



## **PWYLLGOR CYNLLUNIO**

**2.00 PM - DYDD MAWRTH, 26 CHWEFROR 2019**

### **YSTAFELLOEDD PWYLLGOR 1/2 - CANOLFAN DDINESIG PORT TALBOT**

#### **Rhan 1**

1. Datganiadau o gysylltiad
2. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 8*)
3. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

#### **Adroddiadau gan Bennaeth Cynllunio a Diogelu'r Cyhoedd**

#### **Adran A - Materion i'w Penderfynu**

#### **Argymhell bod Cais Cynllunio'n cael ei Wrthod**

4. Rhif y cais: P2013/0491 (*Tudalennau 9 - 32*)  
Echdynnu glo a thywodfaen trwy weithio ar yr arwyneb, cludo gwastraff mwyngloddio o Unity Mine ar hyd ffordd gludo a'i waredu gydag adferiad blaengar o'r safle i goedwigaeth ar dir Bryncwm, Mynydd Resolfen, ger Cwmgwrach.

#### **Adran B - Materion Er Gwybodaeth**

5. Penderfyniadau a ddirprwywyd - 29 Ionawr i 18 Chwefror, 2019 (*Tudalennau 33 - 42*)
6. Penderfyniadau a apeliwyd - 29 Ionawr i 18 Chwefror, 2019 (*Tudalennau 43 - 46*)

7. Eitemau brys  
Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ôl disgresiwn y Cadeirydd yn unol ag Adran 100B(4)(b) Deddf Llywodraeth Leol 1972.

**S.Phillips**  
**Prif Weithredwr**

**Canolfan Ddinesig**  
**Port Talbot**

**Dydd Mercher, 20 Chwefror 2019**

## **Aelodaeth Pwyllgor:**

**Cadeirydd:** S.Paddison

**Is-Gadeirydd:** H.N.James

**Aelodau:** Councillors A.R.Aubrey, S.Bamsey, R.Davies, W.F.Griffiths, S.K.Hunt, C.J.Jones, S.Pursey, A.McGrath, R.Mizen a/ac L.Jones

**Aelod Cabinet:** Councillor A.Wingrave

## **Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio**

Mae gan y cyhoedd hawl i fynd i'r cyfarfod ac annerch y pwyllgor yn unol â gweithdrefn gytunedig y cyngor sydd ar gael yn [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning).

Os hoffech siarad yn y Pwyllgor Cynllunio ynghylch cais yr adroddwyd amdano i'r pwyllgor hwn, mae'n rhaid i chi:

- Gysylltu â'r Gwasanaethau Democrataidd yn ysgrifenedig, naill ai drwy'r post yn: Y Ganolfan Ddinesig, Port Talbot SA13 1PJ, neu'n ddelfrydol drwy e-bostio: [democratic.services@npt.gov.uk](mailto:democratic.services@npt.gov.uk).
- Sicrhau eich bod yn gwneud eich cais i siarad ddau ddiwrnod gwaith cyn dyddiad y cyfarfod fan bellaf (erbyn 2pm ar y dydd Gwener blaenorol os yw'r cyfarfod ar ddydd Mawrth).
- Nodi'n glir rif yr eitem neu'r cais rydych am siarad amdani/o a chadarnhewch a ydych yn cefnogi'r cais neu'n ei wrthwynebu.
- Rhoi eich enw a'ch cyfeiriad (a fydd ar gael i'r cyhoedd oni bai fod rhesymau penodol dros gyfrinachedd).

Sylwer, dim ond un person sy'n gallu siarad ar ran pob 'categori' ar gyfer pob cais h.y. y gwrthwynebydd, y cefnogwr, yr ymgeisydd/asiant, y Cyngor Cymuned/Tref. Ceir manylion llawn yng ngweithdrefn gytunedig y cyngor.

Yn ogystal, os yw gwrthwynebydd yn dymuno siarad, hysbysir yr ymgeisydd/asiant gan y cyngor.

Os ydych yn dymuno trafod unrhyw agwedd ar siarad cyhoeddus, ffoniwch dîm y Gwasanaethau Democrataidd ar 01639 763313.

## **Cyflwyno sylwadau ar geisiadau cynllunio yr adroddir amdanynt i'r pwyllgor**

Os ydych yn dymuno cyflwyno sylwadau ar gais a gyflwynir i'r Pwyllgor Cynllunio hwn, sylwer bod rhaid i'r Adran Gynllunio dderbyn y rhain erbyn 2.00pm ar y dydd Gwener cyn cyfarfod y pwyllgor fan bellaf (yn seiliedig ar y cyfarfod dydd Mawrth arferol). Os nad yw'r cyfarfod ar ddydd Mawrth, dylid eu derbyn erbyn 2.00pm ar y diwrnod gwaith olaf ond un cyn y Pwyllgor Cynllunio fan bellaf.

Caiff sylwadau a dderbynnir yn unol â phrotocol y cyngor eu crynhoi a, lle y bo'n briodol, gwneir sylwadau arnynt ar ffurf Taflen Ddiwygio, a ddsberthir i aelodau'r Pwyllgor Cynllunio drwy e-bost ar y noson cyn cyfarfod y pwyllgor, a'i chyflwyno ar ffurf copi caled yn y cyfarfod.

## PLANNING COMMITTEE

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

**Members Present:**

**5 February, 2019**

**Chairperson:** Councillor S.Paddison

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

**Councillors:** S.Bamsey, S.K.Hunt, C.J.Jones and R.Mizen

**Officers In Attendance:** N.Pearce, C.Griffiths, S.Ball, N.Lake, J.Griffiths and T.Davies

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On behalf of the Planning Committee, the Chairperson wished Councillor R.Davies a speedy recovery from her recent illness.

### 1. **MEMBERS' DECLARATIONS**

Councillor S.Bamsey - Report of the Head of Planning and Public Protection, Application No. P2018/1036, as he is employed at TATA Steel Port Talbot.

Councillor S.K.Hunt - Report of the Head of Planning and Public Protection, Application No. P2018/1036, as he represents the Local Authority on the TATA Steel Joint Consultative Group.

2. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** That the Minutes of the previous meeting held on 15 January, 2019 be approved.

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: P2018/1024 and P2018/1036 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 NUMBER: P2018/1024**

Officers made a presentation to the Planning Committee on this Application (Redevelopment of Neath town centre consisting of 8 No. A1 retail units and 1 No. first floor unit (A1,A3 or D2 use) together with associated service yard and hard and soft landscaping, at Land at Water Street, Neath, SA11 3EP) as detailed in the circulated report.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2018/1024 be approved, subject to the conditions detailed in the circulated report, and subject to the amended conditions as stated in the circulated amendment sheet.

6. **APPLICATION NUMBER: P2018/1036**

Officers made a presentation to the Planning Committee on this Application (Demolition of existing structures accommodating the secondary dust extraction system for the sinter plant and installation of a replacement secondary system, including a bag filter system comprising a 6 storey structure, pipework and ducting, chimney stack (55m tall), electrical equipment, hard and soft landscaping and associated development, at Land Adjacent To The Existing Sinter Plant, Port Talbot Steelworks, Margam, Port Talbot, SA13 2NG) as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol, the agent representing TATA Steel UK addressed the Planning Committee.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2018/1036 be approved, subject to the conditions detailed in the circulated report, and subject to the additional/amended conditions as stated in the circulated amendment sheet.

