



## ***PLANNING COMMITTEE***

***2.00 PM - TUESDAY, 21 AUGUST 2018***

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

### **PART 1**

1. Declarations of Interest
2. Minutes of the Previous Meeting (*Pages 5 - 10*)
3. To Request Site Visit(s) from the Applications Presented

### **Section A - Matters for Decision**

#### **Reports of the Head of Planning and Public Protection**

4. **Confirmation of Tree Preservation Order 2018 (No. 5) at 13 Church Crescent, Baglan, Port Talbot subject to Members Site Visit Leaving Port Talbot Civic Centre at 12 noon on Tuesday, 21 August 2018 - Recommended for Approval** (*Pages 11 - 18*)

#### **Planning Application Recommended for Approval**

5. Application No: P2014/0729 (*Pages 19 - 118*)  
Application for an extension to and reconfiguration of the underground coal workings. Creation of a mine waste repository with the retention and improvement of the associated haul road (to dispose of mine waste and discard from coal preparation at the mine) and the delivery of further peat habitat mitigation works. Mine Surface development, including – regularisation and time extension of existing mine related operations and mine surface development, consolidation of existing planning permissions and planning controls, construction of infrastructure/buildings, formation of materials storage and stocking areas, drainage works, and landscaping. (Further information received 18/05/15). At Aberpergwm Colliery, Glynneath, Neath. SA11 5SF.

**Section B - Matters for Information**

6. Delegated Applications Determined between 3 July 2018 and 13 August 2018 (*Pages 119 - 142*)
7. Appeals Determined (*Pages 143 - 148*)
8. **Urgent Items**

Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

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

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

Tuesday, 14 August 2018

## **Committee Membership:**

**Chairperson:** Councillor S.Paddison

**Vice  
Chairperson:** Councillor H.N.James

**Members:** Councillors A.R.Aubrey, S.Bamsey, R.Davies,  
W.F.Griffiths, S.K.Hunt, C.J.Jones, S.Purseley,  
A.McGrath, R.Mizen and L.Jones

**Cabinet  
UDP/LDP  
Member:** Councillor A.Wingrave

## **Requesting to Speak at Planning Committee**

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

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

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

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

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

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

### **Commenting on planning applications which are to be reported to Committee**

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

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

## PLANNING COMMITTEE

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

**Members Present:**

**10 July, 2018**

**Chairperson:** Councillor S.Paddison

**Vice Chairperson:** Councillor H.N.James

**Councillors:** A.R.Aubrey, S.Bamsey, R.Davies, W.F.Griffiths, S.Pursey, A.McGrath, R.Mizen and L.Jones

**Local Member:** Councillor C.James

**Officers In Attendance:** S.Ball, D.M.Adlam, M.Shaw, S.Evans, R.MacGregor, R.Borthwick and T.Davies

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### 1. **DECLARATIONS OF INTEREST**

The following Members made declarations at the commencement of the meeting:-

- |                      |   |  |
|----------------------|---|--|
| Councillor R.Mizen   | - | Report of the Head of Planning and Public Protection, Application No. P2018/0490, as he is known by an objector in the public gallery.   |
| Councillor H.N.James | - | Report of the Head of Planning and Public Protection, Application No. P2018/0490, as he is known by the objectors in the public gallery. |

2. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** That the minutes of the 8 May 2018 be noted by the Committee.

3. **SITE VISITS**

**RESOLVED:** That no site visits be held on the applications before Committee today.

4. **AMENDMENT SHEET**

Note: An amendment sheet in relation to Application Numbers: P2018/0460, P2018/0472 and P2018/0490 was circulated prior to the meeting, on which the Chairperson had allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairperson had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting.

5. **APPLICATION NO: P2018/0460**

Officers made a presentation to the Planning Committee on this Application (Change of use from residential unit (C3) to House of Multiple Occupation (C4) for 6 people at 234 Neath Road, Briton Ferry, Neath, SA11 2AX) as detailed in the circulated report.

The Local Ward Member had requested that the Application be determined by the Planning Committee, and was present to give his representations at the meeting.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2018/0460 be approved, subject to the conditions detailed in the circulated report.

6. **APPLICATION NO: P2018/0472**

Officers made a presentation to the Planning Committee on this Application (Change of Use from Dwelling (Use Class C3) to House of Multiple Occupation (HMO) (Use Class C4) at 58 Neath Road, Briton Ferry, Neath, SA11 2YR) as detailed in the circulated report.

The Local Ward Member had requested that the Application be determined by the Planning Committee, and was present to give his representations at the meeting.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2018/0472 be approved, subject to the conditions detailed in the circulated report and on the amendment sheet.

7. **APPLICATION NO: P2018/0490**

Officers made a presentation to the Planning Committee on this Application (Change of Use from Dwelling (Use Class C3) to House of Multiple Occupation (HMO) (Use Class C4) at 81 Cwrt Sart, Briton Ferry, Neath, SA11 2SR) as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol, a local resident (against the Application) addressed the Planning Committee as well as the Applicant who spoke in favour of their Application. The Local Ward Member had requested that the Application be determined by the Planning Committee, and was also present to give his representations.

**RESOLVED:** That contrary to the Officers' recommendations, Application No. P2018/0490 be REFUSED on the following grounds:

Reason:

By virtue of the failure to provide off-street car parking within the application site to serve the proposed use, the use would lead to additional on-street and indiscriminate car parking in an already congested area, to the detriment of

highway and pedestrian safety, contrary to Policy TR2 of the Neath Port Talbot Local Development Plan.

8. **APPEALS RECEIVED 30 APRIL TO 3 JULY 2018**

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

Appeal Ref: A2018/0011

Detached split level dwelling and associated works (*appeal against conditions*) at Plot A, land at Graig Road.

Appeal Ref: A2018/0012

Two Detached Dwellings and Associated Works at Land at Clos Llwynallt, Alltwen, Pontardawe.

9. **APPEAL DECISIONS 30 APRIL TO 3 JULY 2018**

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

Appeal Ref: A2018/0008

Detached 3 Bedroom Bungalow and Detached Garage at Glyn Clydach Hotel, Longford Road, Longford, Neath, SA10 7AJ.

Decision:

Appeal Dismissed



Appeal Ref: A2018/0007

Residential development and alterations to existing access without complying with a condition attached to planning permission (ref: P2008/0798), dated 25 August 2016 at Land at Forge Washery, Lower Brynamman, SA18 1SW.

Decision:

Appeal Allowed

Appeal Ref: A2018/0006

Two semi detached split level dwellings with associated car parking and engineering works, at Site adjacent to 24 Curwen Close, Pontrhydyfen.

Decision:

Appeal Dismissed and Application for Costs Dismissed

Appeal Ref: A2018/0010

Change of use of shop (A1) to residential dwelling (C3) and external alterations at 101 Neath Road, Briton Ferry, SA11 2DQ

Decision:

Appeal Dismissed

Appeal Ref: 2018/003

The breach of planning control as alleged in the notice is making a material change in use of the land from woodland to a domestic garden associated with 7 Tai Banc, Tonna, Neath including the erection of an outbuilding on land outside settlement limits, and outside of a residential curtilage of the property, at Land adjacent to 7 Tai Banc, Tonna

Decision:

Appeal Dismissed/ Notice Upheld (as varied)

10. **DELEGATED DECISIONS 30 APRIL TO 3 JULY 2018**

Members received a list of Planning Applications which had been determined between 30 April to 3 July 2018, as detailed within the circulated report.

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

**CHAIRPERSON**

## SECTION A – MATTERS FOR DECISION

### PROPOSED CONFIRMATION OF TREE PRESERVATION

ORDER 2018 (NO. 5) :

13 CHURCH CRESCENT, BAGLAN, PORT TALBOT

### BACKGROUND INFORMATION

Following a delegated panel, this matter has been called into Committee by Councillors Peter Richards and Carol Clement-Williams, who advise that they do not wish for the TPO to be confirmed on the following grounds: -

“The watercourse overflow from the culvert by Spar in Baglan runs along under the houses in Church Crescent. It is an area of historical flooding and we (the Council) have spent a lot of money digging up the gardens to follow the watercourse. If the culvert blocks again it runs under the houses and comes out around the area of the Bagle Brook.

Routes of trees will always follow the watercourse. If routes were to get into the watercourse it could cause us problems moving forward. The routes are already undermining the gardens of numbers 14 and 15. The neighbours in number 14 rang me and my fellow Councillors about their concerns for the TPO. They are not asking for the tree to be cut down now but in order to avoid possible problems in the future I think that issuing a TPO on it could cause us problems in the future. “

The request to call the matter to Committee was considered by the Committee Call-in panel on 3<sup>rd</sup> August 2018, following which it was determined that the matter should be brought before the Planning committee for a decision. At the same time, a decision was made that a Members’ site visit be held on such grounds.

### THE TREE PRESERVATION ORDER

Under delegated powers Tree Preservation Order 2018 (No. 5) was made on the 4th of June, 2018 in respect of a Scots Pine (*Pinus Sylvestris*) tree located in the front garden of no. 13 Church Crescent, Baglan.

The TPO was made following receipt of a letter from the occupier of 13 Church Crescent, Baglan, Port Talbot expressing concerns that the neighbours in 14 Church Crescent were planning to undertake works to replace a driveway and that these works would damage the roots of the Scots Pine in their front garden, potentially affecting the viability of the tree.

The Authority's Arboriculturist Nick Thomas inspected the site on 29th May 2018 and recommended that the tree be protected with a Tree Preservation Order due to it being in good physiological condition and due to its size and location is a prominent feature in the local landscape.

The Local Planning Authority may make a Tree Preservation Order if it appears expedient in the interests of amenity to make provisions for the preservation of trees or woodlands in their area, and it is for this reason that this Tree Preservation Order was made.

Notification was posted to the landowner and adjoining landowners on 4<sup>th</sup> June, 2018, with an opportunity to submit any objection or representation by 2<sup>nd</sup> July 2018.

Objections having been received to the confirmation of the TPO, the matter was required to be taken to a delegated panel and, as detailed above, this matter has now been brought before Committee.

### OBJECTIONS REPRESENTATIONS RECEIVED

One objection letter was received and can be summarised as follows:

- 1) The tree does not contribute to the visual amenity of the area and that visual amenity is a subjective concept.
- 2) That consideration was not made of any future potential issues
- 3) There is no cultural, historic, economic, social or environmental value to the tree.
- 4) That the occupants of 14 Church Crescent are currently reversing out into a busy road and that protecting the tree will prevent them from improving the access and driveway.

- 5) That the roots have already caused damage by lifting the driveway at 14 Church Crescent presenting a hazard.
- 6) The tree will continue to grow potentially causing future damage
- 7) The tree has until recently been poorly maintained.
- 8) The tree has caused damage to the lawn of 14 Church Crescent from fallen debris.
- 9) The tree has caused damage to the lawn of 14 Church Crescent from loss of light.
- 10) The roots will expand and cause potential subsidence.
- 11) Concerns of the maintenance of the house and garden.
- 12) That buyers from a future sale of 13 Church Crescent will be put off leading to an empty property.
- 13) That there is enough trees and plantation in the surrounding gardens.
- 14) That the tree does not contribute to visual amenity as it is on private property and not accessible to neighbouring residents.

The letter of objection was also accompanied by a petition with 29 signatures which makes the following statement: -

*“We have been informed that NPTCBC has placed a temporary Tree Preservation Order (TPO) at the request of number 13, Church Crescent, Baglan with the aim of making the TPO permanent. The reason(s) given is that it contributes to the Visual Amenity of the area despite being on private property and is inaccessible to residents (see attached image). We are in the process of objecting as we believe that the tree is dangerous, it's a visual eyesore and is inappropriate for its surroundings. We are concerned that the tree may damage our property in the future as it will continue to grow to 35 meters.*

*We are not asking for the tree to be removed, however we are asking neighbours and visitors to confirm that they object to the TPO as Visual Amenity is not a valid and justified reason for a tree that has no historic, cultural, social or economic value to the community”.*

### APPRAISAL

The Tree Preservation Order was made ‘in the interests of the visual amenity of the area’. The tree, a Scots Pine, is located 7m to

the front of 13 Church Crescent and has been in place for approximately 65 years. Although objections suggest otherwise, Officers consider the tree to be very prominent and distinctive due to its size, and to have a significant and positive impact on the amenity of the area.

The site was inspected by the Authority's Arboriculturist (Mr Nick Thomas) on the 29<sup>th</sup> May, 2018 who confirmed that the tree was healthy and a good physiological condition specimen and that its size and location made it a prominent feature in the local landscape and worthy of protection. He noted an underground culvert approximately 10m from the tree and that to date no issues such as root interference with the gully have been recorded.

When making the emergency TPO, it was considered that the tree was potentially under threat of its roots being damaged by the occupants of 14 Church Crescent who had indicated (and reiterated in their objection letter) that they wish to carry out works to improve the vehicle access to their property within the root zone of the tree. Given that there is the potential for such works, if not carried out sympathetically, to cause significant damage to the tree which would threaten its health/ future, the Tree Preservation Order was made to allow the Authority to protect the tree and ensure that there is a sufficient degree of protection, including ensuring that any future works around the tree are carried out in a way that does not harm the tree.

The occupants of the neighbour property (supported by a petition from other local residents) have raised a number of objections, which are addressed in turn below: -

- 1) The tree has been judged by the Authority's Arboriculturist as a good specimen and due to its size and location is a prominent feature in the local landscape. The tree is visible from a number of public locations and is distinct for its size in an area with few large trees.

The objector refers to the *Helliwell* system "visual amenity valuation of trees and woodlands report 2008" which calculates the amenity value of trees and woodlands based on its amenity to the Community, its importance or position in landscape, its presence, relation as well as other key factors. They states that "based on our calculations, this TPO does not

match the scoring requirements to confirm "visual amenity" as it does not score highly on the aforementioned factors".

While the objector's calculations have not been supplied, nevertheless the use of the *Helliwell* system is not a requirement before a TPO is issued, while in any respect a *Helliwell* valuation (if conducted) should be carried out by a person with a sound knowledge of arboriculture and who has had previous training and experience in the use of this method.

Both the arboriculturist and the Planning Officer are wholly content that the tree has a positive impact on visual amenity and, in this regard, merits protection.

- 2) The tree is in good health and does not pose any particular risk. Any tree which becomes dead, dangerous or dying is automatically no longer protected by a Tree Preservation Order and may be removed. All landowners are responsible under their "Duty of Care" for ensuring that their trees are safe regardless of whether or not they are covered by a Tree Preservation Order.
- 3) The tree contributes to the visual amenity of the area, and therefore merits protection even if it were agreed that there is no cultural, historic, economic, social or environmental value to the tree.
- 4) The Tree Preservation Order does not prevent any works being carried out to improve the access or driveway on the adjoining property. Nevertheless, what the TPO does do is allow the Authority to ensure that such works do not cause unnecessary harm to the tree. Works to the driveway can potentially be carried out without need of an application for works to the tree using the correct working practices and materials e.g. porous surface on a geogrid system will be required.
- 5) All trees can have impacts, but in this case it is considered that any impact to the adjacent driveway does not justify a failure to confirm the TPO, leaving the tree under potential threat. Confirming the TPO, however, ensures that the Authority has control. In this regard, applications could be made in future for felling if clear and justifiable evidence of damage is provided which, when balanced against the visual contribution of a tree to visual amenity, weighs in favour of felling. To date, however, there is no such evidence.

