

The Councils commitment to continually review and challenge accommodation requirements for back office and some front line service functions is a theme throughout the lifetime of the current NPT Property asset Management Plan 2016-2021.

An Accommodation strategy update is due to be presented to members and sets out the opportunities to look at improving the platform for service delivery whilst reducing costs. This would be achieved via the use of significantly enhanced IT hardware and systems to provide the infrastructure for a more effective implementation of a more 'fit for purpose' agile working programme and other flexible working models for the future.

This is an ongoing work stream which has seen the Council acquiring Neath County Court. This is considered to be a strategic building within Neath Town centre and was purchased to support the town centre. It also provides an opportunity to relocate staff into a fit for purpose office environment, some of which currently reside in poor satellite offices around the County. Notably, services and office staff in the Social Services Directorate.

The acquisition of the Court premises is an opportunity to pilot the agile working agenda and from ongoing discussions at Corporate Asset Management group it is likely to push forward the deployment of staff from the following buildings/sites:

1. Gelligron, Pontardawe.
2. The Laurels, Neath.
3. Dyffryn Comprehensive School, Margam.
4. London Road Neath (Registrars).

In addition the freehold acquisition of the premises has provided an opportunity to review the delivery of registrar services which currently resides in a leased premises in London Road.

The configuration of the Court building lends itself to providing suitable fit for purpose accommodation within the Councils freehold estate to deliver this essential public facing service.

The relocation of staff from the above sites/ properties will release those assets for disposal on the open market or retention of the assets for the pursuit of commercial lettings to obtain a market rent to contribute further to the Corporate Income generation group's aims and objectives.

## **Legislation**

### Radon

As part of the Radon in Schools Awareness Programme the Welsh Government have requested all Councils to undertake Radon gas monitoring on School buildings that they identified as being in potential high risk areas.

Whilst this is strictly not a legislation based requirement due to the occupation hours of the schools, it has been requested by Welsh Government. This is likely to result in the survey of all applicable school premises.

A draft Policy/ document has been produced awaiting formal adoption.

## **Consultation**

Where there is a statutory requirement to consult, it is normally clear that the Council has to organise such a process.

The Council believes it is good practice when making a decision or developing a policy/strategy or a new initiative regarding the management of the portfolio, to anticipate the likely effects it may have and to consult and take steps to prevent or minimise any likely harmful effects.

### **The Equality Act 2010**

The Council has adopted an equal opportunities policy in line with the Equality Act 2010. The policy commits the Council to carrying out equalities impact assessment as a means of ensuring that it meets the public sector equality duty under the Act. This is achieved through Equality Impact Assessments, which are a systematic way of taking equal opportunities into consideration when making a decision. Whether a new or existing function, service, policy, procedure, strategies, plan or project, an analysis is required of whether the decision affects any person or group of persons adversely.

Consultation is a key part of our equality impact assessment process so service users, staff and others likely to be affected by a proposal have the opportunity to get involved and shape the final decision. The views of people from the 'protected characteristics' are obtained to find out how the proposal is likely to affect them and use those views to inform recommendations to Councillors.



Progress

Progress 2016 - 2017

Progress with achieving the priorities set out last year was as follows:

<p>1. Award a design and build contract for the development of a new 3 -16 comprehensive school at Dyffryn Comprehensive. Site and options appraisals have been carried out to determine the preferred site and to scope out the project works and procure a contractor to ensure the new school is ready for occupation by September 2018. Once the new school block is occupied work will then follow on to demolish the existing school locks on the site and form new playing fields and sports facilities (£31m). <b>UPDATE: On site - progressing within budget. Programme completion est: Autumn 2018</b></p>
<p>2. Progress a design and build contract award for a 11 -16 welsh medium school for 600 pupils in the south of the county for occupation in 2018 (£17m). <b>UPDATE: On site - progressing within budget. Programme completion est: Autumn 2018</b></p>
<p>3. Progress the design of a new Primary School at Briton Ferry for 450 pupils with a project cost of £7.5m and prepare contract documentation to award a design and build contract to ensure a new school is constructed and ready for occupation by September 2019. <b>UPDATE: On site - progressing within budget. Programme completion est: Autumn 2018</b></p>
<p>4. To deliver the Camping and Caravanning Club site, with 90 pitches and ancillary facilities to promote tourism to the Park and the wider Borough.  <b>UPDATE: Project unlikely to proceed however drainage scheme still ongoing and will be completed before the end of financial year.</b></p>
<p>5. Progress a feasibility study and options appraisal for the Plaza Theatre in Port Talbot. <b>UPDATE: Awaiting outcome of ongoing Welsh Government “Buildings for the Future” Grant application.</b></p>
<p>6. Prepare, design and cost proposals for the refurbishment and conservation of Twyn Yr Hydd, Margam Park <b>UPDATE: Project to form part of Business Plan for Margam Park.</b></p>
<p>7. To continue to plan, manage and deliver the 21<sup>st</sup> Century Schools programme and develop a 5 case business model for each project. <b>UPDATE: Band B of the programme consists of a further 5 schools which have been reported to cabinet and funding approved in principle. Work progressing with the Feasibility and business case.</b></p>

<p>8. To ensure that all contractors actively help us to achieve substantial community benefits through their contracts by giving work opportunities to local people and to local sub-contractors. <b>UPDATE: Ongoing and Corporate Social Responsibility (CSR) targets have been exceeded on all projects.</b></p>
<p>9. Secure European and Welsh Government funding approvals for Port Talbot Integrated Transport Hub:- Harbourside Strategic Employment Site, 8 Wind Street, Neath; the Plaza, Port Talbot and the former Magistrates Court, Port Talbot.  <b>UPDATE: Port Talbot Integrated Transport Hub – Completed.</b> <b>Harbourside Strategic Employment Site - Funding approved.</b> <b>8 Wind Street Neath – Developing grant application.</b> <b>Former Magistrates Court, Port Talbot – Funding application in.</b></p>
<p>10. Continue to coordinate and maximise strategic funding opportunities to deliver the Council’s priorities. <b>UPDATE: There is a significant amount of work being undertaken in respect of the Business cases for the City Deal projects.</b></p>
<p>11. To deliver the next phases of the Vibrant and Viable Places programme, including the Plaza Cinema, Glanafan School and Police Station sites  <b>UPDATE: Former Glanafan Comprehensive School – Contract underway.</b> Completion expected Oct 2018. <b>Former Port Talbot Police station - Contract underway.</b> Completion July expected 2018.</p>
<p>12. The development of the next phase of the Neath Town Centre Scheme, including the development of retail and residential units at the rear of Boots’ service yard, together with the demolition of the former multi storey car park and former Tesco and Wilkinsons stores. <b>UPDATE: Phase 2 Neath Town Centre going out to tender to appoint contractors in February 2018</b></p>
<p>13. Continue with the regeneration of Aberavon Seafront, including the delivery of a new adventure golf course. <b>UPDATE: Golf course completed and let out to operator. The team continue to work with existing businesses and potential new investors to further develop leisure and commercial opportunities on the seafront eg Reel Cinemas, Cinnamon Kitchen etc.</b></p>
<p>14. Capitalise on the granting of Enterprise Zone status to attract high quality business</p>