7. **APPLICATION NUMBER: P2019/0042**

Officers made a presentation to the Planning Committee on this Application (Replacement garage at 10 St Asaph Drive, Sandfields, Port Talbot SA12 7LL) as detailed in the circulated report.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2019/0042 be approved, subject to no adverse representations being received by 5th February 2018 (when consultations expire), and subject to the conditions detailed in the circulated report.

8. **DELEGATED DECISIONS 8 JANUARY TO 28 JANUARY 2019**

Members received a list of Planning Applications which had been determined between 8 January to 28 January, 2019, as detailed within the circulated report.

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

**CHAIRPERSON**



## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Refusal

<b><u>APPLICATION NO:</u> P2013/0491</b>	<b><u>DATE:</u> 13/05/2013</b>
<b>PROPOSAL:</b>	Extraction of coal and sandstone by means of surface working, transportation of mine waste from Unity Mine by haul road & it's disposal with progressive restoration of site to forestry
<b>LOCATION:</b>	Land at Bryncwm, Mynydd Resolven , Near Cwmgrach
<b>APPLICANT:</b>	Horizon Mining Limited
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Resolven

### BACKGROUND

This application was submitted on 13<sup>th</sup> May 2013. Following a comprehensive consultation/publicity exercise the applicant was requested in September 2013 to submit additional information required to address concerns that had been identified by officers and consultees.

However, the applicants entered administration on 30<sup>th</sup> October 2013, before any further information could be provided. The Administrators were reluctant to provide the necessary finance to enable the information to be provided, especially as they had liabilities at the former Unity Mine (now Glyncastle Mine) site and at an opencast mine site on the hillside at Bwlch ffos.

As the Administrator was seeking to sell the operations at Unity, Bwlch ffos and the proposal at Bryncwm as a 'package' the application has been held in abeyance. However, recent changes to Welsh Government Policy on coal mining operations as set out in PPW10 indicate that there is very little prospect of this site now being acceptable in planning terms. The application is therefore being brought forward for determination even though the applicant is still in administration.

### SITE AND CONTEXT

The site is located on the southern slopes of the Neath Valley approximately 1km south of Cwmgwrach and 2km north east of Resolven. The site covers an area of 44 hectares and is steeply

sloping, rising from approximately 265m AOD on its northern side to approximately 375m AOD on the southern boundary. It largely comprises of upland forestry plantation dominated by sitka spruce but there are areas of purple moor-grass and some regenerating areas of clear felling. The surrounding land on all sides is dominated by forestry plantation.

Access to the site is gained via a private access track to the former Unity Mine, through the mine surface area and along 5.6km of forestry track. The former Unity Mine surface area is approximately 200m south west of Cwmgwrach and from there the forestry track runs in a south-westerly direction before turning back in an easterly direction at a point approximately 300m from the property known as Glyncastle, Resolven.

## DESCRIPTION OF DEVELOPMENT

The proposed development seeks to extract 300,000 tonnes of high volatile coal from two seams outcropping within the site (Daren Restyn and Rhondda No1) and to also extract 1.6 million tonnes of sandstone by surface mining methods over a period of 5 years. It is also proposed that somewhere between 1.5 million tonnes and 1.75 million m<sup>3</sup> (approx. 4.2 million tonnes) of mine waste from the operation of the Glyncastle Mine is proposed to be deposited within the opencast void over the 5-year period. The applicant has been requested to clarify the amount of mine waste given the wide range in tonnage specified but has not done so to date. However, it is likely that the site could only accommodate a tonnage of mine waste at the lower end of this range. The Mine owner is currently in administration and the administrator is trying to sell it as a going concern but its future is somewhat uncertain at the present time. That introduces uncertainty in relation to the achievability of the restoration scheme as there may be no mine waste available to achieve the proposed final contours.

The proposed development of the opencast site follows a series of 14 cuts working progressively from south west to north east. The area to be surface mined amounts to some 21.7 hectares.

Initial works would involve the felling of trees, the erection of site fencing, construction of the site office compound and processing area, creation of the lagoons and drainage system and the stripping of soils and overburden from the first 3 cuts. The overburden from the initial 'box cut' will go to an overburden mound and thereafter the site will continue to work progressively with overburden/mine waste being

backfilled behind the workings. The proposed overburden mound is anticipated to hold 295,000m<sup>3</sup> of material and extend some 22m in height. The overburden mound is located to the south east of the extraction area close to the highest part of the site.

The application specifies that the amount of topsoil to be stripped equates to 99,000m<sup>3</sup> and the amount of subsoil to be stripped equates to 264,000m<sup>3</sup>. However, the amount of topsoil storage indicated on the submitted plans equates to 19,400m<sup>3</sup> of topsoil and less than 37,500m<sup>3</sup> of subsoil. It is possible that the difference is made up of direct placement of soils during progressive restoration but that is not clear. The applicant has been asked to clarify the position to ensure that there are adequate soil storage facilities on site and no soil is lost or unnecessarily damaged but to date he has not done so. The application also states that soil forming material encountered during excavations will be recovered and stored for future use but there are no designated storage areas for such material within the site.

Site plant and machinery is proposed to be 3 crushers, 3 screens, 3 excavators, 3 dump trucks, loading shovel, D8 dozer, and a tractor and water bowser.

The coal won from the site would be transported along the forestry track to the mine surface where it would be washed and blended with coal from the mine. From there the coal would leave the mine site either by train or along the site access road.

The applicant claims that the coal from Bryncwm is required in order to blend with coal from the Mine in order to produce a suitable specification to meet the needs of Aberthaw Power Station. However, since the submission of the application Aberthaw Power Station no longer accepts Welsh anthracite coal. Alternative markets for the coal from Bryncwm have not been put forward by the applicant.

Sandstone won from the site would utilise the same access track and be sold off-site. Transport off-site would be by HGV unless markets could be served by train. The applicant states that stockpiles of processed and unprocessed sandstone will be located adjacent to the plant site up to 7m in height. The size of the storage area will limit the capacity of the site to process sandstone unless sales equate to the speed at which the sandstone is generated from the cuts. The applicant claims that a proportion of the sandstone is high specification aggregate with a polished stone value in excess of 68psv which is of importance to

the UK. However, no testing of the stone appears to have been carried out.

There is a secondary access which runs south for approx. 2km before turning north east for approx. 12km to the A4061. The secondary route is proposed to be used by site personnel/small service vehicles and the occasional low loader delivering site plant and machinery.

The restoration concept is to return the land to commercial woodland with wetland features as the land is owned by NRW. However, as specified above, the achievability of the restoration concept is currently uncertain.

### NEGOTIATIONS:

Officers have met with the applicant, the agent and the Administrator in relation to the additional information required. However, despite indications that the information would be provided, no information has been submitted to date.

### PLANNING HISTORY

The application site has no relevant planning history.

### CONSULTATIONS

**Natural Resources Wales** – strongly recommend that determination of the application be deferred until further information has been submitted in respect of the impact on bats, clarification as to the depth of the void and the impact on groundwater, and a detailed surface water management plan. Conditions are also requested in relation to protection of badgers, provision of a Reptile Mitigation Strategy, carrying out a soil analysis of the mine waste to be utilised in restoration, submission of a detailed restoration and aftercare scheme, submission of a maintenance plan for haul roads, and submission of detailed pollution controls.