- 6) A Tree Preservation Order does not prevent works being carried out to maintain a tree and prevent future problems. It allows the Authority to control such works and ensure they are necessary.
- 7) The tree has recently had substantial works carried out and is in a healthy condition. A Tree Preservation Order does not prevent any future maintenance work being carried out; it only ensures that it is necessary.
- 8) Leaves and needles falling from trees are a natural phenomenon and it is reasonable to expect homeowners to clear leaves and needles as a routine part of household maintenance.
- 9) Whilst the council is sympathetic with the light concerns, in law there is no general right to light, and the needs of the resident need to be weighed against the visual amenity value provided by the tree to the public. Work has recently been carried out on the tree to significantly reduce the impact from overshadowing and would look favourably on future applications to selectively prune branches to allow light through. Moreover, there is another tree growing adjacent which, if removed, would most likely improve the light conditions for the two properties.
- 10) The Authorities Arboriculturist has advised that soil shrinkage and the related subsidence of buildings and structures due to moisture extraction by trees only occurs on soils with a relatively high clay content and plasticity index. The soil in this area appears to be of a loam type which under normal weather conditions will have insufficient clay for any extensive expansion and contraction. The National Home Builders Council (NHBC) Chapter 4.2 guidelines has a list of high, moderate and low water demanding trees. Pine species are in the moderate water demanding category which further reduces the risk of subsidence.
- 11) The tree is in a healthy condition and has recently been maintained by a qualified arborist. Other maintenance issues on the property are not related to the Tree Preservation Order.
- 12) Property values are not a consideration in the serving of a Tree Preservation Order and as the order seeks to maintain the status quo, no possible claim of financial damages can be made.



- 13) The tree is particularly large and prominent in prominent feature in the local landscape
- 14) The tree is prominent and viewable from a number of publically accessible locations including the local shopping centre.

In addition to the above, the local Councillors have raised concerns relating to concerns that the roots of the tree may get into the culvert by Spar in Baglan which runs along under the houses in Church Crescent. The Councillors note that it is an area of historical flooding and we (the Council) have spent a lot of money digging up the gardens to follow the watercourse. They are therefore concerned that roots could get into the watercourse which could cause us problems moving forward.

The map extract below shows the approximate location of the culvert and the tree in question.



In response, the arboriculturist has liaised with the Council's drainage team, and confirmed that the culvert (which runs through the front garden) is approximately 10 metres from the tree, and concluded that there is a low risk of any root interference to this culvert. He further advises that the drainage section have confirmed that to date there have been no issues with tree roots

affecting this section of the culvert. Nevertheless, if due to root growth any issues such as structural damage or interference with the culvert should occur, then the TPO would not prevent any necessary future works which could be made by application to the LPA.

The Councillors also emphasise that the adjoining neighbours are not asking for the tree to be cut down now, stating that confirming the TPO could “cause us problems in the future”. Nevertheless, for the reasons given above it is maintained that there is a need to protect this tree in the wider public interest for its contribution to local visual amenity. Any ‘issues’ in future can be addressed at that time, with a balance and proportionate decision made based on the evidence (if any) available to support any future application. In this regard, the presence of a TPO does not in any way prevent us from addressing real issues that arise and have justifiable evidence brought to our attention. Nevertheless, failing to protect a tree can have immediate effects through the unjustified damage to, lopping or felling of the tree, to the significant detriment of local visual amenity.

Accordingly, while the objections of the nearby affected resident and local Councillors are noted, it is considered expedient to confirm the Tree Preservation Order in order to protect the tree due to its contribution to the visual amenity of the area.

### RECOMMENDATION

That the emergency Tree Preservation Order 2018 (No. 5), dated 4<sup>th</sup> June 2018, is confirmed as an opposed Tree Preservation Order.

## SECTION A – MATTERS FOR DECISION

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

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

### BACKGROUND INFORMATION : UPDATE

This application was initially reported to Planning Committee on 22<sup>nd</sup> December 2015 where it was resolved to grant planning permission subject to conditions and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area.

The application was reported to the Planning Committee again on 20<sup>th</sup> March 2018 because in the intervening period since December 2015 there had been changes in the market for coal which had affected the site and its ownership, with the underground mine having been in care and maintenance for over two years. As a consequence, the required Section 106 Agreement had not been completed.

Since the previous resolution, there had also been material changes in circumstances relating, amongst other things, to local Policy (the LDP has been formally adopted) and the market for coal, which also influenced matters relating to coal production, transportation and numbers of jobs to be created (compared to the December 2015 report).

Accordingly, the Committee Report was revised with the information and the assessment updated to reflect the change in circumstances.

Prior to being considered by Committee, Friends of the Earth requested that Welsh Government 'call-in' the application for its own determination. As a consequence a holding direction was placed on the council preventing a consent from being issued should Members have been minded to grant planning permission at that time. This allowed the Welsh Government time to consider the request from Friends of the Earth.

Notwithstanding the above the Planning Committee continued to consider the application and again resolved on 20<sup>th</sup> March 2018 to grant planning permission subject to conditions and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area. Following that resolution, confirmation was received from Welsh Government that they would not 'call in' the application and it remain to be determined by the Local Planning Authority.

Subsequent to that resolution the applicants have sought to progress the Section 106 Agreement and discussions have reached an advanced stage.

Following the decision by Welsh Government not to 'call-in' the application, Friends of the Earth wrote to the Council on 22<sup>nd</sup> June 2018 expressing their view that the decision of the Planning Committee on 20<sup>th</sup> March 2018 was open to legal challenge. FoE considered that the surveys in respect of protected species were out of date and that insufficient regard had been given to the environmental impacts of transporting the coal from the site. Therefore, FoE considered that the Council could not have appropriately applied the Well-being of Future Generations (Wales) Act 2015 or the Environment (Wales) Act 2016.

In response to the concerns expressed by Friends of the Earth the applicants have submitted:

- a) A review and update of the ecological information submitted in the environmental statement; and
- b) A review of Chapter 16 of the environmental statement dealing with dust and air quality

The Council has publicised the additional information and re-consulted on the proposals. Consultation responses have been updated accordingly below.

The application is being placed before the Planning Committee once again so that the Committee is fully aware of the updated information when making their decision.

#### SITE BACKGROUND:

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

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

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

Operations have continued both underground and on the surface since September 2013 without planning permission, although the underground mine has been in care and maintenance for over two

years. Surface activity, primarily sales of stocks have been undertaken but the stocks are now exhausted.

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

## DESCRIPTION OF SITE AND ITS SURROUNDINGS

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

The Mine Surface Area contains the mine entries, processing plant, stocking areas, water treatment areas, offices, weighbridge, welfare and ancillary facilities. The car parking area is located on the south side of the B4242 some 200m west of the Mine access point. The mine access crosses the Neath Canal on a low bridge. Traffic from the site exits onto the B4242 and travels 200m east before turning south for 300m before connecting with the A465 at a roundabout.

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

The proposed Mine Waste Repository (MWR) is situated on high ground on the Hirfynydd Mountain approximately 2km west of Glynneath and 3km to the south east of Seven Sisters. Approximately 70% (58ha) of the repository site has been surface mined (Forest Quarry series of sites) whilst the remainder (25ha)

of the area is comprised of part harvested, commercial forestry blocks. A void from the surface mining of Forest Quarry Area 2 Extension remains and is proposed to be infilled as part of the development. The original Forest Quarry OCCS has been restored and planted with trees. This area will be cleared and tipped upon in the later stages of the development. The site also includes the Peat Conservation Area within the former Nant-y-mynydd Opencast Coal Site.

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

### BRIEF DESCRIPTION OF PROPOSAL:

The application comprises three elements

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

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

At the time of the initial report to the Planning Committee (December 2015), the applicant proposed to increase production at the mine from 233,000 tonnes (run of mine) in the first year up to 1 million tonnes per annum by Year 5 and to 2.5 million tonnes per annum by Year 7 and beyond.

However, the previous report (March 2018) clarified that since that time there is no longer the opportunity to sell the coal for the power station market at Aberthaw. Accordingly, the applicants have now

revised their estimate of production, which will be similar in Year 1 to Year 5, but beyond Year 5 it will be determined by market forces. It is anticipated that 115 jobs will be created in Year 1, increasing to 200 jobs by Year 5 and beyond.

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

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

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

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

The haul road will be improved, including the drainage regime. Although it has been utilised for mine traffic and opencast coal traffic for past 20 years it is in need of improvements in surface durability and widening in some areas especially as the production increases. The lower section is only wide enough for single-way traffic and needs to be widened to 9m so as to cater for full two-way operation of 40 tonne dump trucks. At a production level of 2.5 million tonnes per annum, approximately 9 loaded trucks per hour would be using the haul road. The likelihood is that the production level will be around 1 million tonnes per annum and that approximately 4 loaded trucks per hour will be using the haul road.



Notwithstanding that, it is considered that the haul road should be improved at a point where 95,000 tonnes per annum is being transported to the MWR. By this time some finance will have been generated to fund the improvements.

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

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

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

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

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

## **Environmental Impact Assessment**

The application is accompanied by an Environmental Statement. The Environmental Statement accompanied by the application is a series of documents describing the site and its surroundings a description of the development, an assessment of the environmental effects, proposed mitigation and residual effects along with an assessment of health impacts and planning policy. The Environmental Statement has been supplemented in this case by a Regulation 19 Submission providing additional information requested by the LPA and by additional submissions in July 2018 relating to ecology/biodiversity and air quality/dust

### **Planning History:**

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

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

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

### **Publicity and Responses:**

The application has been publicised by the display of Site Notices and by advertisement in the Local Press initially in August 2014, again in June 2015 and again in July 2018. No responses have been received as a result.

**However, despite not formally responding to consultation when the application has previously been advertised it should be noted that Friends of the Earth considered that an updated report on environmental issues should be submitted for consideration, notably in relation to ecology and air quality. Updated reports have been submitted and publicised but no further response has been received to date from Friends of the Earth.**

## Statutory Consultees

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

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

**Biodiversity Unit** – no objection subject to specified conditions being imposed on any grant of planning permission. The updated survey information is acceptable. The information confirms that the impacts of the development on the ecology of the site and the wider environment remain largely the same. The following key impacts have been identified:

**Habitats:** the Maclean Tip supports previously developed land of biodiversity interest – open mosaic habitat on previously developed land an LBAP/Section 7 habitat; some of which will be lost to the scheme. However, this could be replaced as part of the restoration and landscaping schemes. No loss of ancient woodland is reported and the section of the Nant Ysgwrfa to be realigned is already a modified section.

**Species:** No badgers or otter were confirmed on the site, with the potential of otter only seasonally visiting ponds suggested. Brown Hare was seen but most of the habitat present was considered to be sub-optimal; with the long term restoration/landscaping likely to increase suitable habitat. A number of species of bats were confirmed to be using the site but few likely roosts; although pre-felling checks will be needed if any trees identified as having potential need to be felled. Reptiles were found in certain areas (although it should be noted that the original survey only undertook 5 visits rather than the recommended 7). Various species of birds were recorded, with Nightjar being of greatest interest for the site,

but the restoration and mitigation/monitoring measures should minimise impacts.

Subsidence: The information provided suggests that there could be impacts, adverse and positive, upon sensitive ecological receptors due to subsidence. Damage to SINC's or S7/LBAP habitats could result. A mechanism for assessment of such potential impacts as each mining zone comes forward, as part of the subsidence assessment, will be undertaken and mitigation proposed and implemented where necessary. Appropriate conditions will be able to be applied to ensure that a mechanism of assessment, monitoring and mitigation/compensation is deliverable to address such impacts.

There is some concern and inconsistency in the schemes in relation to restoration, landscaping, drainage and peat but it is considered that this can be addressed through the future submission of detailed schemes to be secured by conditions.

The ecological impacts of the development are considered to be able to be appropriately addressed through mitigation and secured via the below conditions. These conditions are proposed to ensure the relevant mitigation measures set out in the ES and subsequent submissions are implemented. This will ensure compliance with LDP policies EN6 and EN7 and meet the requirements of the Biodiversity Duty under the Environment (Wales) Act 2016 and the Well-being of Future Generation Act 2015 Resilience Goal. An Ecosystem Resilience Assessment has been undertaken.

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

**Environmental Health and Trading Standards Manager (Pollution Officer)** – from the information received the revised proposals are unlikely to have a significant effect on nearby receptors in terms of noise. The existing controls are sufficient.

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

should be required as a condition of any planning permission granted.

Section 16 of the environmental statement includes a Design Manual for Roads and Bridges (DMRB) screening assessment of the potential impact of emissions from traffic generated by the proposals at sensitive locations. This shows a negligible impact in terms of NO<sub>2</sub> and PM<sub>10</sub>.

Alternative options for transportation (rail/conveyor) were also considered. Construction, operational and cumulative impacts were also considered.

Provided that the throughput is not going to increase there would appear to be little point in re-visiting these aspects of the environmental statement.

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

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

**Welsh Government Transport** – confirmed they have no objections

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

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

**GGAT** – since 2014 the legislation addressing the Historic Environment in Wales has changed considerably, and the documents listed in the assessment are no longer current; it is also

likely that there have been changes to the amount of information within the Historic Environment Record since then.

Taking the changes in legislation into consideration, it is our opinion that in this particular case, there would be no benefit gained from requesting another assessment to be undertaken. It is our opinion that an update to the assessment could be achieved by the results of an HER search being incorporated into the written scheme of investigation, so that the mitigation is based on current information.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted

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

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

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

**Wales & West Utilities** – no objections as there is no WWU apparatus in this area

**DCWW** – no objections

**Mineral Valuer** – no observations

**The Coal Authority** – no specific observations but generally supports the application

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

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

**Canal Rivers Trust** – there is no requirement to consult as a Statutory Consultee in this case

**HSE** – no observations received.

**RSPB** – no observations received.

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

**Cilybebyll Community Council** – no objections

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

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

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

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

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

**Local Members** – Councillor Carolyn Edwards fully supports the application.

**Material Considerations:**

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

## **Policy Context:**

### National Policy

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of:

- a. Long-term thinking – balancing the need to take action to address current issues with the need to meet long term needs of Wales.
- b. An integrated approach – considering how a body's objectives may impact upon the social, economic, environmental and cultural well-being and considering how an individual body's objectives impact upon other public bodies' objectives.
- c. Engagement – involving the people and communities with an interest in the wellbeing objectives, engaging them in finding sustainable solutions.
- d. Collaboration – acting collaboratively with other bodies, or different parts of a body acting together in a co-productive way, to assist in the achievement of the body's objectives.
- e. Preventative action – deploying resources to undertake action now in order to prevent problems occurring or getting worse.

7 Well-being goals are identified in the Act which are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales



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

The Environment (Wales) Act 2016 has been designed to complement the Wellbeing of Future Generations (Wales) Act 2015 by applying the principles of sustainable development to the management of Wales' natural resources.

The “sustainable management of natural resources” means—

- (a) using natural resources in a way and at a rate that promotes achievement of sustainable development and the well-being goals
- (b) taking other action that promotes achievement of that objective, and
- (c) not taking action that hinders achievement of that objective.

The Environment Act imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”. This duty under Section 6 of the Environment Act came into force in May 2016.

Planning Policy Wales (PPW) Edition 9 – November 2016 makes it clear that the planning system has a fundamental role in delivering sustainable development in Wales. It must help in the process of balancing and integrating the competing objectives of sustainable development in order to meet current development needs whilst safeguarding those of the future. These principles are

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

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

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

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

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

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

- to provide for an adequate supply of minerals that society needs now and in the future, together with protecting and improving amenity;
- to protect things that are highly cherished for their intrinsic qualities, such as wildlife, landscapes and historic features; and to protect human health and safety by ensuring that environmental impacts caused by mineral extraction and transportation are within acceptable limits; and to secure,

without compromise, restoration and aftercare to provide for appropriate and beneficial after-use;

- to help conserve non-renewable resources for future generations through efficient use, recycling and waste prevention; to protect renewable resources from serious harm or pollution; and to promote the use of appropriate alternative materials;
- to ensure an adequate supply of minerals that are needed at prices that are reasonable; and to safeguard mineral resources for future generations.

