



**REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET  
BOARD**

***Immediately Following Scrutiny Committee on  
FRIDAY, 12 APRIL 2019***

**COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE**

**PART 1**

1. Appointment of Chairperson
2. Declarations of Interest
3. Forward Work Programme 2018/19 (*Pages 5 - 6*)
4. Rural Development Plan 2014-2020 (*Pages 7 - 12*)  
*Report of the Head of Participation*
5. Neath Port Talbot Local Development Plan (LDP) – Consideration of: the responses to the comments received following consultation on draft Supplementary Planning Guidance (SPG); and the adoption and publication procedures to be implemented (*Pages 13 - 114*)  
*Head of Planning and Public Protection*
6. Alleged Public Footpath from Darwin Road to Newbridge Road, Community of Sandfields (*Pages 115 - 132*)  
*Report of the Head of Legal Services*
7. Application to upgrade Footpaths No's 1 and 2 to a Public Bridleway, Community of Blaenhonddan (*Pages 133 - 156*)  
*Report of the Head of Legal Services*
8. Alleged Public Footpath from Earlsfield Close to Glyneath Library

(A-B) Community of Glyneath (*Pages 157 - 174*)  
*Report of the Head of Legal Services*

9. Urgent Items  
Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).

## **PART 2**

10. Access to Meetings  
To resolve to exclude the public for the following items pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290 and the relevant exempt paragraphs of Part 4 of Schedule 12A to the Local Government Act 1972.
11. Proposed Renewal of the Lease and Service Level Agreement to the Field Studies Council of the Discovery Centre at Margam Country Park Port Talbot (*Pages 175 - 186*)  
*Private joint report of the Head of Property and Regeneration and the Head of Transformation*
12. Former Caewern Upper Respite Home, Bryncoch, Neath (*Pages 187 - 192*)  
*Private Report of the Head of Property & Regeneration*
13. Neath Town Centre Redevelopment (*Pages 193 - 198*)  
*Private Report of the Head of Property and Regeneration*

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

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

**8 April, 2019**

### **Cabinet Board Members:**

**Councillors:** A.Wingrave

**Notes:**

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

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# REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

## 2018/2019 FORWARD WORK PLAN (DRAFT)

DATE	Agenda Items	Type (Decision, Monitoring or Information)	Rotation (Topical, Annual, Biannual, Quarterly Monthly)	Going to Sub Committee Before? Yes/No	Contact Officer/Head of Service
<b>31 May 2019</b>	Active Travel Update	Info	Annual		Nicola Pearce/ Lana Beynon
	Energy Performance Report 2018	Info	Annual		Simon Brennan/Chris Jones

## REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

### To be programmed in:

- Tai Tarian – Update Local Lettings Policy Bush Row – RSD Cabinet 18.1.19 (update to Cabinet approx. 6 months – June 2019)
- Rhondda Tunnel (NP & SB)
- Budget Only Meetings
- Business Plans (if needed)
- 2018/19 Quarterly Performance Monitoring
- Various Supplementary Planning Guidance (SPGs) (pre and post consultation)
- Commissioning Strategy for Substance Misuse
- Public Space Protection Order
- Energy Performance Report 2019 (to be reported December 2019)

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration and Sustainable Development Cabinet Board

12th April 2019

### Report of the Head of Participation – Chris Millis

#### Matter for Information

#### Wards Affected:

All Rural Wards of Neath Port Talbot:

1. Aberdulais
2. Blaengwrach
3. Bryn & Cwmavon
4. Brynamman (Lower)
5. Bryncoch North
6. Coedffranc West
7. Crynant
8. Cwmllynfell
9. Cymmer
10. Dyffryn
11. Glyncorrwg
12. Glynneath

13. Godrergraig
14. Gwaun Cae Gurwen
15. Gwynfi
16. Margam
17. Onllwyn
18. Pelenna
19. Pontardawe
20. Resolven
21. Rhos
22. Seven Sisters
23. Taibach
24. Ystalyfera

## **Rural Development Plan 2014-2020**

### **Purpose of the Report**

To update Members and to give an overview of the Rural Development Plan 2014-2020 and describe what has been achieved in Neath Port Talbot during the current Programme.