**Biodiversity Unit** – the ecology chapter of the Environmental Statement is not adequate, further information and clarification is recommended as follows:

The survey of bat use of the site and in particular a former air shaft tunnel has not been carried out in accordance with BCT Guidelines; the reptile survey has not been carried out in accordance with the Froglife guidelines; a further survey is required to establish whether adders are present; confirmation is required of areas where nightjar territories were identified; a soil map showing the extent of peat on the site is required; provision must be made for the loss of 12 hectares of BAP habitats; and a habitat reinstatement plan needs to be produced.

**Footpaths** – there are several public rights of way adjacent to the site. A note should be included with any grant of planning permission advising that these rights of way must be protected (and damage remedied) at all times during the course of development

**GGAT** – the applicant has not provided an assessment of the impact of the proposed development upon the known archaeological resource so request that the determination of the application be deferred until an archaeological assessment has been submitted.

**Abertawe Bro Morgannwg University Health Board** – no sensitive receptors have been identified within 1km of the site but the LPA should be satisfied that emissions from site activities are appropriately controlled to avoid adverse impact on the health of residents in the locality. Dust prevention measures should be sufficient to prevent nuisance and exposure to PM<sub>10</sub>'s at sensitive receptors. A noise monitoring exercise should be undertaken to confirm noise modelling scenario and a suitably robust Environmental Management System should be provided.

**Air Pollution** – the site is remote from the nearest sensitive property about 1km away. The mitigation measures seem sensible and there should not be any problems if they are properly implemented.

**Environmental Health (Noise)** – no comments received

**Health & Safety Executive** – no comments received

**Mineral Valuer** – no comments received

**Highways** – no comments received

**Drainage** – requested further details in relation to surface water drainage

**Coal Authority** – encourages and supports the application

**National Grid** – no comments received

**Ramblers Association** – no comments received

**RSPB** – no comments received

**Blaengwrach Community Council** – no comments received

**Resolven Community Council** – no comments received

**Rhondda Cynon Taff County Borough Council** – no objection

### REPRESENTATIONS

11 site notices were displayed on 24<sup>th</sup> June 2013 and the application was advertised in the Neath Port Talbot Courier on 27<sup>th</sup> June 2013.

In response, two representations have been received, one in support and one objection.

The issues raised in the objection are summarised as follows: -

- Site would be visible from many areas of the Upper Neath Valley
- Dust and noise from the use of the haul road
- Risk to public enjoyment of the woodland
- Run off from the haul road is having a detrimental effect on the woodland
- Cumulative effects should be considered
- No commitment to a Site Liaison Committee

The letter of support was received from RWE NPower in May 2013 who were proposing to utilise the coal product at that time.

## REPORT

### National Legislation

The Well-being of Future Generations (Wales) Act 2015 (WFG) 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.

Well-being goals identified in the Act are:

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

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

The Environment (Wales) Act 2015 has been designed to complement the WFG Act 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 also 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”.

### National Policy

National Planning Policy is set out in Planning Policy Wales: Edition 10 – December 2018 (PPW10).

Paragraph 5.10.1 of PPW10, states that the demand for energy minerals has been largely based on power generation. The Welsh Government has set climate change targets for the reduction of greenhouse gas emissions and promoting decarbonisation. At the UK level coal powered generation is being phased out. This means moving away from the extraction of fossil fuel for use in energy generation. In the planning energy hierarchy, the extraction of minerals for the purpose of generating energy is undesirable as it is the most carbon intensive form of production. The purpose of this hierarchy is to encourage preferred generation proposals to come forward and to discourage proposals supported by the extraction of fossil fuels.

Paragraph 5.10.13 states that it is part of UK and Welsh Government energy policy to remove coal from energy generation. Current UK Government plans seek to phase out coal fired generation by 2025 and in Wales demanding targets to limit carbon emissions are enshrined in the Environment Act. Coal extraction has reduced to a level where there are relatively few active opencast coal sites operating in Wales.



Continued demand for local coal is uncertain, both in terms of the increased use of imports and challenging abatement requirements.

Paragraph 5.10.14 states that proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.

Paragraph 5.10.15 states that in wholly exceptional circumstances, there may be some public safety benefit in coal extraction where, for example, historic coal mining has created land instability. Further consideration to physical ground conditions and land instability is contained in Chapter 6. Further advice is contained in MTAN 2 Coal.

Paragraph 5.10.16 states that a Health Impact Assessment should be provided to accompany any application for opencast coal working. If the planning authority decides that an applicant has failed to provide adequate information on health impacts, it should not process and proceed to determine the application without that information. Where an application for opencast coal working is EIA development, for the purposes of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, and coal working is likely to have a significant effect on human health, the Health Impact Assessment may serve to inform the Environmental Statement.

Paragraph 5.14.32 states that coal has predominantly been used for energy production, however coal has other specific uses. These include use for industrial purposes in the steel industry, in speciality carbon markets, in the making of concrete and for domestic use. Coking coal, for example, which is largely imported is used in coke manufacture for the steel industry and directly in blast furnaces. Whilst the use of coal for energy generation should not be permitted if, exceptionally, planning applications come forward for industrial uses for coal then each case would need to be considered individually and the policies contained in MTAN 2: Coal applied, including the test outlined in paragraph 45 of MTAN 2.

## National Guidance

Minerals Technical Advice Note (Wales) 2: Coal (MTAN2) 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.

In particular, the test outlined in Paragraph 45 of MTAN 2 states

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

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

## Local Policies

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

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy EN2** Special Landscape Areas
- **Policy SP15** Biodiversity and Geodiversity
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy SP16** Environmental Protection
- **Policy EN8** Pollution and Land Stability
- **Policy SP17** Minerals
- **Policy M2** Surface Coal Operations
- **Policy M4** Criteria for the Assessment of Mineral Development
- **Policy SP21** Built Environment and Historic Heritage
- **Policy TR4** Safeguarding Freight Facilities

## *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- Pollution (October 2016)
- Landscape and Seascape (May 2018)
- Biodiversity and Geodiversity (May 2018)

### Issues

Having regard to the above, the main issues to consider in this application relate to whether there are exceptional circumstances which indicate that the development is sustainable and is needed in the context of climate change emission targets and high specification aggregate provision; whether the development is environmentally acceptable and satisfies the biodiversity duty set out in the Environment (Wales) Act 2015, and if not whether there are local or community benefits which outweigh any disbenefits.

### Principle of Development / Need

PPW10 states that it is part of UK and Welsh Government Energy Policy to remove coal from energy generation in order to meet climate change and carbon reduction targets. Currently the plan is to phase out coal fired generation of electricity by 2025. It is therefore Welsh Government Policy that proposals for opencast, deep mine development or colliery spoil disposal should not be permitted except in 'wholly exceptional circumstances' where it can be clearly demonstrated why they are needed in the context of climate change emission reduction targets and/or for reasons of national energy security. The applicants have indicated in this application that the coal is for energy generation, which is not needed, and therefore there are no 'wholly exceptional circumstances' which would justify the grant of planning permission.

In terms of sandstone aggregate the landbank of crushed rock in Neath Port Talbot is in excess of 35 years (SWRAWP Annual Report 2017). Where landbanks exceed 25 years Welsh Government Policy states that there is no requirement for additional resources of crushed rock to be released and it should only be acceptable in rare and exceptional circumstances.