Paragraph 14.8.4 of PPW states that proposals for opencast or deep mine coal will be expected to meet the following requirements:

- The proposal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage;
- If this cannot be achieved, it should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission;
- In National Parks and Areas of Outstanding Natural Beauty (AONBs), proposals must also meet the additional tests set out in paragraph 14.3.2;
- Proposals within or likely to affect Sites of Special Scientific Interest (SSSIs), National Nature Reserves (NNRs), Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites must meet the additional tests of exceptional circumstances
- Land will be restored to a high standard and to a beneficial and suitable after-use

Welsh Government has undertaken a consultation exercise in relation to PPW (Edition 10). The response to consultation is not yet known so the policies to be included in the final version are not known. For that reason little weight can be attributed to the consultation document. It is also noted that the Welsh Government, in deciding not to call-in the application, stated as follows: -

“Reference was made in the call-in request to the change of policy context in relation to the future of coal, which the requester considers paints a substantially different picture of preferred

outcomes, particularly in terms of the use for energy generation and refers to the commitment of both the Welsh and UK Governments to phase out coal fired energy generation. The policy direction set out in draft Planning Policy Wales (Edition 10) is still emerging, however, and a current public consultation exercise is ongoing to test them. The Local Planning Authority has assessed the application against extant national policy considerations, which is considered appropriate in this particular case”.

### National Guidance

MTAN (Wales) 2: Coal was published in January 2009 and sets out detailed advice on the mechanisms for delivering the policy for coal extraction through surface and underground working. This includes advice on providing coal resources to meet society’s needs, the Local Development Plan, protecting areas of importance, reducing the impact of coal extraction, underground coal working and achieving high standards of restoration, aftercare and after use. Extensive advice on best practice is also provided as a means of assessing and controlling coal operations.

### Local Development Plan

The Neath Port Talbot Local Development Plan was adopted in January 2016 and sets out the policies and objectives for the County Borough for the period from 2011 to 2026.

The Plan objectives seek to minimise the causes and consequences of climate change; reduce people’s exposure to the determinants of poor health; deliver sustainable, safe and confident communities and develop vibrant settlements; reinvigorate the Valley areas and improve economic prospects, recognising the role of Glynneath in delivering sustainable growth; to promote and protect a diverse portfolio of employment land and employment opportunities to meet the needs of residents and businesses and stimulate economic growth; improve and strengthen the economic base of Neath Port Talbot to increase economic activity, reduce the unemployment rate in line with the Welsh average and negate some of the impacts of a reduced working age population; conserve Neath Port Talbot's important landscapes, important wildlife habitats and geodiversity sites; address air quality issues and minimise the adverse impacts from noise generating and polluting activities; safeguard the County

Borough's mineral resource and make a proportionate contribution to the supply of mineral reserves to meet local, regional and national demand whilst ensuring adverse impacts are minimised; and to make a proportionate contribution towards the energy needs of Wales with a focus on renewable energy.

The Plan recognises that the County Borough contains mineral resources, both coal and aggregate, which are significant on a UK scale. They are also important both in terms of their contribution to the Welsh economy and more locally in terms of employment. Virtually the whole of the County Borough is underlain by coal resources. The coal is recognised as being of high quality with anthracite in the north and, somewhat less widespread, steam coals in the south east. Coal has been mined extensively within the area for centuries and has contributed significantly to the creation and sustenance of many of the valley communities. There has been a decline in traditional industries and a reduction in some facilities and services in certain communities but these communities have retained a strong community spirit and are rich in cultural and natural heritage.

The Plan Strategy is to facilitate growth within Neath Port Talbot, with a focus on the coastal corridor whilst reinvigorating the valley communities. This means identifying Pontardawe and the Upper Neath Valley as strategic growth areas in the valleys and providing a flexible approach to development within the valley communities in order to build sustainable, resilient communities with an aim to halt the process of depopulation and decline.

Policy SP 6 states that in the Valleys Strategy Area, the local economy and communities will be enhanced and reinvigorated and the distinctive environment will be protected through identifying the Upper Neath Valley as Strategic Growth Areas (SGAs); safeguarding employment sites and uses; taking a flexible approach to encourage employment uses and protecting cultural identity including areas of importance for the Welsh language. Policy SP11 takes a similar approach.

Policy EN 2 and the Proposals Map identify the site as being partly within the Vale of Neath Special Landscape Area. 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. The Proposals Map also identifies the existing site as an operational coal site so recognising that it is already an element within the landscape. The main concern in such circumstances is that the landscape is restored.

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

Policy EN 7 states that 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 full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible or the biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

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

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

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

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

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

Policy SP 20 states that the transport system and infrastructure will be developed in a safe, efficient and sustainable manner through restricting development which would have an unacceptable impact on highway safety; requiring development proposals to be designed to provide safe and efficient access and promote sustainable transport; requiring appropriate parking provision; and facilitating movement of freight by means other than road.

Policy TR 2 indicates that development proposals will only be permitted where the development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation; appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of any service vehicles associated with the planned use; the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes; Transport Assessments and Travel Plans are provided for developments that are likely to create significant traffic generation.

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

### **Appraisal and Assessment**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the content of the development plan unless material considerations indicate otherwise. The Neath Port Talbot Local Development Plan consist of a number of policies that relate

directly or indirectly to the consideration of coal working proposals which have been summarised above.

The relevant issues are considered and assessed below in relation to LDP policies, National Policy guidelines and other material considerations.

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

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

The upper sections of the geological sequence comprise the Rhondda and Llynfi sandstone beds with poor primary permeability and fairly low storativity, containing minor perched aquifers with limited hydraulic potential. The lower section, extending below the Llynfi beds to the lowest target seam is dominated by argillaceous strata with the potential for limited, only very minor, perched aquifers of no consequence. The unit is considered to have virtually no permeability especially vertically and essentially presents a barrier to downwards water flow.

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

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



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

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

During mine operations the amount of minewater pumped to the surface is likely to increase. This will be directed into the existing drainage system at the site and will have to comply with the abstraction/discharge limits set out in the Environmental Permit issued by NRW. The dewatering of Zones 4, 5 and 6 is difficult to predict at this stage but will become more evident once more is understood about the geology. NRW have requested that planning conditions be imposed on any grant of planning permission requiring method statements and control measures to be approved prior to working in these zones.

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

watercourses against any potential deterioration in water quality and/or increase in surface water run-off.

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

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

The MWR area currently has two water treatment outlets associated with the former opencast workings. Discharge rates are limited to 470 l/sec at outlet 1 and 406 l/sec at outlet 2. Some works are proposed to these treatment areas to increase the attenuation volumes and improve the settlement capabilities. An additional attenuation pond is also to be constructed to the south of the MWR site. Potential impacts from the MWR on water quality are sediment from earth moving operations, sediment from the haul road, oil leaks and the discharge of foul drainage.

Surface water from the haul road generally drains to open drainage channels to the side of the road. There is potential given the road construction for suspended solids and therefore the water is directed into existing settling lagoons before being discharged back into the receiving watercourses. There have been concerns

about the drainage system along the haul road but the Head of Engineering & Transport (Drainage) has indicated that the proposed improvements are acceptable.

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

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

It is considered that the proposals will not lead to any adverse effects on ground and surface water drainage. It will result in some improvement to the current surface water drainage controls at the MWR and along the haul road and the separation of clean pumped minewater from haul road drainage. The development will not lead to additional flooding impacts or adverse effects on water supply. The proposal is not therefore contrary to Policies M4(3), SP16(1) and EN8 of the LDP.

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

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

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

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

### MWR

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

### Mine Surface

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

### Car Park Area

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

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

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

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

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

It is acknowledged that the site straddles the Vale of Neath Special Landscape Area but the LDP recognises the existing mining sites as an element within the landscape. The restoration proposals seek to integrate the site back into the surrounding landscape

post-restoration and therefore there are no additional significant adverse impacts as a result of the development.

The impacts on landscape character and visual amenity are acceptable and the development is not therefore contrary to Policies M4(3), EN2 and EN7 of the LDP.

## **Ecology and Biodiversity**

The ecological survey information has been reviewed and updated by the applicant in July 2018. The submitted review report confirms that the ecological attributes of the site have essentially not changed since the ES was produced, the haul road route is unchanged (other than forestry clearance has created areas of clear fell which have attracted nightjars); and the repository site has changed little (other than colonisation by pioneer vegetation) and the habitats around the colliery and office complex are all unchanged.

Whilst there has been a slow maturation of grassland and conifers on site it is confirmed that changes in habitat and species composition are negligible in terms of the sites ecology and the original habitat map produced in 2013 remains valid. The impacts predicted in the ES also remain unchanged and no additional Section 7 species or SINC habitats were identified during the surveys undertaken for the 2018 ecological review. This assessment is accepted by the Council Ecologist.

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

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

Most of the 2.25 hectares of Restored Ancient Woodland (RAWS) along the northern boundary, the 0.61 hectares of Plantation on Ancient Woodland Site (PAWS) along the Nant Ysgwrfa and the 0.33 hectares of Ancient Woodland along the southern boundary

are of a secondary nature and in poor condition. None of these woodland areas are directly affected by the proposals but there may be indirect impacts from pollution if not controlled. There may be opportunities to establish areas of lowland mixed deciduous woodland in the long term as part of the restoration and aftercare of the site.

Surveys indicate that the use of the site by badger is likely to be very limited and that only seasonal hunting opportunities for otter occur away from the River Neath and the Neath Canal. Otter may travel along the corridors of the Nant Ysgwrach and the Nant Clwyd and hunt around the ponds at the lower levels of the haul road. Brown hare occur at a very low density in open areas. Impact on badger, otter and brown hare is considered to be negligible.

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

Whiskered bats are also commonly found roosting within buildings but roosts in trees cannot be discounted although numbers observed do not suggest a nearby roost site. The species is unlikely to forage in the nearby woodland which is considered to be too dense. Impact is considered to be minor.

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

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

Birdlife at Aberpergwm is diverse and in good health. The development is located in an area with suitable breeding habitat for Honey Buzzard which has a vulnerable population in NPT, with only one breeding pair suspected of breeding in 2018. Disturbance of nest sites would have a major adverse impact so to guard

against disturbing Honey Buzzard nests the removal of trees should be limited to the October to December period unless it can be proven that no nests exist. This limitation will also similarly protect Goshawk and Hobby and reduce impact to minor adverse.

It would be possible to contribute to the overall value of the site to Honey Buzzard by introducing ponds, log piles and leaving dead wood to decay naturally. This will introduce foraging habitat for Honey Buzzard and would be a potential gain. Such opportunities will form part of the detailed restoration plan. Impact of the development on Honey Buzzard is assessed as Minor Adverse during operations with Potential Gain if additional habitat creation, enhancement and management is undertaken.

Red Kite is only likely to use the site area as part of its hunting territory and the impact of the development on it is likely to be of little significance.

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

Environment Act Section 7 and EC Birds Directive species have been observed during surveys over a 10 year period. The species most at risk of habitat loss and disturbance from the project is Nightjar. Some of the habitat created by previous restoration schemes has the potential to become favourable to Nightjars in the near future, which will reduce the impact of the scheme on the species. It is worthy of note that habitat occupied by Nightjars on forestry land are rarely occupied for more than 8 years, until the forest cycle repeats after clear felling takes place. Impact is assessed as minor adverse.

Other Section 7 or 'Red List' species, namely Dunnock, Grey Wagtail, Linnet, Lesser Redpoll, Mistle Thrush, Skylark, Song Thrush and Tree Pippit were recorded in 2018. As with Nightjar, these species are all highly responsive to changes in forest cycle with open ground species profiting during periods when land is open and woodland species benefiting when the canopy becomes established. The progressive restoration of the site will ensure that a range of habitats are provided that will initially favour open ground species followed eventually by forest species. The overall impact on bird species is assessed as minor adverse.



The site has demonstrated a high level of invertebrate diversity and a carefully constructed restoration scheme could deliver significant ecological gain that would help to offset impacts of the scheme.

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

Peat has previously been removed from the former Opencast Coal Sites and translocated to peat bog mitigation areas. The development of bog communities, with Cottongrass and Sphagnum has been significantly better than anticipated and although still at an early stage, demonstrates successful mitigation to conserve and enhance peat resources. Further peat translocation is proposed within this development together with a management regime for all the bogs extended for the lifetime of the mine. This management regime will need to be secured under the terms of a Section 106 Agreement.

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

There are no sites or species of national or international importance adversely affected by the development. The potential adverse impacts on biodiversity are localised and are reversible by appropriate mitigation. Subsidence impacts will be assessed further as underground operations progress and appropriate mitigation/compensation is achievable. There are opportunities to enhance the site for biodiversity in the longer term through detailed restoration and aftercare plans. The proposal does not therefore conflict with Policies M4(3), M4(5), EN6 and EN7 of the LDP provided that conditions are imposed to ensure the relevant mitigation measures are implemented. The imposition of appropriate conditions will also allow the Council to meet the requirements of the Biodiversity Duty and ecosystem resilience goal. The Council has carried out an Ecosystem Resilience Assessment which indicates no adverse impact.

### **Archaeology and Cultural Heritage**

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

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

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

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

The proposal does not therefore conflict with Policy SP21 of the LDP.

### **Land Stability**

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

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

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

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

Subsidence in Zone 2 from combined working of the 9ft and 18ft seam is estimated between 0.6m (multi entry) and 2.7m (longwall/shortwall). Mining parameters in this Zone range between depths of 225m and 685m. There are watercourses and tracks traversing the area. A SAM is located in the north eastern section but it is a ground earthwork feature which CADW has confirmed is not sensitive to ground disturbance.

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

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

It is acknowledged that pillar and stall mining techniques, which remove approximately 50% of the coal and leave the other 50% as support pillars, are unlikely to result in significant subsidence. However, longwall, shortwall and multi-entry with pillar removal could result in subsidence impacts on sensitive features such as

buildings, landslip areas or sensitive habitats. Given the sensitivity of such areas it would be necessary to ensure further assessment of subsidence impacts if large scale mining techniques were to be proposed under any such sensitive features. This can be secured by condition.

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

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

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

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

### **Land Contamination**

The submitted reports identify a risk to end users of the site from potential exposure to contaminated soils if works are done to the car park area. A remediation scheme is recommended for areas where ground contamination is encountered. This can be ensured

by the imposition of planning conditions on any grant of planning permission. With the conditions in place the development would not conflict with Policies SP16 and EN8 of the LDP.

## **Noise**

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

A noise assessment has been undertaken at eight locations – Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church; Roman Road, Banwen; Sarn Helen Roman Road and Roman Fortlet SAM. Background noise levels have been obtained at Engine Cottage; Elmwood; Manor Drive; Chain Road; St Cadocs Church and range from 44 dB at Engine Cottage to 37 dB at Manor Drive and St Cadocs Church.

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

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

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

It is considered the development can be operated well within the general criteria for noise set out in MTAN2 and therefore the proposal is not in conflict with Policies M4(3), SP16 and EN8 of the LDP.

### **Dust and Air Quality**

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

MTAN2 makes reference to the dispersal of dust which is described in 'The Environmental Effects of Dust from Surface Mineral Workings' (DoE). It was found that for dust emitted from surface mineral workings 95% of particles are between 30µm and 75µm which generally deposit within 100m of their source. Particles in the range of 10µm to 30µm make up a minor proportion of dust from mineral sites and these will tend to deposit within 250m of the source.

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

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

One of the concerns expressed by Friends of the Earth was that the Council had failed to properly take account of the total emissions from the development. This assertion is not correct as

the Council fully took account of the air quality emissions in previous reports.

What the Council did not do was to break down the assessment within the report to include the impacts of individual elements, such as the HGV emissions associated with transporting the coal from the site. This comprehensive assessment is contained within Chapter 16 of the ES .

Despite the above and in light of the FoE representations, the applicants have reviewed Chapter 16 of the ES relating to dust and air quality and have concluded that it was appropriately comprehensive and covered construction dust and fine particle emissions, operational dust and fine particle emissions and vehicle emissions.