<p>investment to key locations such as Baglan Energy Park, Baglan Industrial Park, Harbourside and Port Talbot Docks.</p> <p><b>UPDATE: Ongoing support for current and new businesses in the County.</b></p> <ul style="list-style-type: none"> <li>• The potential to create up to 50 jobs and safeguarding 250.</li> <li>• 34 eligible businesses awarded £676,000 funding</li> <li>• Eight property applications for approx. 40,000 sq. ft., supporting up to 300 jobs are currently at the stage of conditional consideration for funding from Welsh Government.</li> </ul>
<p>15. Continue to support tourism related businesses/organisations in the area to deliver tourism infrastructure and business development projects through the delivery of the Destination Management Plan; the LEADER funded project to support tourism businesses in the rural areas of the County Borough and the business development activities of the Economic Development Team.</p> <p><b>UPDATE: Ongoing. In 16/17 the LEADER funded Tourism Development in Neath Port Talbot Project assisted 21 tourism operators (participants) and established 3 networks to assist in the delivery of the Neath Port Talbot Destination Management Plan.</b></p>
<p>16. Create high quality jobs and economic growth across the County Borough through development and investment through the delivery of high quality business support services.</p> <p><b>UPDATE: Ongoing. In 16/17 activities delivered by the team helped create 131 new jobs and safeguarded 255 existing jobs.</b></p>
<p>17. Work with Tata Steel and their supply chain to provide support to help those affected by any job losses and help suppliers to consider diversification into new markets, improve business operations and accessing relevant skills and training.</p> <p><b>UPDATE: Support has been provided to a range of businesses in the Tata supply chain.</b></p>
<p>18. Promote self-employment opportunities through Enterprise Clubs and the facilities available at Sandfields Business Centre.</p> <p><b>UPDATE: Ongoing. Provided advice to 340 local people considering starting up a business in 16/17</b></p>
<p>19. Maximise community benefit clauses in all contracts and the planning process to increase local jobs and benefits to local businesses.</p> <p><b>UPDATE: Ongoing. This resulted in 75 local people being helped back into work.</b></p>
<p>20. Encourage supply chain development, community investment and local employment and training opportunities by working in partnership with key contractors and developers delivering substantial investment programmes within the County Borough.</p> <p><b>UPDATE: Ongoing. A total of 3900 training week opportunities were completed for apprentices and work experience candidates and there was support for local companies to secure contract work in excess of £15.5 million</b></p>
<p>21. To support the BID in Neath to continue to develop the town centre offer and to improve the economic outlook within the town.</p> <p><b>UPDATE: Continuing with strong collaboration between BID NPT and Neath Town</b></p>

<p><b>Council on the development and delivery of key events in Neath, eg Neath Food Festival, Ale and Cider Festival, Guitar gig, Christmas lights etc.</b></p>
<p>22. Development and delivery of energy “Invest to Save” programme for the Authority’s operational buildings. <b>UPDATE: Delayed due to work on City Deal projects but development ongoing.</b></p>
<p>23. Increase the awareness of energy/carbon smart technology to investigate how the Authority will be able to move towards a low carbon smart region. <b>UPDATE: Completed Phase 1 work. Commenced on Phase 2.</b></p>
<p>24. Create schools energy management programme, commencing with a pilot cluster group. <b>UPDATE: Currently in development. Anticipate undertaking a Cluster Pilot Scheme before end of 2018</b></p>
<p>25. Develop an action plan based on the findings of the District Heating Network feasibility report. <b>UPDATE: Completed however on hold as awaiting progress from U.K. and Welsh Government on District Heating Strategy.</b></p>
<p>26. To undertake a review of the provision of cleaning services within corporate buildings and its integration with facilities management. <b>UPDATE: Completed resulting in a restructuring of rechargeable costs across the services, together with an ongoing staff structure review.</b></p>
<p>27. Undertake a review of public toilets to assess the location of the public conveniences across the borough and the proximity of these to other public buildings along with the frequency of use of these facilities. <b>UPDATE: Superseded by Government White Paper requiring Public Toilet Strategy to be published by April 2019</b></p>
<p>28. To continue to progress the accommodation strategy. The ongoing remodelling of various services and the recent ER/VR process requires the continual review our building stock and staffing levels within, to ensure that we make the most economic use of these assets. <b>UPDATE: Ongoing with emphasis on rolling out Agile working pilots in 2018 and continuing the Social services reviews, Tregelles Court and future service area requirements.</b></p>
<p>29. A review of security provision in civic buildings is to be undertaken to assess the value that is provided by such a service and to look in to alternative options that can be provided by modern technologies and physical barriers. <b>UPDATE: Some physical works have been undertaken to enable alternative service provision to be examined.</b></p>
<p>30. To look at digital solutions to the existing archive service to minimise the two thousand</p>