However, there is an acceptance in Welsh Government Policy that certain aggregates such as high specification aggregates (HSA) have limited availability geologically. These are relatively plentiful in Wales but unavailable in some parts of the UK. This type of material is therefore seen as being of UK importance and is a special case that may well justify transportation over greater distances and this UK importance must be considered. The applicant has claimed that the sandstone from this site meets the specification for high specification aggregate although no test results on the stone have been provided.

If the stone was of HSA standard the main export markets are to the West Midlands, South West England, London and the South East. Currently, the landbank of HSA in South Wales is some 42 years which is more than sufficient to ensure an adequate supply. There is therefore, no justification for the extraction of sandstone or high specification aggregate on the grounds of need.

### Impact on Biodiversity

An Ecological Impact Assessment is contained within the Environmental Statement submitted in support of the proposed development and relates to desk studies and survey work undertaken in 2012. A Phase 1 Habitat Survey was carried out in April 2012. Surveys were also carried out for bats, breeding birds and reptiles. The Council Ecologist has commented that the ecology chapter of the Environmental Statement is not adequate in a number of respects.

The bat surveys undertaken during 2012 identified an assemblage of at least two species of bat using the site – common pipistrelle and soprano pipistrelle for foraging/commuting. No evidence of roosting was recorded although the study states that the potential for bat usage of a former air shaft, although unlikely, cannot be fully discounted. NRW has expressed concerns in relation to the impact on bats and the Council Ecologist does not agree that the usage of the air shaft by bats is unlikely. Bat Conservation Trust Guidelines suggest that there is a high likelihood of bats being present and therefore a further survey, including a swarming survey, is required. The applicant has been requested to provide further survey information but has not done so to date. In addition, all the survey information provided in 2012 is now out of date and cannot be relied upon to provide an accurate ecological baseline. Therefore, all survey work must be updated in order to ensure the Council meets the biodiversity duty set out in the Environment (Wales) Act 2015.

The breeding bird surveys undertaken during 2012 identified a total of 31 bird species of which 30 species were likely to be breeding. Eight of these species were identified as being of conservation concern – crossbill, bullfinch, Lesser Redpoll, Wood Warbler, Song Thrush, Tree Pipit and Nightjar. The survey is now out of date.

The reptile survey also carried out during 2012 identified common lizard, slow worm and grass snake were present in relatively small numbers. However, the Council Ecologist has advised that the surveys were not carried out in accord with Froglife guidelines and should be re-done. The surveys are out of date now in any event.

The habitat survey indicates that habitat comprises mainly of conifer plantation with some broadleaf and areas of felled woodland. These woodland areas are considered by the applicant to be of site level importance only. Remnant areas of purple moor-grass and rush pasture and Heathland/Bog are present and these are acknowledged to be LBAP Priority Habitats, although assessed by the applicant as being only of local importance. The Council Ecologist considers that the BAP habitat, amounting to some 12 hectares, should be reinstated and a plan indicating the reinstated areas should be provided. The current restoration plan does not indicate any areas of BAP habitat reinstatement. The applicant has been requested to provide a revised restoration plan for the BAP habitat but has not done so to date.

The proposed development does not maintain and enhance a site supporting BAP habitat and important ecological features. The impact on protected species is uncertain. The biodiversity duty is not therefore met as the Council do not consider that the development will maintain and enhance biodiversity and contribute to the resilience of ecosystems. The proposal is therefore contrary to Policies EN6, EN7, SP17 (4) and M4 (3) of the Neath Port Talbot LDP as well as not complying with the biodiversity duty in the Environment (Wales) Act 2015.

#### Impact on Visual Amenity and Landscape Character

As stated above, the site is located in an elevated position within an area of commercial forest on the northern slopes of Mynydd Resolven, which rises to a local high point of 383m AOD. It lies within the Vale of Neath Special Landscape Area as defined under Policy EN2 of the LDP. The policy states that development within the SLA's will only be

permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the SLA has been designated.

The Vale of Neath Special Landscape Areas is one of 6 SLA's identified in the LDP which have been identified in a study by TACP (June 2011) using the SLA Designation Criteria in the CCW Guidance Note 1 (2008), utilising LANDMAP data. The study defined the Vale of Neath as having high landscape value in terms of underlying geology, cultural and historical heritage, ecology, visual amenity and sense of place. One of the Key Policy and Management issues identified in the study was preventing the encroachment by opencast mining activity or other developments that will detract from the landscape quality.

Paragraph 5.3.11 of the LDP states that while development is not precluded within SLA's, these areas will be protected as far as possible from any development that would harm their distinctive features and characteristics. The paragraph goes on to state that Supplementary Planning Guidance will be issued giving further information on the approach to be taken to development proposals within SLA's.

Paragraph 5.3.12 of the LDP identifies mineral and renewable energy developments are likely to be the predominant types of proposal that could have significant impacts. There is an expectation that mineral developments would provide screening or bunding during the operational phase of development and that a site restoration scheme returns the landscape as far as practicable to its original form and appearance on completion of works.

Supplementary Planning Guidance (SPG): Landscape and Seascape (May 2018) provides information and guidance setting out the expectations on all development proposals to protect and enhance all landscapes and seascapes. The document outlines the variety of landscapes and seascapes relevant to Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the objectives set out in the Local Development Plan (LDP).

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

policy within the broader context of other environmental legislation and designations.

In relation to the Vale of Neath the important features and characteristics identified in the SPG include the topography and woodland cover on the northern and southern slopes of the Neath Valley which is a significant and dominant feature and provides coherence and integrity to the SLA. This contrasts with the pastoral and deciduous mosaic of the lower slopes providing diversity and contrast within the valley. A strong sense of place, coherence, local distinctiveness and cultural identity also combine to contribute to the special qualities of the Vale of Neath SLA.

The applicant has carried out an appraisal of landscape and visual issues but has not provided a formal Landscape and Visual Impact Assessment (LVIA). The SPG considers that a Landscape and Visual Impact Assessment should be undertaken in all cases where there is likely to be a significant landscape impact. In this case it is considered that an LVIA should have been provided.

LANDMAP (Landscape Assessment and Decision Making Process) is an all-Wales GIS-based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated. LANDMAP is intended to help sustainable decision-making and natural resource planning at a range of levels from local to national while ensuring transparency in decision-making.

In terms of the 5 LANDMAP Aspect Areas the site falls within the following:

- Geological – Mynydd Resolven Upland Plateau – Moderate Evaluation
- Landscape Habitat – Coniferous Woodland – Moderate Evaluation
- Visual & Sensory – Mynydd Nant-y-bar/Mynydd Blaenafan Wooded Upland & Plateau – Moderate Evaluation
- Historic Landscape – Afan Wallia Woodland – Outstanding Evaluation
- Cultural Landscape – Eastern High Lands: Resolven Mountain – High Evaluation

The submitted appraisal has only touched on the Visual & Sensory Aspect and has not considered the Historic and Cultural Landscape

Aspects which are important features of the Vale of Neath SLA. Geological and Landscape Habitats Aspects have not been considered either.

The appraisal identifies the landscape fabric as having medium sensitivity but the magnitude of change would be substantial resulting in a major/moderate significant adverse impact during the period of extraction and infilling. It goes on to state that following restoration the residual impact would be negligible. This may or may not be the case but at the present time there are significant concerns in relation to the achievability of the proposed restoration and especially the ability of the underground mine to produce the mine waste to fill the void following the removal of coal and sandstone. The evidence available, although not to the expected standard appears to confirm that there will be substantial adverse effects on the landscape fabric.