It is clearly set out in the ES that a Design Manual for Roads and Bridges (DMRB) screening assessment has been undertaken to assess the potential impact of emissions from traffic generated by the proposed development. The predicted changes in concentrations of NO<sub>2</sub> and PM<sub>10</sub> due to mine traffic are all less than 3µg/m<sup>3</sup> which would have a negligible impact on receptors.

Air Quality Regulations prescribe National Air Quality Strategy (NAQS) - objectives to be achieved for a range of pollutants and in respect of coal mining development pollutants such as PM<sub>10</sub> and PM<sub>2.5</sub> particulates are relevant and NO<sub>2</sub> is relevant for HGV emissions. It should be noted that NAQS objective levels are set at thresholds at which the risk of adverse health effects to any individual would be very small.

PM<sub>10</sub> data show that the current average PM<sub>10</sub> concentrations in the area occupied by the application site in 2013 ranged from 12.64 to 12.83µg/m<sup>3</sup>, 32% of the annual average NAQS objective of 40µg/m<sup>3</sup>. The background level by 2018 has risen slightly to 14.66µg/m<sup>3</sup> but is still well within NAQS objective levels. Surface related mining operations are generally associated with very small increases in mean concentration of PM<sub>10</sub> particles (2µg/m<sup>3</sup>) and on that basis the concentration would still be well below half the annual mean threshold.

The mapped level for PM<sub>2.5</sub> for 2013 is 8.59µg/m<sup>3</sup>, 34.36% of the NAQS average annual objective of 25µg/m<sup>3</sup>. By 2018 this has



risen to  $10.48\mu\text{g}/\text{m}^3$ , still less than half of the annual mean threshold.

$\text{NO}_2$  concentrations ranged from  $7.98$  to  $10.58\mu\text{g}/\text{m}^3$  which is well below the NAQS annual average limit of  $40\mu\text{g}/\text{m}^3$ . By 2018 there was little change at  $10.56\mu\text{g}/\text{m}^3$ . Even with a worst case impact of an additional  $3\mu\text{g}/\text{m}^3$  added by HGV traffic the level of  $\text{NO}_2$  would still be less than half of the annual mean threshold.

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

Dust monitoring has been undertaken at three locations from March 2012 to March 2014. The range of deposition rate for Location 1 (adjacent to new drift mine entrance) ranged between  $13\text{mg}/\text{m}^2/\text{d}$  to  $135\text{mg}/\text{m}^2/\text{d}$  with 6 of the 20 measurements being above  $80\text{mg}/\text{m}^2/\text{d}$ . The average over the period was  $57\text{mg}/\text{m}^2/\text{d}$ . Location 2 (east of the attenuation pond) had deposition rates ranging between  $7\text{mg}/\text{m}^2/\text{d}$  and  $36\text{mg}/\text{m}^2/\text{d}$ . Location 3 (south western corner of soil storage area) has deposition rates of between  $7\text{mg}/\text{m}^2/\text{d}$  and  $96\text{mg}/\text{m}^2/\text{d}$  with 2 of the 20 measurements exceeding  $80\text{mg}/\text{m}^2/\text{d}$ . Background measurements at Llygad yr haul, 250m to the north east of the site indicate low background levels of dust deposition of  $18\text{mg}/\text{m}^2/\text{d}$ . This confirms that although rates are generally low, mitigation is required by condition in order to minimise dust deposition rates as far as possible and prevent some of the high readings experienced previously which do tend to be in the spring/summer months.

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

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

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

## **Lighting**

Lighting will be required during periods of darkness to conform to Health and Safety requirements. Poorly designed lighting can have an adverse effect on the local environment and the amenity of the area. Therefore, sensitive and well-designed lighting provisions would need to take account of safety but also to protect the natural environment and prevent glare and respect the amenity of the area. A condition requiring a lighting scheme for the mine surface area is justified.

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

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

## **Health**

Paragraph 121 of MTAN2 states in part

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

Paragraph 122 goes on

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

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

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

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

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

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

Levels of particulate matter,  $PM_{10}$  have been measured to inform the preparation of the ES. There is no evidence from the monitoring undertaken at the site and at other sites in the Authority's area that there is any measurable significant contribution from coal working to local  $PM_{10}$  levels that could affect National Air Quality Standards. Mapped levels of  $PM_{2.5}$  indicate levels substantially lower than the NAQS objective.

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

In certain concentrations Nitrogen Oxide in the atmosphere are an irritant to the human respiratory system, which can lead to serious health effects for asthma sufferers in particular. In Wales the main producers of Nox are energy producers (36%), followed by exhaust fumes from transport (34%). Nox levels for the site are  $11.66\mu\text{g}/\text{m}^3$  in 2013 and  $14.17$  in 2018. This is well below half of the recommended guideline of  $40\mu\text{g}/\text{m}^3$ .

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

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

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

Having full regard of the importance of the HIA and health assessment within the planning process and the advice set out in paragraph 122 of MTAN 2, it is considered that there are no health grounds to justify refusing the application, subject to continuous monitoring of noise, air quality and other impacts to ensure compliance to recognised standards. However, there may well be health and well-being benefits from the employment created. There is therefore no conflict with Policies M4(3), SP16 and EN8 of the LDP.

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

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

The application has been accompanied by a Transport Assessment and an Addendum which has analysed the likely impact of the development based on the original objectives of the Mine to increase production of coal year on year producing 1 million tonnes of coal by Year 7, with maximum production being

sustained beyond that date. However, the revised proposals have indicated production of less than half that amount although the original assessment is still valid given that it is for a higher figure which in theory could be achieved should the markets become available.

	<b>Annual ROM (tonnes)</b>	<b>Saleable Product</b>	<b>Discard</b>
<b>Year 1 - 2018</b>	222,785	100,000	122,785
<b>Year 2 – 2019</b>	406,300	203,700	202,600
<b>Year 3 – 2020</b>	483,941	241,000	242,941
<b>Year 4 – 2021</b>	820,465	400,000	420,865
<b>Year 5 – 2022</b>	990,224	480,000	510,224

The ‘worst-case’ scenario is that the proposed development (when at maximum capacity of 2.5m tonnes ROM) could generate up to 237 HGVs (one-way) per working day (and therefore up to 474 2-way movements) although it is anticipated that the number of HGV’s in the first 5 years will be:-

	HGV with carrying capacity of 16 tonnes	HGV with carrying capacity of 30 tonnes
<b>Year 1 - 2018</b>	23	13
<b>Year 2 – 2019</b>	47	25
<b>Year 3 – 2020</b>	55	30
<b>Year 4 – 2021</b>	91	49
<b>Year 5 – 2022</b>	110	58

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

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

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

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

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

Having regard to the above, the matter of rail transportation was discussed with the previous agent. He noted that Energybuild Limited has no direct access to the rail network, and their only means of securing rail movements at present is to haul the coal by road initially, deposit it at a local rail head for it then to be loaded on to trains. At higher tonnages (e.g. over 1 million tonnes coal

export per annum) there is attraction (environmental, logistical, commercial - under the sustainability umbrella) to hauling more coal by rail. He also considers the evidence does not indicate any wider environmental unacceptability of transportation solely by road.

While it is noted that access to a nearby railhead cannot be guaranteed, it is nevertheless considered appropriate to place some requirement on the applicant to explore the potential for a proportion of the coal produced at the site to be transported by rail, having regard to national guidance and potential wider implications on the highway network. It is accepted, however, that the use of rail – while encouraged from the outset – may not reasonably be restricted based on the initial years of production, which could be undertaken without significant detriment to the highway network/capacity. For example, based on 990,000 tonnes ROM (480,000 tonnes product), then the HGV movements by road (based on 30 tonne loaded coal HGVs) would equate to approximately 58 (one-way) movements a day based on 30 tonne HGV's and 110 (one way) movements per day based on 16 tonne vehicles. The reality is that movements will be somewhere between those two figures based on the mix of vehicles utilised.

In this respect, rather than an absolute requirement to transport a proportion by rail (such as that in place at East Pit), a condition is recommended which states that no more than 480,000 tonnes (equating to almost 1m tonnes ROM) of coal shall be exported from the site until such time as a scheme is submitted to explore the viability of, and demonstrate the ability to, transport coal from the site by rail. Such scheme would need to be submitted to and approved in writing by the LPA before any coal above 480,000 tonnes could be exported.

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



In conjunction with the above condition, it is also recommended that a condition is attached restricting the number of HGVs leaving the site to a maximum of 237 loaded HGV's per weekday by condition and 100 on a Saturday, notwithstanding the fact that the expected levels of movement from the site are likely to fall significantly lower.

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

In concluding on transport issues, it is concluded that subject to the conditions and controls referred to above, that the proposed development would have no unacceptable impact on the local highway network or upon highway safety. On that basis the proposal does not conflict with Policies SP20, TR2 and M4(4) of the LDP.

### **Soils and Restoration**

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

environment for the benefits of local communities and the long term quality of the land for the intended use.

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

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

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

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

There are identified areas of peat on the undisturbed ground up to 2.8m thick. The peat resource identified presents an opportunity to build upon the success of the peat translocation and mitigation scheme which was implemented as part of the Forest Quarry 2 Extension. A number of opportunities for peat bog construction have been identified. Peat Bog 2 could be extended. A new Peat Bog 5 (within the MWR site) and Peat Bog 1 (together with a satellite) could also be developed.

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

The Biodiversity Unit of the Authority have no significant objections to the proposed restoration element of the application subject to

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

The provision of adequate restoration with enhanced biodiversity objectives forms a cornerstone to the consideration of this application and any short term conflict with any nature conservation policies, both nationally, and within LBAP targets and within the LDP, must be balanced against the benefits of the proposal. In this case it is not considered that there are any adverse effects on biodiversity and nature conservation that have not been mitigated to an acceptable degree. The restoration strategy is acceptable, ensures a beneficial after-use and takes account of the potential to create biodiverse habitat. Further detailed schemes will be required for the Mine Waste Repository, Mine surface area and the haul road at the appropriate time. For the mine waste repository this would be 5 years after commencement and for the mine surface area and haul road it would be 15 years after commencement, unless the mine closes permanently before those dates. The proposal does not therefore conflict with Policy M4(5)(d) of the LDP.

### **Cumulative Impact**

Surface coal mining has taken place in the general locality for some considerable time with the largest opencast operations of recent times being the Derlwyn site operated to the north east of Glynneath between 1989 and 1996. The Selar operation started in 1997 but has recently stopped due to market conditions. Previous to this, during the late 1980s, operations came to an end at the Ffyndaff site east of the current operations whilst the previous Dunraven opencast occupied the same site during the 1960s to 70s. Smaller and more sporadic coal mining operations have been undertaken at Fforch y Garn which completed operations in the late 1990s. Nant Helen has previously been mothballed but is currently due to restart coaling in mid-2018 for approx. 3 years.

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

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

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

MTAN2 refers commonly to the potential cumulative impacts of successive mineral developments. However, on the basis of the scale and further duration of mining at Aberpergwm, it is considered that the proposal does not inflict serious, continuous harm that merits significant weight to be given to the cumulative impact of the development.

### **Socio-economic considerations**

Coal production at Aberpergwm has fluctuated over recent years. The site operated from 2007 until December 2012 when the mine was placed on a care and maintenance footing until May 2013, with the loss of 240 jobs. Production recommenced in July 2013 at a reduced capacity and manpower increased from 31 to 65 employees. Unfortunately, the mine was placed on a care and maintenance footing again in 2015.

The applicants propose to invest an initial £10 million to develop the mine to production of 1 million tonnes per annum, and possibly more. The proposal allows for an incremental re-employment of 115 employees during Year 1, with employment eventually reaching 200 employees by Year 5. The initial proposal referred to an investment of £100 million over the life of the mine. The

prospective owners have not indicated what further investment will be required, over and above the initial investment.

Although not at the same levels envisaged in December 2015 (when it was indicated that there would be 166 employees during Year 1, with employment eventually reaching 529 employees if the production level achieves full capacity), this level of employment would have a major beneficial effect at a sub-regional level in terms of the local economy, well-being and the sustenance of a community. There would also be benefits in terms of indirect jobs in terms of haulage and in supporting the jobs at customers such as TATA Steel in Port Talbot.

In NPT the number of economically active people in employment is lower than the national average. Glyncoed, Onllwyn and Blaengwrach are in the top 40% of the most deprived wards in Wales and parts of Glynneath are in the top 20% most deprived wards in Wales. The potential for up to 200 jobs (even though much less than the 529 originally anticipated) in this part of NPT must still be given significant weight in that it would assist in achieving the objectives of the Local Development Plan in generating well paid employment and reducing the unemployment rate.

Energybuild also contributes to and participates in the administration of a Community Social Fund administered by a Community Funds Committee. The fund is available to support local causes. This has the potential to significantly contribute to the well-being of the adjacent communities by supporting community based ventures.

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

Members should however note that the applicant's willingness to make financial contributions to a community fund is not a material planning consideration and cannot be taken into account in the determination of this application.

## **Need for the Coal**

One of the key principles of sustainable mineral extraction set out in PPW is to provide mineral resources to meet society's needs whilst at the same time avoiding adverse impacts on the environment and amenity. MTAN2 provides a policy background for the provision of coal resources to meet society's needs.

The UK Governments proposed closure of the coal fired power stations by 2025 has impacted on the proposals at Aberpergwm which have been scaled back based on the loss of demand for welsh coal at Aberthaw Power Station.

At the time of the previous Committee resolution it was anticipated that output would grow such that by Year 7 the mine would be producing 1.5 million tonnes of coal per annum (900,000 to Aberthaw and 600,000 to TATA). The market at Aberthaw is no longer available and the existing suppliers have had to re-align their business and compete for the remaining markets in PCI and other speciality carbon sectors. This section has therefore been revised to take account of the changes in the market situation since the previous resolution was made.

There are existing markets for high grade anthracite (5-9% volatile) which are in short supply. The applicant claims that the only significant producers of high grade anthracite in Western Europe are currently Celtic Energy Ltd and Ibbenburen in Germany (which sells very little into the UK and is due to close by December 2018.). There are also a small number of independent sites producing anthracite coal but not in significant quantities.

The market is currently estimated to be approximately 500,000 tonnes per annum and is dominated by Celtic Energy. The main market is briquetting and domestic coals which amount to approximately 260,000 tonnes. The remainder of the demand is made up of carbon electrode manufacture, filter media, sintering and PCI.

However, it is likely that Celtic Energy sites will be exhausted by 2021/22, by which time it is estimated that the demand for speciality carbons will be stable at approximately 400,000 tonnes per annum. The Aberpergwm Mine business plan is to provide sufficient coal to supply these markets by 2021, hence the anticipated production level of 400,000 tonnes per annum by that time. Imported coal from places such as Russia, Ukraine, Peru,

US, Canada and South Africa are unlikely to be of sufficient quality and/or quantity to meet the demand for low volatile coals. In addition, it should be noted that the world coal market is notoriously volatile and there may be future opportunities for sales which cannot currently be predicted. The level of sales and consequent production will be dictated by the market but at the present time the applicants predictions indicate adequate markets for the product are potentially available.

As Celtic Energy's remaining sites are also in close proximity to the Upper Neath Valley, the loss of these sites will bring reductions in coal extraction and associated employment within the general area. The opportunity to provide employment at Aberpergwm will hopefully assist in offsetting those reductions in employment and the impact that would have on the local community and economy.

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

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

Paragraph 14.5.5 and 14.5.6 of PPW state that properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after-use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity or extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

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

as part of the approval of planning permission to ensure that restoration will be fully achieved. Some authorities have local legislation to enable them to impose this provision by way of a condition attached to the planning permission. Mineral planning authorities should have regard to the need to avoid imposing costs that are larger or longer than strictly required to meet best standards.

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

In accordance with government guidance, the Authority will require a Financial Guarantee in this case to ensure the restoration and aftercare of the MWR, the Mine Surface, Peat Mitigation Areas and the haul road. The proposed bond arrangements to be secured via a Section 106 are that the existing bonds totalling some £1.3 million will be transferred into a new bond for the site at the outset and this will be supplemented annually for the first 6 years by an additional payment of £125,000. The final bond will be sufficient to cover the restoration and aftercare of the entire site.