	<p>requests for delivery and retrieval a year.  <b>UPDATE: New online archive system completed and implemented.</b></p>
31.	<p>To review and implement the Corporate Asset Management Plan  <b>UPDATE: Completed</b></p>
32.	<p>To develop in-house upgrades to the front end of the property management database and continue to develop new modules and enhance existing ones to comply with Statutory record obligations.  <b>UPDATE: Commencement expected April 18 and thereafter ongoing. £20k Grant has been applied for from Welsh Government to support the upgrade, awaiting outcome.</b></p>
33.	<p>To review the 5 year rolling programme of asset valuations with the director of finance and carry out statutory revaluation of assets in the revised programme for the financial year 16/17  <b>UPDATE: Completed</b></p>
34.	<p>Rating Appeals - To continue to negotiate and complete 57 rating appeals with a further significant potential saving of the Councils property rates liability.  <b>UPDATE: The majority of the 2010 appeals have been completed with the remaining outstanding appeals to be completed this financial year.</b></p>
35.	<p>Dispose of/lease any surplus assets that arise out of the FFP Commercial estate- Where possible to investigate and maximise opportunities, (where economically advantageous) to retain surplus operational assets and bring them into the Commercial estate, to maximise revenue streams to support corporate objectives.  <b>UPDATE: See report under headings: "Capital Receipts" and "Service Reviews"</b></p>
36.	<p>To seek to generate a total capital receipt of £3m over the next 3 year period.  <b>UPDATE: On target to achieve this.</b></p>
37.	<p>Extensive ongoing Compulsory Purchase negotiation work to acquire land and rights required for major highway capital schemes to include PDR2, Coed Darcy Southern Access Road and Ffordd Amazon Stage 2.  <b>UPDATE: Acquisition from Welsh Government, Tata Sports and Social Club and Talbot Block of land and rights agreed for PDR Phase 2. Remainder ongoing.</b></p>
38.	<p>Continue to support the Asset Management Plan and Forward Financial Plan in delivering the transfer of assets to the community. To draft and adopt a Community asset Transfer policy for the Council.  <b>UPDATE: Ongoing process. Community Asset Transfer policy to be revisited in 2018.</b></p>
39.	<p>To continue to identify and realise savings under the FFP</p>



<b>UPDATE: All agreed savings achieved.</b>	
40.	Undertaken LED lighting projects to the value of £38k using Welsh Government funding <b>UPDATE: Completed.</b>
41.	Developed and formulated an annual energy/carbon and water report for the Authority's operational building portfolio - Draft report produced. <b>UPDATE: Draft Completed - awaiting further consultation.</b>
42.	Datacentre cooling systems investigation into low energy cooling solution for the computer data centre at The Quays. <b>UPDATE: Completed</b>
43.	Completed the renewal of Electricity and Gas Automated Meter Reading Contract for 2016/17. <b>UPDATE: Ongoing process.</b>
44.	Provided assistance on a number of City Deal project proposals under the Internet of Energy stream. <b>UPDATE: Ongoing process.</b>

**Property FFP Progress 2016 – 2017**

<b>Progress/Achievements</b>	
ENV605 Gypsy's increase rent and reduced expenditure following extension of Caegarw	£25,000
ENV606 Civic Buildings- additional rent at Pontardawe	£8,000
ENV612 SYBC – increase Income	£10,000
ENV623 Energy Management and Business Support Fund, reduction in building maintenance	£5,000



**Actions 2017-2018**

The most important things for the service to achieve are to:

<p><b>1. Completion of Phase 1 of the School Improvement Programme also known as (Band A) to include:</b></p> <ul style="list-style-type: none"> <li>• Ysgol Bro-Dir (Former Sandfields Comprehensive).</li> <li>• Ysgol Carreg Hir (Former Briton Ferry Primary School).</li> <li>• Ystalyfera Comprehensive Phase 2.</li> <li>• Ysgol Cwm Brombil (Former Dyffryn).</li> </ul>
<p><b>2. Development and delivery of Phase 2 of the School Improvement Programme also known as (Band B). This will involve projects at the following schools:</b></p> <ul style="list-style-type: none"> <li>• Cefn Saeson Comprehensive – a new build, English medium school.</li> <li>• YGG Ystalyfera - Bro Dur – a new build replacement.</li> <li>• Ysgol Newydd (Formerly Cwmtawe) - a new build, English medium school.</li> <li>• Ysgol Newydd (Coed Darcy) – a new build school, aged 3 to 11, including nursery.</li> <li>• Abbey Primary School - a new build, English medium school (including nursery).</li> </ul>
<p><b>3. Neath Town Centre - Phase 2 Delivery as follows:</b></p> <ul style="list-style-type: none"> <li>• St. David’s Lane – smaller retail units and 12 residential apartments</li> <li>• Procurement of Main Retail Phase</li> </ul>
<p><b>4. Valleys Task Force</b></p> <ul style="list-style-type: none"> <li>• 12 Hub projects</li> </ul>
<p><b>5. Buildings for the future Projects</b></p> <p>Plaza Cinema – secure funding and procure contractor and occupier  Port Talbot Magistrates Court – secure funding and procure contractor and occupier  8 Wind Street – secure funding and procure contractor and occupier</p>
<p><b>6. Accommodation Strategy</b></p> <p>Take forward the work streams reported to members in the Accommodation strategy update 2018 report</p>
<p><b>7. Development of Homes for Power Stations programme – to progress the business case.</b></p>
<p><b>8. Development of Technology Centre and CENGs building at Baglan Energy Park as part of City Deal – to progress the business case.</b></p>

9. Development of Steel Science Building as part of City Deal - to progress the business case.
10. To ensure that all contractors actively help us to achieve substantial community benefits through their contracts by giving work opportunities to local people and to local sub-contractors.
11. Continue to coordinate and maximise strategic funding opportunities to deliver the Council's priorities.
12. Complete the disposal of the former Afan Lido site.
13. Capitalise on the granting of Enterprise Zone status to attract high quality business investment to key locations such as Baglan Energy Park, Baglan Industrial Park, Harbourside and Port Talbot Docks
14. Continue to support tourism related businesses/organisations in the area to deliver tourism infrastructure and business development projects through the delivery of the Destination Management Plan; the LEADER funded project to support tourism businesses in the rural areas of the County Borough and the business development activities of the Economic Development Team.
15. Continue to create high quality jobs and economic growth across the County Borough through development and investment through the delivery of high quality business support services.
16. Continue to work with Tata Steel and their supply chain to provide support to help those affected by any job losses and help suppliers to consider diversification into new markets, improve business operations and accessing relevant skills and training.
17. Continue to promote self-employment opportunities through Enterprise Clubs and the facilities available at Sandfields Business Centre
18. Continue to maximise community benefit clauses in all contracts and the planning process to increase local jobs and benefits to local businesses.
19. Continue to encourage supply chain development, community investment and local employment and training opportunities by working in partnership with key contractors and developers delivering substantial investment programmes within the County Borough.
20. Continue to support the BID in Neath to continue to develop the town centre offer and to improve the economic outlook within the town. Pursue the opportunity of a BID for Port Talbot Town Centre.
21. To continue to develop and deliver the energy "Invest to Save" programme for the Authority's operational buildings.