In terms of visual impact the submitted appraisal has considered 4 viewpoints the applicant considers are representative of locations where views of the site might be experienced. The basis of the selection of these viewpoints is unclear. Viewpoints would usually be selected on the basis of the identification of a Zone of Theoretical Visibility but this does not appear to have been done in this case. In addition the applicant has merely provided photographs from the four viewpoints. It is usual to provide existing photographs with the extent of the application site identified and then to provide photomontages depicting various stages of the development so that the impact can be assessed. Not only do the photographs submitted not clearly identify the extent of the site within the existing landscape, but there has been no attempt to provide any photomontages. The applicant has been requested to provide further information in relation to visual impact but has not done so to date. The visual impact of the proposed development is therefore currently uncertain and it cannot be concluded on the basis of the information submitted (as the applicant has done) that the visual impact is limited.

As the applicant has not demonstrated that there will be no significant adverse impacts on the Special Landscape Area designation in terms of landscape fabric and visual amenity the proposal is considered to be contrary to Policies EN2 and SP14 of the Neath Port Talbot LDP.



## Impact on the Water Environment

The applicant has considered the potential hydrological and hydrogeological impacts of the proposed development and provided a basic hydrogeological impact appraisal which follows NRW guidance.

The published geological maps indicate that the site is covered in thin superficial deposits comprising glacial till typically made up of silty, sandy clay with variable gravel, cobble and boulders. The solid geology is shown as comprising Lower, Middle and Upper Coal Measures from the Carboniferous Westphalian A and Westphalian B sequence. The coal measures are described as a cyclical sequence of sandstones, siltstones, mudstones, coals and seatearths.

Although no specific groundwater data has been provided, the applicant states that the groundwater flow is likely to be controlled by the local geology. Sandstones overlie the coal seams which in turn overlie low permeability mudstones. It is likely that these mudstones act as an aquaclude, creating a localised perched groundwater system within the sandstones. Groundwater flows are likely to follow the dip of the strata to the south east. The Hydrogeological Risk Appraisal concludes that due to the lack of groundwater abstractions within the vicinity of the site, the likelihood of impacts on groundwater abstractions is negligible. NRW accept this conclusion although they comment that cross sections showing the topography and the depth of the void would have been useful. The applicant has been requested to provide these but has not done so to date.

The applicant has proposed a Surface Water Management Scheme incorporating SuDS principles in order to control surface water flows. The scheme proposes that surface water and water accumulated in the void will be routed via swales and drains to attenuation ponds before being discharged into local streams. Whilst NRW have agreed the principle of the scheme they have requested additional details of the exact design and capacity of the system so as to ensure that there is no increase in the risk of flooding downstream. Contaminated run-off can be mitigated by utilisation of pollution control measures and attenuation.

Whilst additional detail is required it is considered that there is no justification for refusal on the grounds of impact on the water environment.

## Impact on Residential Amenity / Health Impacts

The applicant has undertaken a noise assessment of the proposed operation at three locations, Heol Wenallt, Maesgwyn and Glyn Castle. The background noise levels were measured at Heol Wenallt and Maesgwyn in 2009 at 50.1dB and 48.1dB respectively and Maesgwyn has been assumed by the applicant to be reflective of the background noise at Glyn Castle, Resolven. These background levels are likely to have been influenced to a significant extent by the traffic on the A465 and the operation of the Underground Mine. The proximity of Maesgwyn to the A465 and the B4242 relative to the position of Glyn Castle to the A465 suggests that the background noise levels at Maesgwyn are not necessarily reflective of Glyn Castle. It is highly likely that the background noise levels at Glyn Castle would be less than they were at Maesgwyn.

Paragraph 173 of MTAN2: Coal states that Local Planning Authorities should establish a noise limit at sensitive locations of background noise levels plus 10dBLAeq (1 hour) or 55dB LAeq (1 hour) whichever is the lesser during normal working hours and a limit of 42 dBLAeq (1 hour) at all other times. In this case the applicable noise limit at sensitive locations would be 55dB LAeq (1 hour).

The noise predictions indicate that the noise generated by the development, including traffic movements along the haul road, are well within this limit. However, the assessment of noise from use of the haul road is based on the assumption of 55 vehicles entering and leaving the site daily. This is considered to be a significant under estimate as the number of vehicles required to remove 300,000 tonnes of coal and 1.6 million tonnes of sandstone and to replace that material with 1.5 million tonnes of mine waste would far exceed 55 vehicles per day. The applicant has been asked to clarify this issue and to revise the noise assessment if necessary but has not done so to date. The impact of the development in terms of the noise impact from vehicles along the haul road on the amenity of residents of Glyn Castle is therefore uncertain and the Council is unable to conclude that the impact is acceptable.

Potential sources of dust emissions to air likely to occur as a result of surface operations undertaken at the site include stripping, storage and replacement of soils; extraction and loading/unloading of coal; crushing and screening; stockpiling of coal; and internal haulage on un-surfaced roads.

The applicant has undertaken an assessment of air quality impacts and in particular PM<sub>10</sub> 'suspended dust' related to potential health effects and 'deposited dust' with diameters between 10µm and 75µm, related to potential nuisance effects. As the site is more than 1km from sensitive residential development it is not necessary to carry out detailed analysis of the health effects of PM<sub>10</sub> particulates but detailed mitigation measures are proposed so as to minimise dust emissions. These mitigation measures appear to be sensible and the University Health Board has confirmed that dust prevention measures should be sufficient to prevent nuisance and exposure to PM<sub>10</sub>'s at sensitive receptors. There are no sensitive receptors within 1km of the site.

The UK has published National Air Quality Objectives in relation to PM<sub>10</sub> dust of 40µg/m<sup>3</sup> as an annual mean and 50µg/m<sup>3</sup> as a 24-hour mean (not to be exceeded more than 35 times per year). Whilst the Welsh Government acknowledges in MTAN2 that there is no known safe level of exposure to PM<sub>10</sub> particles, the annual mean threshold value has been set at a level at which the risk of adverse health effects to any individual would be very small.

The 2019 levels of PM<sub>10</sub> projected at the site are 10.19µg/m<sup>3</sup>, just over 25% of the NAQ thresholds. Concentrations of PM<sub>10</sub> in the 1km grid squares to the north of the site are slightly higher at between 10.68 and 10.98µg/m<sup>3</sup>. This is likely to be due to the presence of the A465 within and adjacent to those grid squares. 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> so on that basis the concentration would still be well below one third of the mean threshold at 30.48%.

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

MTAN2 states that medium-size particles (10-30µm) will generally travel 100-250m from the source under normal conditions. In adverse weather conditions coarse dust travels 500m from the source. However, such events will be infrequent and continual or severe

concerns about dust are most likely to be experienced near to dust sources (generally within 100m). The site is 1km from sensitive residential property and therefore adverse impact from nuisance dust is unlikely.

The proposed development involves blasting although there is no section on blasting contained within the environmental statement. Adequate controls could be imposed via planning conditions should the application be approved, especially given the sites remote location from sensitive development.

Therefore, the impact of noise on Glyncastle is of concern and the applicant has not adequately demonstrated that there would be no unacceptable impact. The proposal is therefore contrary to Policies EN8, SP17(4) and M4 (3) of the LDP in that respect.