The Insurance Guarantee Bond of £3.1 million on the adjacent Nant-y-Mynydd site remains intact and is not affected by these proposals.

### **Buffer Zones**

MTAN2 indicates in paragraphs 26 to 29 that in relation to Local Development Plan preparation MPA's should take into account where areas of coal working will not be acceptable and also states



within paragraph 29 that coal working will generally not be acceptable within 500 metres of settlements, or within International or National Designations of environmental or cultural importance.

Paragraph 49 in MTAN2 goes on to say

“Exceptionally, having considered the evidence put forward with a surface or underground coal working application coal working may be permitted within 500 metres of settlements. Factors to be considered include:

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

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

The site boundary is well within 500m of settlements therefore Policy M2 of the LDP and Government Guidance would suggest that coal mining would generally be unacceptable in this location. However, it must be noted that the mine surface area pre-dates MTAN2 and the LDP and the mine has been operating intermittently for more than 20 years. In addition, the impacts of the development, as assessed above, are considered to be acceptable, while the potential for 200 jobs to be created cannot be understated and is also considered to be of overriding significance to the economy of this part of the Borough.

In terms of the MWR and the haul road it is considered that topography, natural features such as woodland would significantly mitigate impacts. It must also be noted that there have been no objections to the working of the site on amenity grounds since 2005.

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

The following review of conditions was reported to Members at the Planning Committee on 20<sup>th</sup> March 2018, with the positive resolution on that date agreeing the amended conditions. They are included, below, however, for completeness since they form part of the overall assessment of this application.

#### Review of conditions and need for changes to reflect change in circumstances.

The proposed scale of operations has necessitated a re-assessment of the proposed planning conditions and a number of changes have been recommended as a result, especially in relation to the timing of schemes required by certain conditions. A summary of the changes is listed below.

<b>Cond.</b>	<b>Original Requirement</b>	<b>Revised Requirement</b>	<b>Reason for Change</b>
14	Limit of 600,000 tonnes output prior to consideration of using rail	Limit of 480,000 tonnes output prior to consideration of using rail	To reflect the proposed reduction in annual output and to minimise the impact on the highway network
40	Scheme of lighting within 3 months of re-commencement of underground operations	Scheme of lighting within 6 months of re-commencement of underground operations	To reflect the proposed operations and given that lighting is unlikely to be required in the first 6 months.
44	Scheme for the provision of bird boxes to be provided within 6 months	Scheme for the provision of bird boxes to be provided within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)
46	Scheme for the eradication of invasive species within 6 months	Scheme for the eradication of invasive species within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)
50	Bird Monitoring Programme required within 6 months	Bird Monitoring Programme required within 12 months	To align the timescale with the submission of an Ecological Management and Monitoring Plan (Condition 51)
55	Scheme for the protection of trees within 3 months	Scheme for the protection of trees within 6 months	To align the timescale with the scheme for supplementary planting of the mine surface area (Condition 53)
57	Mineral and waste stocking height limits above ground level  ROM Coal Storage areas - 12 metres  Sized coal products area - 12 metres  Washed/High Ash Duff areas - 8	Mineral and waste stocking height limits above ground level  ROM Coal Storage areas - 8 metres  Sized coal products area - 8 metres  Washed/High Ash Duff areas - 8	Storage heights reassessed and revised to align with previous planning permissions at the site, having regard to protection of local amenity, and the need to ensure stocking limits are controlled having regard also to the constrained size of

	metres Discard/Filter cake - 8 metres	metres Discard/Filter cake - 8 metres	storage areas at the site.
66	Scheme for the management of topsoil and subsoil storage mounds within 6 months	Scheme for the management of topsoil and subsoil storage mounds within 2 years	It is not anticipated that any topsoil and subsoil mounds will be needed within the first two years.
68	Report on soils and peat recovered, conserved or utilised within 6 months	Report on soils and peat recovered, conserved or utilised within 2 years	It is not anticipated that any soil or peat will be stripped within the first two years.
69	Restoration Scheme for the Mine Waste Repository within 3 years	Restoration Scheme for the Mine Waste Repository within 5 years	To reflect the change in the operations
72	Aftercare Scheme for the Mine Waste Repository within 3 years	Aftercare Scheme for the Mine Waste Repository within 5 years	To reflect the change in the operations
78	Site Ecological Steering Committee to be convened within 12 months	Site Ecological Steering Committee to be convened within 18 months	To be six months following the submission of the Ecological Management and Maintenance Plan
79	Scheme for monitoring groundwater and mine water discharge flows within 3 months	Scheme for monitoring groundwater and mine water discharge flows within 12 months	To allow for consideration of the implications of the Water Act and the need for an Environmental Permit.

## CONCLUSION

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

Full consideration has also been given to the sustainability duty under the provisions of the Well-being of Future Generations (Wales) Act 2015 and the Section 6 duty under the provisions of the Environment (Wales) Act 2016.

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

Paragraph 14.8.4 of PPW states that proposals for deep mine coal should be environmentally acceptable or can be made so by planning conditions or obligations, and there must be no lasting environmental damage.

Paragraph 14.4.2 of PPW states extensions to existing workings are often more generally acceptable than new green field sites. Extensions to existing sites have some clear benefits where associated ancillary and access facilities can be utilised. The Mine site has existing facilities which will adequately serve any extension proposals.

High quality anthracite coal contributes to the national, regional and local economy and policy generally states that it is right to make the best use of UK resources including coal reserves where it is economically viable and environmentally acceptable to do so. It is important to note that not all coal is used for power generation and high quality anthracite in particular has a number of other uses for which adequate supply needs to be maintained.

The coal produced from the site would contribute to the coal requirements at TATA Steelworks, some ancillary domestic supplies and cement/brick manufacture. Whilst the extraction rate and total reserve proposed at Aberpergwm is relatively large in regional terms, it is also recognised that a potential market exists for the product especially post 2021.

The Well-being of Future Generations Act requires LPA's to think long term and balance the need to address current issues with the long term needs of Wales. This development is an opportunity to think long term about the economic prospects of the local community and to develop a strategy for planning for the closure of existing sources of supply. The development will contribute to maintaining adequate supplies and ensure resilience of supply

post 2021/22 and will maintain employment and prosperity within the local community thus adding to its sustainability and cohesion.

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

One of the main objectives in relation to sustainable mineral development is to ensure an adequate supply to meet the needs of society. Appropriate weight therefore needs to be given to the requirement of the mineral and notwithstanding the broader change to renewable energy resources there is a reasonable requirement to maintain coal production from indigenous resources for some time. Again it is important to note that coal is not only used for power generation.

The assessment of the potential impacts on health, a fundamental requirement for coal development in Wales, concludes that there are no overriding reasons or impacts that would inflict any injurious effects on the local population in respect of health to warrant a refusal. There may be positive health effects in maintaining employment within an acknowledged deprived area and also the alternative to using high quality anthracite derived from UK sources is to import inferior quality coal from other parts of the world thus adding to climate change impacts in terms of emissions.

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

The impact of transportation can be managed to an acceptable level by requiring a scheme to explore the sustainable delivery of coal by rail once output reaches 480,000 tonnes per annum, if the output reaches that level. This accords with National Planning Policy and sustainable development principles.

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

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

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

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

### RECOMMENDATION:

Approval subject to the revised conditions set out below and a Section 106 Agreement securing a Financial Restoration Guarantee to ensure the restoration and aftercare of the entire site and securing an extended aftercare period for the peat mitigation area.

### CONDITIONS

#### Time limits

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

aftercare of the areas of surface development in accordance with the approved restoration and aftercare schemes.

#### Reason

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

#### Working Programme, Phasing and Direction of Working

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

#### Reason

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

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

#### Reason

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

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

a) The proposed large scale underground extraction layout.



- b) The predicted amount of mining related subsidence resulting from the layout and methods identified in a) above, based on the subsidence calculation methodology set out in the Subsidence Engineers Handbook and applying a 20% South Wales factor.
- c) An assessment of the potential impact of predicted subsidence on any buildings and the areas hatched red on Drawing Number AC/UWPP/215/001 if such areas fall within the proposed extraction area
- d) An assessment of the potential impact of predicted subsidence on any landslip areas identified on Drawing No CA10601-004 if such areas fall within the proposed extraction area.
- e) An assessment of the potential impacts of predicted mining subsidence on sensitive ecological features identified as being at potential risk of adverse impacts from subsidence, as detailed in plan 'Ecological designated & sensitive sites Rev2' submitted on 9th December 2015, if such habitats fall within the proposed extraction area.
- f) Details of any mitigation, remedial action or compensation for un-mitigated subsidence proposed to be implemented to protect/enhance any habitats, falling within the proposed extraction area and identified as being at risk of adverse impacts from the subsidence assessment carried out under e) above. Where compensation is required as a last resort this should be based on the ecological mitigation opportunities set out in the submission dated 9th December 2015 within 'Aberpergwm ecological mitigation opportunities 08dec15' and plan 'Aberpergwm mitigation zones'.
- g) Details of any mitigation proposed to be implemented to protect/enhance any buildings and features falling within the proposed extraction area identified as being at risk of adverse impacts from subsidence
- h) The mechanism and timetable for implementing any mitigation identified in f) and/or g) above.
- i) The proposed arrangements for monitoring of subsidence predicted together with the reporting mechanism for annual subsidence monitoring reports for large scale underground extraction areas mined in the preceding 12 months.

The Scheme shall be implemented as approved.

#### Reason

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

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

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

JA-034-012-003.1 - Phasing Design

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

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

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

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

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

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

CA10649-007A - Landscaping Scheme

CA10649-008A - Restored Soil Profiles

#### Reason

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

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

#### Reason

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

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

Figure 9.21 - Mine Haul Road Layout 1

Figure 9.22 - Mine Haul Road Layout 2

Figure 9.23 - Mine Haul Road Layout 3

Figure 9.24 - Mine Haul Road Layout 4

Figure 9.25 - Mine Haul Road Layout 5

Figure 9.26 - Mine Haul Road Layout 6

Figure 9.27 - Mine Haul Road Layout 7

Figure 9.28 - Mine Haul Road Layout 8

Figure 9.29 - Mine Haul Road Layout 9

Reason

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

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

Reason

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

(9) From the date of re-commencement of underground operations at the mine (as notified in accordance with Condition 3 above) to the completion of restoration, a copy of this permission including all documents hereby approved and any other documents subsequently approved in accordance with this permission shall be

permanently maintained and be available for inspection at the site offices utilised for Aberpergwm Mine.

#### Reason

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

#### Restriction of Permitted Development Rights

(10) Notwithstanding the provisions of parts 4, 19, 20 and 21 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order), no fixed plant or machinery, buildings or structures and erections, except for the plant, machinery, buildings and structures hereby approved and itemised on Drawing Number JNP/SRP/13-REV01, shall be erected, extended, installed or replaced at the site without the prior written approval of the Local Planning Authority,

#### Reason

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

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

#### Reason

In the interests of visual amenity

#### Production Limits

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

#### Reason

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

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

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

(14) No more than 480,000 tonnes of coal per annum shall be transported from the site by HGV until such time as a scheme to explore the viability of, and demonstrate the ability to, transport coal from the site by rail has been submitted to and approved in writing by the local planning authority. Thereafter, all coal shall be transported in accordance with the approved scheme.

Reason

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

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

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

Reason

In the interests of highway safety and local amenity.

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

Reason

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

#### Hours of Working

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

0700 to 1900 hours Mondays to Fridays.

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

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

#### Reason

In the interests of the amenity of local residents

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

07.00 to 19.00 hours Mondays to Saturday.

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

#### Reason

In the interests of the amenity of local residents

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

07.00 to 19.00 hours Mondays to Fridays.

07.00 to 12.00 hours Saturdays

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

Reason

In the interests of the amenity of local residents

Access and Parking

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

Reason

In the interests of highway and pedestrian safety.

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

Reason

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

(22) All vehicles transporting coal from the site shall turn left as they emerge at the junction of the access point with the B4242. In

the event of exceptional circumstances when other highway routes are unavailable, vehicles transporting coal may turn in either direction for a temporary period only. Such events shall be notified in writing to the Local Planning Authority within 24 hours of such an occurrence. In any event such temporary periods shall not last for more than 5 days at any one time.

Reason

In the interests of highway safety

Dust

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

Reason

In the interests of the environment and local amenity

Noise

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

Engine Cottage - 54dB

Elmwood - 52dB

10 Chain Road - 52dB

1 Manor Drive - 47dB

St Cadocs Church - 47dB

Reason

In the interests of the amenity of the area



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

Reason

In the interest of the amenities of the area

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

Reason

In the interest of the amenities of the area.

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

Reason

In the interest of the amenities of the area

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

Reason

In the interests of the environment and local amenity

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

available to the Local Planning Authority within 14 days of a written request.

#### Reason

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

#### Water Environment and Drainage

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

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

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

#### Reason

To ensure protection of controlled water in the local area

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

Figure 9.1 - Cae Capel Surface Water Drainage Layout

Figure 9.2 - Existing Yard Surface Water Drainage Layout

Figure 9.3 - Pwllfaron Surface Water Drainage Layout

Figure 9.10 - Existing Mine Water Treatment Area  
Figure 9.11 - Proposed Minewater Treatment Area  
Figure 9.13 - MWR Surface Water Drainage Layout  
Figure 9.15 - MWR SW Management Plan  
Figure 9.16 - MWR WTA2A Layout  
Figure 9.17 - MWR WTA 2B Layout  
Figure 9.18 - MWR Attenuation Pond  
Figure 9.30 - Mine Haul Road Lagoon System 1  
Figure 9.31 - Mine Haul Road Lagoon System 2  
Figure 9.32 - Preliminary Drainage Details

Reason

To reduce the risk of flooding and the prevention of pollution

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

Reason

The prevention of pollution of the water environment

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

Reason

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

(35) Any facilities for the storage of oils, fuel or chemicals shall be on impervious bases and surround by impervious bund walls. The volume of the bunded compound should be at least equivalent to

the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vent, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All points and tank overflow pipes should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of watercourses.

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

Reason

To protect the integrity of the public sewerage system.

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

Reason

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

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

Reason

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

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

mining equipment or any other ancillary equipment or materials be stored on the application site other than within those areas identified on Drawing Number JNP/SRP/13-REV01.

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

#### Lighting

(40) Within 6 months of the re-commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the mitigation of light pollution at the Mine Surface Area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the nature of the management and control of lighting proposed for the site, including the level of lighting and the timing mechanisms proposed on any working day. The scheme shall be fully implemented on the completion of the construction works at the site or before the beneficial use of the coal preparation plant building, whichever is the sooner and shall be maintained as such for the duration of the development.

#### Reason

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

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

#### Reason

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

#### Archaeology

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

## Reason

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

## Ecology and Biodiversity

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

## Reason

To limit the impact of lighting on bat flight corridors.

(44) Within 12 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, a scheme for the provision of bird boxes/artificial nests shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

## Reason

To provide bird mitigation within the development site.

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

## Reason

In the interest of nature conservation.

(46) Within 12 months of the date this permission a scheme shall to be submitted to and approved in writing by the Local Planning Authority for the eradication of all invasive species listed under Section 9 of the Wildlife and Countryside Act 1981 that are located on the site. The scheme shall be implemented as approved.

## Reason

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

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

Reason

To ensure adequate restoration and aftercare and ecological mitigation.

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

Reason

In the interests of biodiversity and ecology

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

Reason

In the interests of the biodiversity

(50) Within 12 months of the re-commencement of underground operations a Bird Monitoring Programme shall be submitted to the Local Planning Authority for approval. The Programme shall detail annual surveys to monitor nesting Schedule 1 birds, particularly Honey Buzzard and Nightjar and mitigation measures if any nesting birds are encountered.