22. To continue to increase the awareness of energy/carbon smart technology to investigate how the Authority will be able to move towards a low carbon smart region.
23. Create schools energy management programme, commencing with future pilot cluster group
24. Complete phase one of the smart low carbon demonstration projects study funded by Welsh Government
25. Develop a public toilet strategy by April 2019 in line with the Welsh Government White Paper
26. To seek opportunities to acquire property investment opportunities within the County Borough.
27. To continue with the review of security provisions within the civic buildings to be undertaken to assess the value that is provided by such a service and to look in to alternative options that can be provided by modern technologies and physical barriers.
28. To complete the Actions in the Corporate Asset Management Plan for 17/18
29. To develop in-house upgrades to the front end of the property management database and continue to develop new modules and enhance existing ones to comply with Statutory record obligations.
30. To review the 5 year rolling programme of asset valuations with the director of finance and carry out statutory revaluation of assets in the revised programme for the financial year 18/19
31. Rating Appeals - To continue to explore potential savings in Business rates and submit appeals against the 2015 rating list
32. Continue to dispose of/lease any surplus assets that arise out of the FFP Commercial estate- Where possible to investigate and maximise opportunities, (where economically advantageous) to retain surplus operational assets and bring them into the Commercial estate, to maximise revenue streams to support corporate objectives.
33. To continue to work towards achieving the capital receipt target of £3m over the next 3 year period.
34. Continue with the extensive ongoing Compulsory Purchase negotiation work to acquire land and rights required for major highway capital schemes to include PDR2, Coed Darcy, Southern Access Road and Ffordd Amazon Stage 2 and Harbourside Regeneration Scheme.
35. Continue to support the Asset Management Plan and Forward Financial Plan in delivering the transfer of assets to the community. To draft and adopt a Community asset Transfer

policy for the Council.
36. To continue to identify and realise savings under the FFP
37. Complete the renewal of Electricity and Gas Automated Meter Reading Contract for 2017/18.
38. Provided assistance on a number of City Deal project proposals under the Internet of Energy stream.

### Property FFP Targets 2017-2018

#### FFP Items for 2017-18 are:

Action	Financial Implication	Comments
Cease security contract for Authorities Estate	20000	Security contracts remain. However savings achieved by reducing maintenance costs elsewhere
Reduce the maintenance budget in industrials	10000	Achieved
Baglan Innovation Centre Increase Rental Income	10000	Achieved
Reduction in Land Maintenance Budget	13000	Achieved
Will reduce maintenance works on County's buildings	50000	Achieved
Reduction in building maintenance budget	58637	Achieved
Additional rental Income at	8000	Achieved

Pontardawe one stop shop – Civic Buildings		
Reduce staff costs – Civic Buildings	2000	Achieved
Increase Income – Sandfields Young Business Centre	10000	Achieved
Decrease Professional Fees Budget – Business Support	9000	Achieved
Review and close public conveniences eg Resolven	15000	Closure of public conveniences not taken place due to Government White Paper, requiring Public Toilet Strategy to be completed by April 2019, however savings achieved by reducing costs elsewhere.

**Property FFP Targets 2018-2019**

**FFP Items for 2018-19 are:**

Action	Financial Implication	Comments
Industrial - increase rents	18000	Will be achieved by a combination of increasing rents and reducing expenditure.

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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)	Contact Officer/Head of Service
<b>9 March 2018</b>	Minutes of Community Safety & Public Protection Scrutiny Sub Committee from 17 Jan 2018	Monitor	Quarterly	Scrutiny Officer/ Scrutiny Chair
	Quarter 3 Performance Monitoring (17/18) (Community Safety & Public Protection Data to Sub)	Monitor	Quarterly	Shaun Davies
	Valleys Regeneration Report	Info	Topical	Simon Brennan
	Rural Development Plan	Info	Topical	Angeline Spooner Cleverly/ Ben Riseborough
	Energy Performance Report	Info	Annual	Simon Brennan/Chris Jones
	Housing Renewal and Adaptation Service (HRAS) Financial Allocations 17/18	Decision	Annual	Angela Thomas/ Rob Davies
	Surplus Land	Decision	Topical	Angela Thomas/ Leighton Jones

## REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly Monthly)	Contact Officer/Head of Service
	Minutes of Community Safety & Public Protection Scrutiny Sub Committee from 19 April 2018 (TBC)	Monitor	Quarterly	Scrutiny Officer/ Scrutiny Chair
				Nicola Pearce/ Lana Beynon

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To be programmed into first meeting of new cycle (May 2018):

- SPG (x2) Biodiversity and Geodiversity; Landscape and Seascape (Post Consultation) - Decision - Topical - Nicola Pearce
- Tai Tarian Progress Report – Monitor – Biannual - Linda Whittaker/Caroline Davies
- Rights of Way Improvement Plan (for May)
- Historic Environment SPG (Pre Consultation) – Decision – Topical (for July)