### Impact on the Historic Environment

Policy M4 of the LDP states that proposals will need to demonstrate that the development would not result in any unacceptable impacts to the environment. Paragraph 5.3.80 states that particular regard will be given to the potential impact on the landscape, nature conservation and wildlife interests of the site and adjoining land, areas of historical, cultural and archaeological importance, agricultural interests, pollution or disturbance to ground or surface water supply or drainage, ground stability of the site and adjoining land and air quality and the potential for mine gas emissions.

In relation to this application the applicant has given no consideration to the historical, cultural and archaeological importance of the site. GGAT has advised that the proposed development has an archaeological constraint in that the HER lists the presence of several archaeological sites within the proposed project area and its vicinity. These include a number of sites associated with past industrial development and post-medieval rural settlement which are significant in understanding the cultural history and settlement of this area. In addition, there is little consideration of the potential for the development to uncover undiscovered archaeological remains during land clearance and ground works. Consequently, it is not possible to determine the archaeological impact of the development. The proposal does not therefore consider the impact of the development on the cultural well-being of Wales as required under the Well-being of Future Generations Act when assessing whether a development is sustainable.

The proposal is therefore contrary to Policy M4(3) of the Neath Port Talbot LDP in this regard.

### Other Matters

As identified earlier in this report, representations were received during the publicity exercise. In response to the issues raised which have not been addressed elsewhere in this report, the following comments are made:

Risk to public enjoyment of the woodland has been raised but there is no anticipated change as the haul road has already been used to access the Bwlch Ffos Opencast site. The proposed site itself would be fenced off if the development proceeds and this would not prevent access to other extensive areas of the wider woodland.

The applicant has not expressly committed to a Site Liaison Committee. However, if permission was granted then a condition requiring a Community Liaison Committee could be imposed.

### CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

The proposal does not maintain and enhance biodiversity and contribute to the resilience of ecosystems. There is an adverse impact on BAP habitat in particular and there is uncertainty as to the impact on protected species such as bats.

The applicants have not demonstrated that the impacts on the landscape, in particular the impact on the features and characteristics of the Vale of Neath Special Landscape Area, and visual amenity would be acceptable.

The potential noise impacts on the property known as Glyncastle and the surrounding sensitive properties in Resolven is uncertain due to lack of clarity on numbers of vehicle movements.

Questions remain in relation to the feasibility of extraction of coal/sandstone and its phased replacement with mine waste in order to provide a satisfactory restoration profile and beneficial after-use.

The impact on the archaeological resource and cultural heritage has not been assessed at all.

PPW10 states that the extraction of coal for energy generation should not be permitted except in wholly exceptional circumstances. Proposals put forward would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security or where there would be a clear public benefit. No such wholly exceptional circumstances or public benefit exist in this case. There is also no clear UK need for sandstone so the weight to be attached to that aspect is negligible.

It is considered that the proposal represents an inappropriate form of development that would have unacceptable impact on biodiversity, landscape character and visual amenity of the area, the historic environment and in terms of the potential noise impact from the use of the haul road . Accordingly, the proposed development is not in accordance with the Neath Port Talbot Local Development Plan. There are no material considerations which would indicate that a determination should be made in this case other than in accordance with the Development Plan.

## RECOMMENDATION

The application is REFUSED for the following reasons:-

(1) Having regard to the national guidance in Planning Policy Wales 10 (December 2018), which states (para 5.10.14) that proposals for opencast proposals should not be permitted, the applicant has failed to demonstrate that there are wholly exceptional circumstances which would justify the extraction of coal for energy generation. The proposal would not therefore be globally responsible and would not support a healthier Wales in that it would have an adverse impact in terms of climate change, and would fail to accord with The Well-being of Future Generations (Wales) Act 2015.

(2) In terms of the proposed extraction of sandstone aggregate, the landbank of crushed rock in Neath Port Talbot is in excess of 35 years (SWRAWP Annual Report 2017), with a 42 year landbank of High Specification Aggregates (HAS) in South Wales. Within this context, there is no requirement for additional resources of crushed rock to be released while, even though insufficient evidence has been provided to demonstrate that the proposals relate to high specification aggregates (HSA), the existing HAS landbank in South Wales is more than sufficient to ensure an adequate supply. Accordingly, there are no exceptional circumstances in this case which warrant departing from Welsh National Minerals policy.

(3) The applicant has failed to submit acceptable proposals for effective sustainable extraction of the minerals, method and phasing of operations, the management of mineral waste and restoration/beneficial after-use, such that the proposal is contrary to Policy M4(5) of the Neath Port Talbot Local Development Plan.

(4) The applicant has failed to demonstrate that there would be no significant adverse impacts on the features and characteristics for which the Vale of Neath Special Landscape Area has been designated. Any such impacts, however, would not be outweighed in any event by any exceptional circumstances relating to the need for mineral extraction. Accordingly, the proposal is contrary to Policy EN2 of the Neath Port Talbot Local Development Plan.

(5) The applicant has failed to demonstrate that the proposed development would maintain and enhance biodiversity and contribute to the resilience of ecosystems insofar as there is an adverse impact on BAP habitat and important natural features and an adverse impact on protected species cannot be ruled out. Any such impacts, however, would not be outweighed in any event by any exceptional circumstances relating to the need for mineral extraction. Accordingly, the proposal is contrary to Policies EN6, EN7, SP17(4) and M4 (3) of the Neath Port Talbot Local Development Plan as well as not complying with the biodiversity duty contained in the Environment (Wales) Act 2015.

(6) The applicant has failed to demonstrate that the proposal would have no significant adverse impacts on the archaeological resource and the cultural heritage of the area. The impact of the proposed development on the cultural well-being of Wales cannot therefore be adequately assessed. Any such impacts, however, would not be outweighed in any event by any exceptional circumstances relating to the need for mineral extraction. Accordingly, the proposal is therefore contrary to Policy M4(3) of the Neath Port Talbot Local Development Plan.

(7) The applicant has failed to adequately demonstrate that the noise impacts associated with traffic along the haul road would not have a significant adverse impact on the amenities of nearby residents and the property known as Glyncastle, in particular. Any such impacts, however, would not be outweighed in any event by any exceptional circumstances relating to the need for mineral extraction. Accordingly, the proposal is therefore contrary to Policy SP16 and EN8 of the Neath Port Talbot Local Development Plan.



## SECTION B – MATTERS FOR INFORMATION

### DELEGATED APPLICATIONS

### DETERMINED BETWEEN 29TH FEBRUARY 2019 AND 18TH FEBRUARY 2019

1	App No. P2016/0914	Type Vary Condition
<p>Proposal Variation of conditions 2 (environmental statement), 16 (traffic management scheme) &amp; 19 (construction method statement) of planning permission P2014/0402 (approved on the 2/9/15 for 2 No. Wind Turbines previously approved under P2007/1413, granted on appeal on the 07.05.09) to allow for the retention of an alternative type and source of material that has been used in the construction of the roadways/hardstandings within the application site.</p>		
<p>Location Mynydd Y Gwrhyd, North Of Pontardawe, East of Cwmgors</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Gwaun-Cae-Gurwen</p>		

2	App No. P2016/0915	Type Full Plans
<p>Proposal Retention of engineering works to facilitate highway improvements, including improved junction arrangements with A474 plus road / track widening, in order to facilitate access for construction vehicles in association with the construction of 2 no. wind turbines proposed under planning application reference P2014/0402 to allow the retention of an alternative source and type of material used. (Previously approved under P2015/0110 approved on the 10/11/15)</p>		
<p>Location Mynydd Y Gwrhyd, North Of Pontardawe, East of Cwmgors</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Pontardawe</p>		