Reason:

In the interests of ecology and biodiversity

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

Reason

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

(52) Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2017 is present on the surface land and structures of the site in respect of which permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a license to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy provided to the Local Planning Authority.

Reason

In the interests of ecology and biodiversity

Landscaping

(53) Within 6 months of the date of this permission a scheme for

a) the supplementary planting of the Mine Surface Area and in particular along the southern boundary and

b) phasing of vegetation removal to ensure continual provision of appropriate ground nesting habitat

shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved in the first planting season following such approval.



## Reason

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

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

## Reason

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

(55) Within 6 months of the commencement of underground operations at the mine as notified in accordance with Condition 3 above, details of measures for the protection of trees from damage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and be maintained for the duration of mining activity at the site.

## Reason

The protection of the environment

(56) All trees and shrubs planted in accordance with an approved scheme shall be maintained and any plants which within 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

## Reason

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

## Site Management

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

ROM Coal Storage areas - 8 metres

Sized coal products area - 8 metres

Washed/High Ash Duff areas - 8 metres

Discard/Filter cake - 8 metres

Reason

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

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

Reason

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

Potential Land Contamination – Car Park Area

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

#### Reason

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

(61) In the event that contamination is found at any time when carrying out the approved car park development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason

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

## Soil Stripping, Handling & Storage

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

### Reason

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

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

### Reason

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

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

### Reason

To avoid incorporation of concentrations of decaying vegetation in soil

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

### Reason

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

(66) Topsoil and subsoil storage mounds that will remain in situ for more than 3 months shall be seeded and managed in accordance with a scheme submitted to and approved in writing by the Local

Planning Authority within 24 months of the date of commencement of underground operations at the mine as notified in accordance with condition 3 above.

Reason

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

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

Reason

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

(68) Within 24 months of the re-commencement of mining and every 6 months thereafter a report shall be submitted to and approved by the Local Planning Authority prepared by a suitably qualified soil scientist of the soils and peat resources recovered, conserved and/or utilised at the site identifying the procedures and inspections undertaken and the quantities recovered and the nature and suitability of the material for the restoration and afteruse of the site.

Reason

To ensure adequate restoration and aftercare of the site.

Restoration

(69) Within 5 years of the date of commencement of underground operations at the mine as notified in accordance with Condition 3 above, or the cessation of winning and working of minerals which in the opinion of the local planning authority constitutes a permanent cessation within the terms of paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990, whichever is the sooner, a restoration scheme for the Mine Waste Repository, in the form of a written statement and plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

a. The removal of buildings, plant and machinery and the reinstatement of the site

- b. Details of the respreading of peat, subsoil and topsoil previously stripped from the site, specifying depths and placement.
- c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.
- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses. Design of watercourses/drainage systems shall ensure inclusion of ecological interest and re-establishment of natural features.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

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

#### Reason

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

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

- a. The removal of buildings, plant and machinery, drainage features and access/haul roads and the reinstatement of the site
- b. Details of the re-spreading of subsoil and topsoil and soil forming material, specifying depths and placement.
- c. The ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping should normally take place before placing the topsoil.
- d. The machinery to be used in soil spreading operations.
- e. The final levels of the reclaimed land and the gradient of the slopes which shall be graded to prevent ponding of surface water.
- f. The drainage of the reclaimed land including the formation of suitably graded contours to promote natural drainage and the installation of artificial drainage where necessary, and the position of main outfall ditches and watercourses. Design of watercourses/drainage systems shall ensure inclusion of ecological interest and re-establishment of natural features.
- g. The position and erection of fencing, hedgebank constructions, gates and cattle grids as necessary.
- h. The creation of any attenuation ponds or water features.
- i. Provision of and position of any footpaths/bridleways to link with existing Public Rights of Way.

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

#### Reason

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

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

surface water drainage control and shall be implemented as approved.

#### Reason

To address an outstanding liability in the interests of the environment

#### Aftercare

(72) No later than 5 years from the date of commencement of underground operations at the mine as notified in accordance with condition 3 above, or in the event of a cessation of winning and working of minerals, which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Paragraph 3(2) of Schedule 9 of the Town and Country Planning Act 1990 within 3 months thereof, whichever is the sooner, an aftercare scheme for the Mine Waste Repository setting out in detail the requirements as may be necessary to bring the land to the required standard for use for amenity and forestry i.e. when it is reasonably fit for those uses, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

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

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

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

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land including deciduous mixed woodland creation; the exclusion of hawthorn from acid grassland and heathland areas; and the provision of log piles, ponds, areas of bare ground to replace LBAP/Section 7 habitat losses

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



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

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

Aftercare of the site which shall include:

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

(ii) Vegetation establishment and layout.

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

(iv) Field drainage requirements and maintenance.

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

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

Reason

To ensure satisfactory aftercare on site.

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

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

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

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

(d) The provision of the treatment of the land to introduce enhanced biodiversity to the restored land including deciduous mixed woodland creation; the exclusion of hawthorn from acid grassland and heathland areas; and the provision of log piles, ponds, areas of bare ground to replace LBAP/Section 7 habitat losses. (e) Drainage including timing of installation work, maintenance works or temporary drainage methods.

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

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

Aftercare of the site which shall include:

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

(ii) Vegetation establishment and layout.

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

(iv) Field drainage requirements and maintenance.

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

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

Reason

To ensure satisfactory aftercare on site.

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

#### Reason

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

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

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

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

#### Community Liaison

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

#### Reason

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

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

#### Reason

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

(78) Within 18 months of the date of re-commencement of underground operations at the mine as notified in accordance with Condition 3 above the operator shall convene a meeting of the Site Ecological Steering Committee which shall include representatives of the Local Planning Authority, the operator and the landowner. The Committee shall meet 6 monthly or as frequently as they shall otherwise determine and shall be responsible for monitoring the delivery of the Ecological Management and Monitoring Plan approved under Condition 52 above.

#### Reason

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

(79) Within 12 months of the date of this permission a scheme shall be submitted to the Local Planning Authority for its approval for the monitoring of ground water and mine water discharge flows from the Aberpergwm mine. The scheme shall include the provision of long term monitoring and maintenance and the provision of contingency plans and improvements to existing water treatment facilities that may be required based on the results of such monitoring. The scheme shall be implemented in accordance with the details as approved.

#### Reason

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

## Informatives

1. It is recommended that vegetation clearance should avoid the bird breeding season 1<sup>st</sup> March to 31<sup>st</sup> July inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended)
- 2. Warning – A European Protected Species (EPS) Licence is required for this development.**

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales.

## APPENDIX A

### **Planning History:**

#### Surface Mine

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Nant y mynydd Opencast Coal Site

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

P2011/0613 - Variation of condition 3 of planning permission P2005/1663 to allow mineral waste to be deposited beneath 1m of

soil & in accordance with the revised tipping strategy – Approved – 12<sup>th</sup> September 2011

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

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

#### Forest Quarry Opencast Coal Site

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

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

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

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

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

#### Forest Quarry Area 2 Opencast Coal Site

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

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

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

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

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

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

## SECTION B – MATTERS FOR INFORMATION

### Delegated applications

Determined between 3<sup>rd</sup> July 2018 and 13<sup>th</sup> August 2018

1	App No. P2016/0974	Type Vary condition
Proposal Variation of conditions 11 (ghost island right turn lane scheme), 17 (programme of works for access road) and 27 (cessation of tipping operations) of planning permission P2010/0562 granted on 01/07/10		
Location Land off Heol Y Glyn, Glynneath, Neath		
Decision Refusal		
Ward Glynneath		

2	App No. P2017/0958	Type Householder
Proposal First floor extensions on north and south elevations		
Location Swiss Cottage, Longford Road, Longford, Neath SA10 7AJ		
Decision Refusal		
Ward Dyffryn		

3	App No. P2017/1052	Type Householder
Proposal Retention of single storey rear extension		
Location 55A Cwrt Y Clafdy, Skewen, Neath SA10 6TS		
Decision Approval with conditions		
Ward Coedffranc North		

4	App No. P2018/0119	Type Full plans
Proposal Construction of 9 single lock-up garages on existing garage site		
Location Garage compound, Gellideg, Rhydyfro, Pontardawe, SA8 4LX		
Decision Approval with conditions		
Ward Pontardawe		

5	App No. P2018/0143	Type Discharge of cond.
Proposal Details pursuant to the discharge of condition 3 (notification and evidence demonstrating that coal mining remedial works have been completed to the satisfaction of The Coal Authority, 4 (gas monitoring) and 5 (retaining structures/walls details) of planning permission P2017/0839 (two no. detached two		

storey dwellings) granted on 15/12/2017	
Location	Land Adjacent to Cook Rees Avenue, Cimla, Neath
Decision	Approval with no conditions
Ward	Neath South

6	App No. P2018/0151	Type Full plans
Proposal	Light industrial unit (use class B1)	
Location	Land rear of the pumping station, Mardon Park, Rd No 3, Baglan Energy Park , Port Talbot SA12 7AX	
Decision	Approval with conditions	
Ward	Baglan	

7	App No. P2018/0187	Type Householder
Proposal	Single storey rear extension	
Location	36 Ty'n Yr Heol Road, Bryncoch, Neath SA10 7EA	
Decision	Approval with conditions	
Ward	Bryncoch North	

8	App No. P2018/0196	Type Full plans
Proposal	Detached dwelling and associated works	
Location	Plot adjacent to 16 Martyns Avenue, Seven Sisters, Neath SA10 9DR	
Decision	Approval with conditions	
Ward	Seven Sisters	

9	App No. P2018/0206	Type Discharge of cond.
Proposal	Details pursuant to the discharge of condition 8 (highways details) of planning permission P2007/1280	
Location	The Royal Oak, 66 Commercial Road, Rhydyfro Pontardawe, Swansea SA8 4SL	
Decision	Approval with no conditions	
Ward	Pontardawe	

10	App No. P2018/0309	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning application P2009/0471 Approved on 01/03/2010 for amendment to approved external materials	
Location	Land Adjacent to Cook Rees Avenue, Cimla , Neath	
Decision	Approval with no conditions	
Ward	Neath South	



11	App No. P2018/0334	Type Householder
Proposal	Erection of porch to side elevation plus alteration to ground levels and extended hardstanding to facilitate off street car parking.	
Location	4 Church Close, Bryncoch, Neath SA10 7TF	
Decision	Approval with conditions	
Ward	Bryncoch North	

12	App No. P2018/0336	Type Lawful Dev. Certificate Proposed
Proposal	Lawful Development Certificate for a petrol station and restaurant.	
Location	Land at, Glynneath Business Park, Blaengwrach, Neath SA11 5NZ	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Blaengwrach	

13	App No. P2018/0352	Type Full plans
Proposal	One detached dwelling. (Plot 28)	
Location	Land off Forest Lodge Lane, Cwmavon, Port Talbot	
Decision	Approval with conditions	
Ward	Bryn & Cwmavon	

14	App No. P2018/0366	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning application P2017/0839 Approved on 15/12/2017 for amendment to approved external materials	
Location	Land adjacent to Cook Rees Avenue, Cimla, Neath	
Decision	Approval with no conditions	
Ward	Neath South	

15	App No. P2018/0367	Type Householder
Proposal	Construction of retaining walls and steps to facilitate off street parking	
Location	285 Graig Road, Godre'r Graig, Swansea SA9 2NZ	
Decision	Approval with conditions	
Ward	Godre'rgrraig	

16	App No. P2018/0369	Type Discharge of cond.
Proposal	Details to be agreed in association with condition 28 (landscaping scheme) of planning permission P2016/1022 granted on 01/02/17 (Amended scheme submitted 04/07/18)	
Location	Dyffryn Upper Comprehensive School, Bertha Road, Margam, Port Talbot SA13 2AN	
Decision	Approval with conditions	
Ward	Margam	

17	App No. P2018/0391	Type Change of use
Proposal	Change of use of property to beauticians (Sui-generic use)	
Location	Living accommodation, 74 Tan Y Groes Street, Port Talbot SA13 1EE	
Decision	Approval with conditions	
Ward	Port Talbot	

18	App No. P2018/0409	Type Householder
Proposal	Demolition of existing attached garage and construction of two storey side extension incorporating front canopy	
Location	6 Stanley Place, Cadoxton, Neath SA10 8BE	
Decision	Approval with conditions	
Ward	Cadoxton	

19	App No. P2018/0415	Type Householder
Proposal	Single storey side extension	
Location	16B Leyshon Road, Gwaun Cae Gurwen, Ammanford SA18 1EL	
Decision	Approval with conditions	
Ward	Gwaun-Cae-Gurwen	

20	App No. P2018/0419	Type Discharge of cond.
Proposal	Details pursuant to the discharge of condition 3 (drainage/sewerage ) of planning permission P2018/0081 (Approved on the 12/02/18)	
Location	8 Nant Celyn, Crynant, Neath SA10 8PZ	
Decision	Approval with no conditions	
Ward	Crynant	

21	App No. P2018/0420	Type NSIP discharge req
Proposal	Details to be agreed in association with requirements 4 (detailed design), 6 (provision of landscaping) and 15 (surface and foul water drainage) of the Port Talbot Steelworks Generating Station Development Consent Order 2015.	
Location	Port Talbot Steelworks, Grange Road, Margam, Port Talbot SA13 2NG	
Decision	Approval with no conditions	
Ward	Margam	

22	App No. P2018/0421	Type Full plans
Proposal	Installation of combined heat and power system and associated works	
Location	Glamorgan Health and Racquet Club, B4290 From Llandarcy To Jersey Marine, Llandarcy, Neath SA10 6GZ	
Decision	Approval with conditions	
Ward	Coedffranc West	

23	App No. P2018/0423	Type Householder
Proposal	Single storey rear extension, roof lantern to roof of existing single storey rear extension, first floor side/rear extension with rear balcony, first floor landing window in side elevation of existing dwelling, raised platform and steps - Amended plan of proposed side elevation received 16/07/18	
Location	16 Woodland Park, Glynneath, Neath SA11 5AY	
Decision	Approval with conditions	
Ward	Glynneath	

24	App No. P2018/0425	Type Householder
Proposal	2.4m high gabion basket retaining wall on the boundary with Number 5 with 1.8m timber fence above and levelling of garden	
Location	4 Min Y Coed, Tonmawr Road, Tonmawr, Port Talbot SA12 9UF	
Decision	Approval with conditions	
Ward	Pelenna	

25	App No. P2018/0436	Type Vary Condition
Proposal Variation of condition 2 (list of plans and documents) of planning permission P2017/0923 to allow an amended DNO metering house and transformer compound		
Location Ex Gas Works, Land To The West Of Afan Way, Port Talbot SA12 6HQ		
Decision Approval with conditions		
Ward Sandfields East		

26	App No. P2018/0437	Type Householder
Proposal Single storey side extension		
Location 8 Brookway Close, Baglan, Port Talbot SA12 8EL		
Decision Approval with conditions		
Ward Baglan		

27	App No. P2018/0441	Type Full Plans
Proposal Retention and completion of vehicular turning head		
Location Land at Forest Lodge Lane, Cwmavon, Port Talbot SA13 2RX		
Decision Approval with conditions		
Ward Bryn & Cwmavon		

28	App No. P2018/0445	Type Non Material Amendment (S96A)
Proposal Non-material amendment to planning permission P2016/0468 (block of 4 self contained flats, plus associated parking and engineering works) approved on 28/10/16 to amend the location of the bin storage area and the height of the eastern side boundary fence		
Location Wembley, Neath SA11 2AT		
Decision Approval with conditions		
Ward Neath East		

29	App No. P2018/0454	Type Full Plans
Proposal Construction of a block of 10 apartments, associated parking, secure bicycle store, bin store and landscaping.		
Location The Red Dragon, Moorland Road, Sandfields, Port Talbot SA12 6JZ		
Decision Refusal		
Ward Sandfields East		

30	App No. P2018/0455	Type Householder
Proposal	Demolition of existing detached garage and construction of integral garage.	
Location	Sheridan, Back Drive, Lonlas, Neath SA10 6SB	
Decision	Approval with conditions	
Ward	Coedffranc North	