### **Executive Summary**

The Rural Community Development team manages delivery of the Welsh Government and European Agricultural Fund for Rural Development (EAFRD) funded LEADER scheme and Rural Community Development Scheme (RCDF), and ensures that the Authority meets duties in relation to the administration and promotion of the schemes.



The LEADER Programme began in July 2015 and is making good progress against the targets outlined in our Local Development Strategy. To date, 15 projects have been funded, and over 1200 participants from across rural Neath Port Talbot have been supported. As things stand, we have allocated over 60% of our LEADER funding.

To date, we have supported more than 30 applications to the Welsh Government-administered Rural Community Development Fund for capital grants, and of those 9 were approved.

## **Background**

The Rural Development Plan 2014-2020 is jointly funded by the Welsh Government and the European Union via the European Agricultural Fund for Rural Development (EAFRD). The Programme was created to support Communities, pre-commercial business development and environmental causes in rural areas. Across Wales the Programme is worth £1 billion, and of this, roughly 10% is reserved for Community Development. The Community Development interventions are separated into two key schemes. Firstly, there is a scheme for capital investment called the Rural Community Development Fund, which is administered by Welsh Government Directly. Secondly, there is a revenue investment scheme called LEADER, and this is administered on a Local level by the Authority's Rural Community Development team.

## **LEADER**

LEADER funding can be used to fund innovative new projects that are primarily focussed in rural wards. There are five key themes that all prospective projects must fit under:

- Adding Value to Local Identity and natural and cultural resources
- Facilitating pre-commercial development and short supply chains
- Exploring new ways of providing non-statutory local services
- Renewable energy at community level

- Exploitation of digital technology

In order to be able to draw down funding, each area must set up a decision-making body called a Local Action Group (LAG). In Neath Port Talbot the LAG is called 'Regenerate NPT' and it is made up of equal numbers of Public, Private, and Third sector representatives. They meet quarterly, and it is their responsibility to assess each application for funding objectively and robustly so that only the very best projects are funded.

The administration of the LAG is carried out by the Rural Community Development team. This team is made up of 4 members of staff, all of whom are fully funded by the scheme. As well as administering the LAG, they are responsible for promoting the Programme, engaging prospective applicants, supporting projects which are up and running, carrying out research studies identified by the LAG, monitoring projects and reporting on their outcomes, and dealing with claims both from applicants, and to Welsh Government.

## **Funding**

In May 2015, following the submission of the Local Development Strategy, the Local Authority were successful in applying for £2,156,000 of LEADER funding. The new Programme officially started on 1st July 2015 and will run until 31st December 2020.

LEADER projects are funded on an 80/20 basis whereby applicants must have secured at least 20% of the total project cost in order to apply for up to 80%. To date, 15 projects have been approved, resulting in a total of £813,442 being allocated to projects.

## **Progress to date**

It is a requirement to report back to Welsh Government on a number of Key Performance Indicators and projects are continually monitored by the Rural Community Development team to ensure that sufficient progress is being made. To date, 1227 participants have been supported to learn new skills, attend events, take part in volunteering opportunities and enrol for formal training opportunities. Therefore we have already achieved 80% of our total target of 1542 participants supported. As well as this, 338 stakeholders have been engaged by our projects to ensure that the work

that is being implemented through the Programme synergises with other schemes and that the benefits are widely shared.

## **Rural Community Development Fund**

The Rural Community Development Fund (RCDF) is administered by Welsh Government, but LAGs and their administrative bodies are required to promote the scheme, offer support to new applicants, and comment on proposals from their area. RCDF grants are primarily capital, and can be used to support the following interventions in rural areas:

- Community Renewable schemes
- Broadband infrastructure
- Conversion of old buildings for community use
- Upgrading of existing community buildings/infrastructure
- Drawing up of development plans/proposals
- Maintenance/restoration of sites of cultural and natural heritage

## **Funding**

There is roughly £57 million available through this scheme pan Wales. Welsh Government open funding windows periodically with around £3,000,000 available during each one. Since the start of the Programme there have been 6 funding windows.