3	App No. P2017/0950	Type Vary Condition
Proposal Section 73 Application for the re wording of condition 10, 12 to allow for details to be submitted after commencement of works for ecological mitigation and enhancement and the construction management plan and removal of condition 13 and 17 and replace drawing No. 1457_ 4-1-9 with drawing 1457_ 4-1-13 of planning permission P2016/0452 approved 5/10/2016		
Location Land Adjacent to, Groves Road, Neath SA11 1YB		
Decision Approval with Conditions		
Ward Neath South		

4	App No. P2018/0136	Type Full Plans
Proposal One detached dwelling, detached garage and outbuilding (Mining Investigation Report and Phase I – Preliminary Risk Assessment of Land Quality/Desk Study submitted on 01.10.18)		
Location Land At Former Thomas & Sons Minerals Ltd, Old Wern Road, Ystalyfera, Swansea SA9 2HP		
Decision Approval with Conditions		
Ward Ystalyfera		

5	App No. P2018/0517	Type Discharge of Cond.
Proposal Submission of details pursuant to conditions 8 (Site Investigation) and 9 (Remediation Scheme) of Planning Application P2017/0112 granted on June 8th 2017.		
Location Land Between A465 And High Street, Blaengwrach, Neath SA11 5NZ		
Decision Approval with no Conditions		
Ward Blaengwrach		

6	App No. P2018/0616	Type Discharge of Cond.
Proposal Submission of details relating to conditions 7 (HGV Scheme), 13 (Traffic Regulation Order) and 14 (Pedestrian/cycle/Vehicular access) of Planning Application P2017/0112 granted on June 8th 2017		
Location Land between, A465 and High Street, Blaengwrach SA11 5NZ		
Decision Approval with no Conditions		
Ward Blaengwrach		

7	App No. P2018/0836	Type Change of Use
Proposal	Change of use of shop/work shop into a bed and breakfast (19 no. beds) , café and associated car parking facilities.	
Location	Afan Bakers Workshops, Afan Road, Duffryn Rhondda, Port Talbot SA13 3ES	
Decision	Approval with Conditions	
Ward	Cymmer	

8	App No. P2018/0955	Type Householder
Proposal	Single storey rear extensions	
Location	30 Mansel Street, Port Talbot SA13 1BH	
Decision	Approval with Conditions	
Ward	Port Talbot	

9	App No. P2018/1000	Type Householder
Proposal	Two storey side/rear extension, front porch and canopy	
Location	48 Heol Mabon, Cwmavon, Port Talbot SA12 9PD	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

10	App No. P2018/1009	Type Full Plans
Proposal	Detached dwelling with parking, plus associated works including ground re-profiling	
Location	Plot 21, Forest Lodge Lane, Cwmavon, Port Talbot SA13 2RX	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

11	App No. P2018/1023	Type Householder
Proposal	Part two storey/part single storey side/rear extension	
Location	54 Wern Road, Taibach, Port Talbot SA13 2BA	
Decision	Approval with Conditions	
Ward	Taibach	

12	App No. P2018/1026	Type Outline
Proposal	Detached dormer bungalow with associated car parking (Outline with all matters reserved)	
Location	Land At 34 Church Street, Briton Ferry, Neath SA11 2JD	
Decision	Refusal	
Ward	Briton Ferry West	

13	App No. P2018/1031	Type Householder
Proposal	Two storey rear extension to ground and basement level	
Location	23 Wern Road, Skewen, Neath SA10 6DN	
Decision	Approval with Conditions	
Ward	Coedffranc West	

14	App No. P2018/1033	Type Full Plans
Proposal	Change of use of land for storage in connection with stone cutting operation plus retention of 2 No free standing metal clad shelters for undercover working of stone.	
Location	Celtic Stone Supplies, Neath Abbey Road, Neath SA10 7DF	
Decision	Approval with Conditions	
Ward	Bryncoch South	

15	App No. P2018/1035	Type Householder
Proposal	Detached outbuilding	
Location	81 Mariners Point, Sandfields, Port Talbot SA12 6DN	
Decision	Approval with Conditions	
Ward	Sandfields East	

16	App No. P2018/1039	Type Householder
Proposal	Single storey side extension	
Location	130 Longford Road, Longford, Neath SA10 7HG	
Decision	Approval with Conditions	
Ward	Dyffryn	

17	App No. P2018/1048	Type Householder
Proposal	Front porch	
Location	11 Village Gardens, Aberavon, Port Talbot SA12 7LW	
Decision	Approval with Conditions	
Ward	Aberavon	

18	App No. P2019/0001	Type Householder
Proposal	Two storey side extension, first floor rear extension, frameless glass balustrade plus excavation of section of rock outcrop.	
Location	18 Station Road, Pontrhydyfen, Port Talbot SA12 9SG	
Decision	Approval with Conditions	
Ward	Pelenna	

19	App No. P2019/0002	Type Full Plans
Proposal	Retention and completion of detached dwelling house.	
Location	Plot 28, Cae Copor, Cwmavon, Port Talbot SA12 9BX	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

20	App No. P2019/0019	Type Householder
Proposal	Single storey rear extension	
Location	62 Chestnut Road, Cimla, Neath SA11 3NU	
Decision	Approval with Conditions	
Ward	Neath South	

21	App No. P2019/0025	Type Householder
Proposal	Two storey side/rear extension and additional parking space	
Location	16 Cwrt Y Carw, Coed Hirwaun, Port Talbot SA13 2TS	
Decision	Approval with Conditions	
Ward	Margam	

22	App No. P2019/0030	Type Discharge of Cond.
Proposal	Approval of Details: Agricultural storage building (Prior Notification Application P2018/1038)	
Location	Coed Ddu Farm, Crynant, Neath SA10 8SU	
Decision	Approval with no Conditions	
Ward	Crynant	

23	App No. P2019/0032	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 3 (Noise Management Plan) and 4 (Photographic Record) of Planning Permission P2018/0848 granted on 20/11/18	
Location	Tabor Chapel, High Street, Abergwynfi, Port Talbot SA13 3YN	
Decision	Approval with no Conditions	
Ward	Gwynfi	

24	App No. P2019/0033	Type Full Plans
Proposal	Completion of demolition of a two storey building at 45 Abbey Road and construction of one dwelling; plus conversion of a window to a door and insertion of a window at ground-floor level on the Abbey Road elevation of Number 1 Cambrian Place	
Location	45 Abbey Road / 1 Cambrian Place, Port Talbot SA13 1HD	
Decision	Approval with Conditions	
Ward	Port Talbot	

25	App No. P2019/0034	Type Reserved Matters
Proposal Detached two storey dwelling (Reserved matters following outline approval P2015/1133 approved on 24/05/16) including details for condition 5 (drainage), condition 6 (drainage) and condition 8 (land contamination)		
Location Land Rear Of, 11 Ynysderw Road, Pontardawe, Swansea SA8 4EG		
Decision Approval with Conditions		
Ward Pontardawe		

26	App No. P2019/0039	Type Householder
Proposal Part two storey part single storey rear extension		
Location 7 Quarr Road, Pontardawe, Swansea SA8 4JD		
Decision Approval with Conditions		
Ward Pontardawe		