31	App No. P2018/0456	Type Householder
Proposal	First floor side extension, single storey side orangery extension with front bay window, replacement bay window to existing ground floor front elevation, raised decking area and steps to side of dwelling and raised steps and platform to rear of dwelling.	
Location	25 Heol Wenallt, Cwmgwrach, Neath SA11 5PT	
Decision	Approval with conditions	
Ward	Blaengwrach	

32	App No. P2018/0458	Type Householder
Proposal	Part two storey part single storey rear extension	
Location	64 Llantwit Road, Neath SA11 3LB	
Decision	Approval with conditions	
Ward	Neath North	

33	App No. P2018/0461	Type Change of use
Proposal	Change of use from joinery workshop (use class B1) to detached dwelling (use class C3) plus changes to windows/doors and raised decking to rear elevation	
Location	The Old Bakery, Chapel Street, Cymmer, Port Talbot SA13 3LR	
Decision	Approval with conditions	
Ward	Cymmer	

34	App No. P2018/0463	Type Householder
Proposal	Part two storey part single storey rear extension and alterations to fenestration	
Location	62 Gwyrddgoed, Pontardawe, Swansea SA8 4NL	
Decision	Approval with conditions	
Ward	Pontardawe	

35	App No. P2018/0465	Type Householder
Proposal	Single storey rear extension	
Location	32 Thomas Street, Aberavon, Port Talbot SA12 6LT	
Decision	Approval with conditions	
Ward	Aberavon	

36	App No. P2018/0468	Type Householder
Proposal	Single storey rear extension.	
Location	3 GER Y NANT, GLYNNEATH, NEATH SA11 5RN	
Decision	Approval with conditions	
Ward	Glynneath	

37	App No. P2018/0474	Type Householder
Proposal	Conversion of garage to living accommodation with increase in height of ridged roof, single storey extension to rear of garage and replacement window in first floor side elevation	
Location	135 Glannant Way, Cimla, Neath SA11 3YW	
Decision	Approval with conditions	
Ward	Cimla	

38	App No. P2018/0475	Type Householder
Proposal	Single storey side and rear extension	
Location	37 Castle Drive, Cimla, Neath SA11 3UY	
Decision	Approval with conditions	
Ward	Cimla	

39	App No. P2018/0478	Type Householder
Proposal	Two storey rear and side extension to dwelling and detached garage	
Location	5 High Street, Cwmgwrach, Neath SA11 5SY	
Decision	Approval with conditions	
Ward	Blaengwrach	

40	App No. P2018/0481	Type Householder
Proposal	Retention and completion of extension to dwelling.	
Location	Plas Y Darren, Rhiw Road, Rhiwfawr, Swansea SA9 2RA	
Decision	Approval with conditions	
Ward	Cwmllynfell	

41	App No. P2018/0482	Type Householder
Proposal	Raised patio area to rear of property	
Location	30 Poplars Avenue, Cimla, Neath SA11 3NS	
Decision	Approval with conditions	
Ward	Neath South	

42	App No. P2018/0485	Type Full Plans
Proposal	Single-storey extension to Household Waste and Recycling Centre	
Location	Briton Ferry Industrial Estate, Household and Waste Recycling Centre, Wharf Road, Llansawel, Castell Nedd SA11 2HZ	
Decision	Approval with conditions	
Ward	Briton Ferry West	

43	App No. P2018/0489	Type Householder
Proposal	First floor rear extension	
Location	44 Cimla Road, Neath SA11 3TL	
Decision	Approval with conditions	
Ward	Neath North	

44	App No. P2018/0494	Type Householder
Proposal	Single storey rear extension, juliet balcony to first floor front elevation, patio doors and windows to ground and first floor front elevations	
Location	2 Tir Morfa Road, Sandfields, Port Talbot SA12 7PF	
Decision	Approval with conditions	
Ward	Sandfields West	

45	App No. P2018/0495	Type Householder
Proposal	Replacement window to facilitate garage conversion, plus insertion of window in the rear elevation of the existing garage, and French doors in the rear elevation of the main dwelling.	
Location	19 Gronow Close, Court Herbert, Neath SA10 7AD	
Decision	Approval with no conditions	
Ward	Dyffryn	

46	App No. P2018/0496	Type Householder
Proposal	Single storey rear extension, single storey side extension incorporating balcony above plus front porch.	
Location	Crest Acre, 2 Caemaen, Bryncoch, Neath SA10 7YN	
Decision	Approval with conditions	
Ward	Bryncoch North	

47	App No. P2018/0497	Type Householder
Proposal	Alterations to reduce and regularise an existing unauthorised rear dormer extension.	
Location	Britannia Inn, 18 Bethel Street, Briton Ferry, Neath SA11 2HQ	
Decision	Approval with conditions	
Ward	Briton Ferry East	

48	App No. P2018/0498	Type Householder
Proposal	Two storey side extension, alterations to roof and retaining walls	
Location	5 Ty Segur, Neath SA11 1YN	
Decision	Refusal	
Ward	Neath South	

49	App No. P2018/0501	Type Householder
Proposal	Single storey rear extension	
Location	The Hollies, 17 Cloda Avenue, Bryncoch, Neath SA10 7FH	
Decision	Approval with conditions	
Ward	Bryncoch South	

50	App No. P2018/0505	Type Householder
Proposal	Two storey side extension, single storey rear extension and single storey log store to side of property.	
Location	Manor House, A48 from Margam to Pyle Road, Margam, Port Talbot SA13 2NP	
Decision	Approval with conditions	
Ward	Margam	



51	App No. P2018/0506	Type Householder
Proposal	Garage and garden room	
Location	13 New Road, Jersey Marine, Neath SA10 6JR	
Decision	Approval with conditions	
Ward	Coedffranc West	

52	App No. P2018/0508	Type Discharge of cond.
Proposal	Details pursuant to the discharge of condition 13 (noise assessment) of planning permission P2017/0942 (approved on the 14/12/17 to vary condition 4 of P2011/0136 to allow 24 hour, 7 day a week operation)	
Location	Derwen Plant Ltd Neath Abbey Wharf, Neath Abbey Wharf Access Road, Skewen, Neath SA10 6BL	
Decision	Approval with no conditions	
Ward	Coedffranc Central	

53	App No. P2018/0509	Type Householder
Proposal	Single storey rear extension	
Location	5 Gynol Road, Cwmllynfell, Swansea SA9 2GX	
Decision	Approval with conditions	
Ward	Cwmllynfell	

54	App No. P2018/0510	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to condition 4 (drainage scheme) of planning permission P2005/1233 to allow the submission and approval of the scheme post-occupation of the dwelling	
Location	Catref Newydd, Cwm Y Dwr, Briton Ferry, Neath SA11 2YT	
Decision	Approval with no conditions	
Ward	Briton Ferry East	

55	App No. P2018/0513	Type Householder
Proposal	Retention and completion of single storey rear extension, removal of dormers and ground floor gables and insertion of three velux windows to the rear roof plane, creation of two dormers and velux window on the front roof plane and alterations to fenestration	
Location	Dan Y Coed, Tirbach Road, Ystalyfera, Swansea SA9 2HX	
Decision	Approval with conditions	
Ward	Ystalyfera	

56	App No. P2018/0514	Type Householder
Proposal	Single storey rear extension	
Location	113 Glanymor Street, Briton Ferry, Neath SA11 2LG	
Decision	Approval with conditions	
Ward	Briton Ferry West	

57	App No. P2018/0515	Type Householder
Proposal	First floor rear extension	
Location	108 Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford SA18 1PD	
Decision	Approval with conditions	
Ward	Gwaun-Cae-Gurwen	

58	App No. P2018/0516	Type Householder
Proposal	Single storey rear extension	
Location	30 Rhyd Hir, Longford, Neath SA10 7HR	
Decision	Approval with conditions	
Ward	Dyffryn	

59	App No. P2018/0518	Type Householder
Proposal	Single storey rear extension	
Location	24 Llewellyn Street, Glynneath, Neath SA11 5AF	
Decision	Approval with conditions	
Ward	Glynneath	

60	App No. P2018/0520	Type Full Plans
Proposal	Erection of a 4.9m high ball stopping fence along part of the southern and western boundaries of the school grounds.	
Location	Former Sandfields Comprehensive School, Southdown View, Sandfields, Port Talbot SA12 7AH	
Decision	Approval with no conditions	
Ward	Sandfields West	

61	App No. P2018/0521	Type Householder
Proposal	First floor rear extension	
Location	3 Alma Terrace, Taibach, Port Talbot SA13 1TN	
Decision	Approval with conditions	
Ward	Taibach	

62	App No. P2018/0522	Type Change of Use
Proposal	Change of use of ground floor from an office (B1) to a self contained flat (C3)	
Location	Ground Floor, 19 Victoria Gardens, Neath SA11 3AY	
Decision	Approval with conditions	
Ward	Neath North	

63	App No. P2018/0523	Type App under TPO
Proposal	Works to 9 Oak Trees covered by Tree Preservation Order T350 comprising of : Prune branches to raise crowns on south side to provide a 6m clearance above ground level T1, T5 & T8. Prune branches to raise crowns on south side to provide a 6m clearance above ground level and reduce length of branches on south side by 3m Oaks T2, T3 & T4. Prune branches to raise crowns on South side to provide a 6m clearance above ground level and reduce length of branches on south side by 4m Oak T6. Prune branches to raise crowns on South side to provide a 6m clearance above ground level and reduce length of branches on south side by 5m Oak T7. No work required to Oak T9.	
Location	Land adjacent to the New Housing Development off Heol Llwyn Celyn, Caewern, Neath SA10 7PR	
Decision	Approval with conditions	
Ward	Bryncoch South	

64	App No. P2018/0525	Type Householder
Proposal	Side utility extension to ground floor level above existing garage	
Location	26 Hilltop Close, Baglan, Port Talbot SA12 8YH	
Decision	Approval with conditions	
Ward	Baglan	

65	App No. P2018/0528	Type Householder
Proposal	Alterations to fenestration, bay window to front elevation and detached garage with private art studio above	
Location	92 High Street, Pontardawe, Swansea SA8 4JN	
Decision	Approval with conditions	
Ward	Pontardawe	

66	App No. P2018/0530	Type Change of use
Proposal	Change of use from a doctors surgery (Class D1) to overspill accommodation for the adjacent public house (Class C1), construction of a first floor rear extension and alterations to fenestration	
Location	52 Gurnos Road, Ystalyfera, Swansea SA9 2HY	
Decision	Approval with conditions	
Ward	Ystalyfera	

67	App No. P2018/0531	Type Full Plans
Proposal	Refurbishment of Rowland House (social housing)	
Location	Rowland House, Pine Grove, Cimla, Neath SA11 3RD	
Decision	Approval with conditions	
Ward	Cimla	

68	App No. P2018/0532	Type Full Plans
Proposal	Refurbishment of Hillary House (social housing)	
Location	Hillary House, Pine Grove, Cimla, Neath SA11 3RF	
Decision	Approval with conditions	
Ward	Cimla	

69	App No. P2018/0533	Type Householder
Proposal	Single storey rear extension	
Location	158 Cae Morfa, Skewen, Neath SA10 6EH	
Decision	Approval with conditions	
Ward	Coedffranc West	

70	App No. P2018/0534	Type Advertisement
Proposal	Retention of an illuminated collar sign to ATM	
Location	Unit 5 Shopping Centre, Morrison Road, Sandfields, Port Talbot SA12 6TH	
Decision	Advert Approved with Std Cond	
Ward	Sandfields East	

71	App No. P2018/0535	Type Householder
Proposal	Single storey rear extension	
Location	26 Edward Street, Cwmgwrach, Neath SA11 5PW	
Decision	Approval with conditions	
Ward	Blaengwrach	

72	App No. P2018/0537	Type Householder
Proposal	Single storey rear extension	
Location	5 Wellfield Square, Neath SA11 1YY	
Decision	Approval with conditions	
Ward	Neath East	

73	App No. P2018/0538	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Lawful Development Certificate Proposed	
Location	99 Ridgewood Gardens, Cimla, Neath SA11 3QX	
Decision	Issue Lawful Dev.Cert.	
Ward	Cimla	

74	App No. P2018/0539	Type Change of Use
Proposal	Change of use of former newsagents (use class A1) into residential (use class C3) , plus alterations to the front elevation including the relocation of main access door and the insertion of a bow window.	
Location	2 Wern Road, Ystalyfera, Swansea SA9 2LY	
Decision	Approval with conditions	
Ward	Ystalyfera	

75	App No. P2018/0541	Type Advertisement
Proposal	Fascia sign to rear elevation	
Location	75 Herbert Street, Pontardawe, Swansea SA8 4ED	
Decision	Approval with conditions	
Ward	Pontardawe	

76	App No. P2018/0542	Type Full Plans
Proposal	Enclosure to house A/C condenser units and plant room for new energy efficient heating and hot water to serve social housing	
Location	Danygraig, 87 Pentyla Baglan Road, Baglan, Port Talbot SA12 8DS	
Decision	Approval with conditions	
Ward	Baglan	

77	App No. P2018/0543	Type Full Plans
Proposal	Construction of metal fencing and erection of a cross flag post.	
Location	The Christian Centre, Graig Road, Briton Ferry, Neath SA11 2YY	
Decision	Approval with conditions	
Ward	Briton Ferry East	

78	App No. P2018/0544	Type Full Plans
Proposal	Alteration to existing shopfront to include a secure collection point	
Location	155 Windsor Road, Neath SA11 1NU	
Decision	Approval with conditions	
Ward	Neath East	

79	App No. P2018/0546	Type Change of Use
Proposal	Retention of use as a residential dwelling (class C3) previous use nursing home (class C2)	
Location	Milborough House, 22 Milborough Road, Ystalyfera, Swansea SA9 2AB	
Decision	Approval with conditions	
Ward	Ystalyfera	

80	App No. P2018/0551	Type Full Plans
Proposal	Retention of ATM to front elevation	
Location	Unit 5 Shopping Centre, Morrison Road, Sandfields, Port Talbot SA12 6TH	
Decision	Approval with conditions	
Ward	Sandfields East	

81	App No. P2018/0552	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey rear extension	
Location	53 Gurnos Road, Ystalyfera, Swansea SA9 2JA	
Decision	Issue Lawful Dev.Cert.	
Ward	Ystalyfera	

82	App No. P2018/0554	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for single storey side and rear extension	
Location	46 Brookfield, Neath Abbey, Neath SA10 7EH	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch South	

83	App No. P2018/0560	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development Proposed	
Location	2 Tir Celyn, Coed Hirwaun, Port Talbot SA13 2UZ	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

84	App No. P2018/0561	Type App under TPO
Proposal	Works to trees protected by Tree Preservation Order T137/W1 consisting of canopy lift to a height of 8 metres and reduce remaining lateral overhang by up to 2 metres in length to appropriate growth points to 3No. Oak trees T1 T2 & T3.	
Location	23 Green Hedges Caravan Park, Neath Road, Bryncoch, Neath SA10 7YH	
Decision	Approval with conditions	
Ward	Bryncoch North	

85	App No. P2018/0562	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Lawful Development Certificate Proposed	
Location	12A Cwm Cadno, Coed Hirwaun, Port Talbot SA13 2TP	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

86	App No. P2018/0563	Type Householder
Proposal	Detached Garage	
Location	17 Crymlyn Road, Skewen, Neath SA10 6DU	
Decision	Approval with conditions	
Ward	Coedffranc West	

87	App No. P2018/0565	Type Discharge of Cond.
Proposal	Details pursuant to condition 3 (repair and reconstruction assessment and methodology) of planning permission P2016/0144 (Approved on the 19/05/16 for the dismantling, renovation and reconstruction of 2 No headframes)	
Location	Cefn Coed Colliery Museum, Neath Road, Crynant, Neath SA10 8SL	
Decision	Approval with no conditions	
Ward	Crynant	

88	App No. P2018/0566	Type LawfulDev.Cert-Exist
Proposal	Certificate of lawful development (existing) for a vehicle repair garage (use class B2)	
Location	Garage at Quar Road, Neath SA11 1AE	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

89	App No. P2018/0570	Type Householder
Proposal	Single storey side extension, detached outbuilding, front gate, 2.2 metre high boundary fencing and replacement parking space	
Location	5 Afan Valley Close, Cimla, Neath SA11 3AJ	
Decision	Approval with conditions	
Ward	Cimla	



90	App No. P2018/0578	Type Householder
Proposal	Single storey side and rear extension	
Location	Ael Y Bryn, Coedffaldau Road, Rhiwfawr, Swansea SA9 2RL	
Decision	Approval with conditions	
Ward	Cwmllynfell	

91	App No. P2018/0581	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 9 (parking survey) of application P2017/0248 granted on 28/6/17	
Location	Ysgol Gyfun Gymuned Cwrt Sart, Old Road, Llansawel, Castell Nedd SA11 2ET	
Decision	Approval with no conditions	
Ward	Briton Ferry East	

92	App No. P2018/0582	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to approved planning permission P2017/0560 to allow substitution of external materials to plots 28-31.	
Location	Neath Road/Fairyland Road, Tonna, Neath	
Decision	Approval with no conditions	
Ward	Tonna	

93	App No. P2018/0583	Type NSIP Discharge Req
Proposal	Revised details to be agreed in association with requirement 18(1) (contaminated land and ground water) for stage 1 of the Port Talbot Steelworks Generating Station Development Consent Order 2015.	
Location	Port Talbot Steelworks, Grange Road, Margam, Port Talbot SA13 2NG	
Decision	Approval with no conditions	
Ward	Margam	

94	App No. P2018/0584	Type LawfulDev.Cert-Prop.
Proposal	Single storey side and rear extension - Certification of Lawful Development (Proposed).	
Location	3 Lister Avenue, Aberavon, Port Talbot SA12 6YB	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberavon	

95	App No. P2018/0585	Type Householder
Proposal	Replacement window to facilitate garage conversion, plus scheme for replacement parking	
Location	85 Crymlyn Parc, Skewen, Neath SA10 6DG	
Decision	Approval with conditions	
Ward	Coedffranc West	

96	App No. P2018/0586	Type Householder
Proposal	Details pursuant to condition 2 (retaining dtructures) of planning application P2017/0425 granted on August 21st 2017	
Location	16 Glynneath Road, Resolven, Neath SA11 4DP	
Decision	Approval with no conditions	
Ward	Resolven	

97	App No. P2018/0587	Type Householder
Proposal	First floor rear extension	
Location	12 Margaret Street, Velindre, Port Talbot SA13 1YP	
Decision	Approval with conditions	
Ward	Port Talbot	

98	App No. P2018/0588	Type Householder
Proposal	Single storey rear extension	
Location	10 Golf Road, Sandfields, Port Talbot SA12 6RH	
Decision	Approval with conditions	
Ward	Sandfields East	

99	App No. P2018/0589	Type Householder
Proposal	Two storey side extension and replacement parking space	
Location	35 Moorland Road, Sandfields, Port Talbot SA12 6JA	
Decision	Approval with conditions	
Ward	Sandfields East	

100	App No. P2018/0590	Type Non Material Amendment (S96A)
Proposal	Non material amendment to P2016/0985 granted on 23/2/2017 in respect of the change of external materials.	
Location	Glyn Hir, Neath Abbey Road, Neath SA10 7BR	
Decision	Approval with conditions	
Ward	Bryncoch South	

101	App No. P2018/0592	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning permission P2018/0371 - Single storey side extension, fence and gate (Approved 14/06/18) - to allow for the replacement of 3 roof lights with 1 roof light	
Location	75 Mariners Quay, Aberavon, Port Talbot SA12 6AN	
Decision	Approval with no conditions	
Ward	Sandfields East	

102	App No. P2018/0593	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning permission P2017/0961 (Approved on the 22/11/2017 for the demolition of and construction of a dormer bungalow) to i) remove dormers to rear wing, and replace with roof lights; ii) enclose porch; iii) remove side window to door, northwest elevation; iv) internal alteration to layout of utility room/ WC.	
Location	1D Brynteg, Seven Sisters, Neath SA10 9ET	
Decision	Approval with conditions	
Ward	Seven Sisters	

103	App No. P2018/0595	Type Lawful Dev.Cert-Prop.
Proposal	Conversion of garage to living accommodation - Certificate of Lawful Development Proposed	
Location	6 Baglan Heights, Baglan, Port Talbot SA12 8UF	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

104	App No. P2018/0599	Type Discharge of cond.
Proposal	Details to be agreed in association with condition 13 (external lighting scheme) of P2018/0023 granted on 19th April 2018	
Location	Land at Christchurch Road, Baglan Bay, Port Talbot SA12 7BZ	
Decision	Approval with no conditions	
Ward	Aberavon	

105	App No. P2018/0604	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (proposed) for a detached garage	
Location	27 Graig Newydd, Godre'r Graig, Swansea SA9 2DG	
Decision	Issue Lawful Dev.Cert.	
Ward	Godre'rgrraig	

106	App No. P2018/0606	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning application P2017/1167 in respect of changes to entrance canopy, windows and doors, eaves support brackets and bin storage	
Location	85-95 Llansawel Crescent, Briton Ferry, Neath SA11 2UW	
Decision	Approval with no conditions	
Ward	Briton Ferry West	

107	App No. P2018/0608	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a single storey rear extension.	
Location	19 Heol Y Felin, Caewern, Neath SA10 7SD	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch South	

108	App No. P2018/0612	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development Proposed	
Location	21 Cwrt Sart, Briton Ferry, Neath SA11 2ST	
Decision	Issue Lawful Dev.Cert.	
Ward	Briton Ferry East	

109	App No. P2018/0620	Type LawfulDev.Cert-Prop.
Proposal	Replacement of ground floor window to front elevation with bifold doors - Certificate of Lawful Development Proposed	
Location	18 Station Road, Pontrhydyfen, Port Talbot SA12 9SG	
Decision	Issue Lawful Dev.Cert.	
Ward	Pelenna	

110	App No. P2018/0627	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) Single storey rear extension	
Location	12 Bryn Awel, Cimla, Neath SA11 1JF	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

111	App No. P2018/0630	Type Non Material Amendment (S96A)
Proposal	Non-Material Amendment to P2018/0514 granted on 14.6.18 - Additional window to side elevation.	
Location	113 Glanymor Street, Briton Ferry, Neath SA11 2LG	
Decision	Approval with no conditions	
Ward	Briton Ferry West	

112	App No. P2018/0639	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development (Proposed)	
Location	51 Min Y Coed, Coed Hirwaun, Port Talbot SA13 2TE	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

113	App No. P2018/0649	Type Discharge of cond.
Proposal	Details to be agreed in association with conditions 4 (replacement tree) of planning permission P2016/1040 granted on 12/01/17	
Location	36, Nant Celyn, Crynant, Neath SA10 8PZ	
Decision	Approval with no conditions	
Ward	Crynant	

114	App No. P2018/0657	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a single storey rear extension	
Location	45 Gwyrddgoed, Pontardawe, Swansea SA8 4NL	
Decision	Issue Lawful Dev.Cert.	
Ward	Pontardawe	

115	App No. P2018/0662	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a single storey rear extension	
Location	37 Moorlands, Dyffryn Cellwen, Neath SA10 9HY	
Decision	Issue Lawful Dev.Cert.	
Ward	Onllwyn	

116	App No. P2018/0666	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (Proposed) - 1.3m high fencing around rugby pitch	
Location	Neath Leisure Centre, Pitch 1, Cwrt Herbert Playing Field , Neath SA10 7AS	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch South	

## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

#### a) Planning Appeals

**Appeal A Ref:** A2017/0014      **Planning Ref:** P2016/0271  
**Appeal B Ref:** A2017/0013      **Enforcement Ref:** E2017/0131

**PINS Ref:**            Appeal A: APP/Y6930/A/17/3188952  
                                Appeal B: APP/Y6930/A/17/3188919

**Applicant:**            Mr Opey Jones

**Proposal:**            The development proposed is the retention and completion of use of the land for the siting of two caravans for a Gypsy family, associated amenity building, hardstanding and improvement of existing access.

**Site Address:**        Land at Riverside Stables, Tyn Yr Heol Access Road, Pen Y Bryn, Pyle, Neath Port Talbot, CF33 4HW

**Appeal Method:** Hearing

**Decision Date:** 08 August 2018

#### **Decision:**

##### **Appeal A - Ref:** APP/Y6930/C/17/3188952

The appeal is allowed insofar as it relates to ground (g) only and it is directed that the Enforcement Notice be varied by the deletion of 6 months and the substitution of 12 months as the period for compliance. Subject to these variations, the Enforcement Notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

##### **Appeal B - Ref:** APP/Y6930/A/17/3188919

The appeal is allowed and planning permission is granted for the retention and completion of use of the land for the siting of two caravans for a Gypsy family, associated amenity building, hardstanding and improvement of existing access subject to the conditions

Whilst there are two appeal decisions for this site and the Inspector has determined each appeal on its own merits, he has written one report.

The main issues in this case are:

- whether the principle of development is justified in its countryside location, having particular regard to the planning policy framework;
- the effect of the development on the character and appearance of the area, having particular regard to the designated Special Landscape Area;
- the effect of the development on the openness of the Green Wedge;
- whether any identified harm would be clearly outweighed by very exceptional circumstances.

### ***The Principle of Development in its Countryside Location***

The Inspector agreed that the location was classified as countryside and located outside of settlement limits as defined by Policy SC1. He further went on to state that Policy SC1 sets out criteria where development outside of settlement limits may be permissible, including criterion 11) which includes appropriate provision of accommodation for Gypsies and Travellers which is covered by Policy GT2 which states that sites will be allowed outside of settlement limits only when it has been demonstrated that there are no suitable sites or pitches available within the allocated Gypsy Site at Cae Garw, within other existing authorised sites in Neath Port Talbot or within existing settlement limits.

The appellant's evidence indicated that returning to the Cae Garw site is not a reasonable or practicable option for his family. The Inspector considered that substantial evidence was submitted in respect of anti-social behaviour at Cae Garw, and in particular conflicts between the appellant's family and other residents. The Inspector established from this that, within context of the best interests of the appellant's family, the Cae Garw site is no longer a suitable site to meet the particular needs of the appellant. He also noted that that the Briton Ferry site was at capacity.

Whilst the appellant admitted at the Hearing that no sequential site search has been undertaken as required by criterion b) of policy GT2, the Inspector agreed with the appellant in terms of difficulty in



doing this and stated that it is well-established through case law that there is no requirement for site proponents to prove non-availability of alternative sites in such cases.

The inspector stated that whilst it is likely that the majority of trips to and from the site would be car borne, the site is not remote from day to day facilities and services within the town of Pyle. The Inspector advised that it was clear at the time of the Hearing that the appellant's way of life inherently relies upon the use of private modes of transport and, in this respect, it is important that the application of policies that seek to reduce car borne travel are not rigidly adhered to.

He also advised that well-being is a key component of site sustainability and, having had regard to all of the relevant factors did not find the siting of a gypsy and traveller site would unduly conflict with the general thrust of national policy.

To conclude the Inspector found that based on the very specific circumstances in this case, that the principle of development in such a countryside location is acceptable and that any conflict with Policy would be justified

***The effect of the development on the character and appearance of the area,***

The Inspector advised that the site is neither prominent nor visually intrusive and the fact that the site is generally seen within the context of an area of land located adjacent to the appeal site which is lawfully used for the storage of caravans is also a material consideration in favour of the appeal proposal.

He advised both schemes (the retention of what's there and the planning application) clearly represent urbanising forms of development that encroach into an area of open countryside, and concluded that Appeal A to be materially more harmful than the scheme proposed under Appeal B which provides for a more sensitive design layout that incorporates an element of grassed paddock. Nevertheless, the rural characteristics of the site itself would undoubtedly be harmed by both schemes. Indeed, the harm caused to the character and appearance of the immediate environs would conflict with the general thrust of the LDP's

strategy of protecting the countryside and would also conflict with LDP Policy EN2.

***The effect of the development on the Green Wedge designation***

It was common ground between all parties that the development comprises 'inappropriate development' in accordance with the definition set out in Planning Policy Wales (Edition 9, 2016) (PPW). Policy EN3 clarifies the purpose of the Green Wedge and also goes on to state that within such areas there should be a presumption against inappropriate development.

The Inspector concluded that inappropriate development within Green Wedges should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such a development would do to the Green Wedge. He considered that this was one such exceptional circumstance.

***Matters in favour of the Appeals and the Planning Balance, including whether there are very exceptional circumstances that clearly outweigh the harm to the Green Wedge***

Section 103 of the Housing (Wales) Act 2014 provides a statutory duty on local authorities to provide Gypsy and Traveller sites. Currently the LPA has an oversupply of some 3 pitches up until 2021. Nevertheless whilst quantitatively the number of available sites satisfies the short term need, the Inspector has stated earlier, a return to the Cae Garw site represents an unsuitable option for appellant, due to the serious antisocial behaviour, family disputes and significant fears for the health and well-being of his family members. He also noted that such experiences have prevented the appellant from travelling for work.

Whilst he recognised the LPA's contention that the site is well managed, the evidence submitted by the appellant was both consistent and compelling.

In the absence of any other available and suitable sites within the area, the family would therefore be resigned to an itinerant lifestyle should the appeals be dismissed which would adversely affect their access to education and medical services.

In contrast, residence at the appeal site would provide the opportunity for the family to enjoy a peaceful and safe existence, away from the feuds that have typified their time at Cae Garw. Indeed, it is notable that, since the appellant moved onto the appeal site, he has been able to resume travelling for work and generally enjoy the lifestyle associated with that of a Gypsy and Traveller. Within the context of the best interests of the children being a primary consideration, the Inspector considered that such matters merit substantial weight in the planning balance.

The Inspector stated that Appeal A is materially more harmful than what would be the case should Appeal B be permitted, not least because of the proposed quantity and arrangement of the hardstanding and associated grass paddock area. It is on this basis that he considered that the substantial harm caused by the development on site (Appeal A) would not be outweighed by the matters in favour of the appeal. Nevertheless, whilst the scheme proposed under Appeal B would also cause harm to the character and appearance of the site and result in the loss of openness to part of the Green Wedge, he felt that the extent of such harm would be limited by the more sensitively designed layout.

The Inspector was satisfied that the matters advanced in favour of the proposal, including the unsuitability of Cae Garw and the unavailability of any suitable alternatives, to amount to very exceptional circumstances that clearly outweigh the harm that Appeal B would cause to the Green Wedge.

In terms of the potential conflict between the grant of planning permission and the upholding of the enforcement notice, in the interest of completeness, the Inspector considered the possibility of varying the requirements of the enforcement notice to require the appellant to implement the planning permission granted under Appeal B. However, the status of the enforcement notice could potentially be unclear should that permission not be properly implemented and the variation of the terms of the notice to provide an option of more than one requirement would be convoluted. As a consequence the Inspector upheld the enforcement notice but extended the period of time required for the appellant to comply from 6 months to 12 months.

## ***Overall Conclusions***

To conclude the Inspector found that based on the very specific circumstances in this case, the principle of development in such a countryside location is acceptable and that any conflict with Policy would be justified. But he did agree with the LPA that the rural characteristics of the site itself would undoubtedly be harmed and that inappropriate development within Green Wedges should not be granted planning permission except in very exceptional circumstances. However he felt that the harm in this case would be clearly outweighed by the very exceptional circumstances. As such appeal A was allowed insofar as it relates to ground (g) only, although the enforcement notice was upheld subject to an amendment to the period for compliance. Appeal B was allowed and planning permission granted.