27	App No. P2019/0040	Type Screening Opinion
Proposal Request for Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the demolition of the existing school and construction of a new comprehensive school and associated works on land to the east of the existing school		
Location Ysgol Gyfun Cefn Saeson, Afan Valley Road, Cimla, Castell Nedd SA11 3TA		
Decision EIA Not Required		
Ward Cimla		

28	App No. P2019/0045	Type Householder
Proposal Two storey side and rear extension		
Location 69 High Street, Pontardawe, Swansea SA8 4JN		
Decision Approval with Conditions		
Ward Pontardawe		

29	App No. P2019/0046	Type Householder
Proposal Replacement garage door with window to facilitate a garage conversion		
Location 40 Ffordd Danygraig, Godre'r Graig, Swansea		
Decision Approval with Conditions		
Ward Godre'rgrraig		

30	App No. P2019/0048	Type Full Plans
Proposal	Detached dwelling with parking and associated works including retaining walls	
Location	Plot 17, Owen Jones Way, Bryn, Port Talbot SA13 2RJ	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

31	App No. P2019/0053	Type Householder
Proposal	Single storey side and rear extension	
Location	15 Alltwen Hill, Alltwen Pontardawe, Swansea SA8 3AB	
Decision	Approval with Conditions	
Ward	Alltwen	

32	App No. P2019/0067	Type Non Material Amendment (S96A)
Proposal	Non material Amendment to conditions 7 (HGV Scheme) and 14 (Traffic Regulation Order) of Planning Application P2017/0112 granted on June 8th 2017 to vary wording from pre-commencement conditions to prior to first operation.	
Location	Land Between, A465 And High Street, Blaengwrach, SA11 5NZ	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

33	App No. P2019/0073	Type Lawful Dev. Cert-Prop.
Proposal	Single storey rear extension - Lawful Development Certificate Proposed	
Location	39 Severn Crescent, Sandfields, Port Talbot SA12 6TA	
Decision	Issue Lawful Dev. Cert.	
Ward	Sandfields East	

34	App No. P2019/0078	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 4 (Garage conversion - replacement parking scheme) of Planning Permission P2018/0937 granted on 10/01/19	
Location	Woodside, 7 Parc Pen Y Bryn, Goytre, Port Talbot SA13 2XZ	
Decision	Approval with no Conditions	
Ward	Taibach	

35	App No. P2019/0079	Type Lawful Dev. Cert-Prop.
Proposal	Single storey side extension - Certificate of Lawful Development Proposed	
Location	32 Morfa Road, Margam, Port Talbot SA13 2DN	
Decision	Issue Lawful Dev. Cert.	
Ward	Margam	

36	App No. P2019/0097	Type Discharge of Cond.
Proposal	Submission of details pursuant to Conditions 3 (external materials) of Planning Application P2018/0909 approved on 7.1.2019	
Location	Plot 19, Owen Jones Way, Bryn, Port Talbot SA13 2RF	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

37	App No. P2019/0101	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Conditions 3 (2 weeks notice of the intended date of commencement of the development - related to protected species), 4 (Samples of materials) and 5 (Ecological Method Statement) of Planning Permission P2015/0790 granted on 15.04.16	
Location	Plas Farm, Lane From Church Road To Plas Farm, Rhos Pontardawe, Swansea SA8 3JQ	
Decision	Approval with no Conditions	
Ward	Rhos	

38	App No. P2019/0104	Type Neigh. Auth/Nat. Park
Proposal	Consultation from Natural Resources Wales in regards to Section 68(3) of the Marine and Coastal Access Act 2009 in relation to an application for Marine Licence for Marine Works as part of the all Wales Marine Benthic Invertebrate/sediment grab sampling programme 2019-2021.	
Location	NRW All Wales Marine Benthic/ Sediment Grab Sampling Sites, Neath Port Talbot Coastal Waters., Port Talbot	
Decision	No Objections	
Ward	n/a	



39	App No. P2019/0113	Type PriorNotif.Agric.Bld
Proposal	Prior Notification for an agricultural building for the storage of farm equipment and machinery	
Location	2 Dan Y Lan Farm, Lane From Fairyland Road To Dan Y Lan Farm, Tonna, Neath SA11 3QD	
Decision	Prior Approval Not Required	
Ward	Tonna	

40	App No. P2019/0149	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development Proposed	
Location	3 Cwrt Yr Eos, Coed Hirwaun, Port Talbot SA13 2UQ	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

Mae'r dudalen hon yn fwriadol wag

## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

#### a) Planning Appeals

**Appeal Ref:** A2018/0015      **Planning Ref:** P2018/0223

**PINS Ref:** APP/Y6930/A/18/3215464

**Applicant:** Miss Kasia Morgan

**Proposal:** Two storey rear extension and creation of parking area to the front of dwelling

**Site Address:** 133 Ynysmeudwy Road, Ynysmeudwy  
Pontardawe, Swansea

**Appeal Method:** Written Representations

**Decision Date:** 31<sup>st</sup> January 2019

**Decision:** Dismissed

[Appeal Decision Letter](#)

Planning application ref. P2018/0223 was approved on 18 May 2018 and planning permission was granted subject to conditions.

This appeal related to a disputed condition which states that:

*'The permission hereby approved shall not relate to the hardstanding and creation of the off street car parking and vehicular access onto the classified highway, as identified on drawing ref 002-1'.*

The Inspector considered the main issues to concern the effects that removing the disputed condition would have on the character and appearance of the area and highway safety.

### *Character and Appearance*

The development relates to a traditional mid terrace property set back from a busy main road with a deep front garden.

The Inspector noted the property to form part of a traditional mid-terraced property which, while altered over time, retains some visual consistency in the modest form and style of the dwellings and the relatively even set back from the road. The terrace lies in a semi-rural setting and the soft landscaped form of the front gardens are important qualities that make a positive contribution to this context.

The existing front wall has been mostly demolished and I understand that there are no preservation orders or restrictions on the frontage. Nonetheless, the removal of the front garden and its replacement with a large area of hard surfacing and parked vehicles would introduce a harsh, overtly urban feature that would detract from the pleasant verdant appearance of the terrace. The removal of the front wall has also opened up the site in public views so that the unacceptable visual effects of the proposed parking area would be readily apparent.

For these reasons she found that removing the disputed condition would result in harm to the character and appearance of the area contrary to the objectives of Policy BE1 of the Neath Port Talbot Local Development Plan (LDP) to ensure good design.

### *Highway Safety*

The proposal would create a parking area where no parking currently exists for the property. Whilst 3 spaces would normally be required for new development, given the existing parking situation the Inspector did not consider this requirement to be relevant.

She found the driveway to be of insufficient width to allow for vehicles to turn, especially if more than one vehicle was to be parked there. As a consequence, there would be a high probability that vehicles would need to be reversed onto or off the driveway.

While acknowledging that flexibility should be applied to any guidance in the light of each individual case, she observed that

although Ynysmeudwy Road is subject to a 30mph speed, many vehicles travelling in excess of this.

Noting also that visibility to the east of the driveway is restricted by the gradient of the road, and falls short of the standards required by Technical Advice Note 18 Transport, she further concluded that drivers on the main road and persons emerging from the driveway, especially if reversing, would have insufficient warning of one another leading to a significant risk of conflict.

Accordingly, removing the condition would cause unacceptable harm to highway safety interests. This would conflict with the objectives of LDP Policies TR2 and BE1.

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