## **Progress to date**

The Rural Community Development team have supported Community Organisations across rural NPT to submit a total of 36 applications and of those, 9 project were given formal approval and were able to draw down approximately £800k in grants. RCDF was terminated on: 31/05/2018. A new fund Enabling Natural Resources and Well-being in Wales (ENRAW) Grant went live in July 18.

## **Financial Impact**

There are no financial impacts associated with this report.

## **Equality Impact Assessment**

There are no equality impacts associated with this report.

## **Workforce Impacts**

There are no workforce impacts associated with this report.

## **Legal Impacts**

There are no legal impacts associated with this report.

## **Risk Management**

There are no risk management issues associated with this report.

## **Consultation**

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

Recommendations

This report is for information only. Members are asked to note the report.

## **Officer Contact**

Gareth E. Jones - RDP Local Action Group Manager

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Regeneration and Sustainable Development Cabinet Board

12<sup>th</sup> April 2019

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

Nicola Pearce

#### Matter for Decision

**Wards Affected:** All

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

#### Purpose of the Report

- 1 To consider the responses to the comments received following consultation on draft SPG; and the adoption and publication procedures to be implemented.

#### Executive Summary

- 2 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.
- 3 The Historic Environment SPG was prepared for the purposes of consultation, with the formal consultation running for 6 weeks.
- 4 This report seeks endorsement of the responses to the comments received, together with the proposed amendments to the document and the adoption and publication procedures to be implemented.

#### Background

- 5 The Council, at its meeting on the 27<sup>th</sup> January 2016, adopted the Local Development Plan (LDP) which now provides the basis for decisions on land use planning in the County Borough up to 2026.

- 6 Whilst the LDP contains sufficient information and policies to provide the basis for the determination of planning applications through the development management process, opportunities have been identified throughout the Plan for further detailed guidance to be provided on particular issues.
- 7 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. While only policies in the LDP have special status in the determination of planning applications, SPG may be taken into account as a material consideration in the decision making process.
- 8 SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

### **Historic Environment SPG**

- 9 The Historic Environment SPG was prepared for the purposes of consultation. The consultation ran for 6 weeks from 9<sup>th</sup> January to 20<sup>th</sup> February 2019.
- 10 Supplementing LDP policies (SP21, BE2 and BE3), the SPG outlines the planning policy protections that are in place to safeguard and conserve as far as possible the historic assets of the County Borough; provides advice about the requirements that will need to be met where development is proposed that could affect any type of historic asset; and outlines the approach that will be taken when such proposals are considered.
- 11 In addition, the SPG incorporates a Schedule of Buildings of Local Importance (BLI), comprising a total of 224 buildings/structures (*Appendix A*) and also a schedule of 36 structures of interest identified along the canal network (*Appendix B*).

### **Consultation Responses**

- 12 The Council received a total of 149 comments from 14 different individuals or organisations. Responses and recommendations in relation to the comments received, highlighting proposed changes to the document where relevant, are set out in **Appendix 1**. A further 2 submissions were received after the close of the

consultation, both of which were classified as 'not duly made' and therefore do not form part of this report.

- 13 Members will note that a significant proportion of the comments received, related to the Schedule of BLIs presented in Appendix A of the SPG. In summary, of the 102 comments received:
- 97 suggested the inclusion of additional buildings/structures.
  - Of this figure, 9 related to buildings/structures that are already afforded 'scheduled' or 'listed' status; 6 related to buildings that are already identified on the schedule; and 1 related to a building that is located outside of the County Borough.
  - 2 related to comments of support.
  - 3 offered general observations on the schedule.
  - No comments sought the removal of any buildings/structures from the schedule.
- 14 In respect of the 81 suggestions that require further consideration, insufficient information has been provided by the representor to support the inclusion and as a consequence further investigatory / evaluation work will now need to be undertaken to determine whether or not there is sufficient justification for their inclusion.
- 15 This additional work follows the review already undertaken in respect of assessing the validity of the buildings/structures listed on the schedule and will occur in parallel to the assessment work underway evaluating the 12 buildings suggested by Members leading up to the start of the consultation period.
- 16 As before and as part of this process, local Members and the owners of the buildings / structures suggested will be consulted as far as practicable and invited to comment. Should this further work result in recommendations to add buildings / structures to the Schedule of BLIs, a supplementary report will be brought back to Cabinet Board for consideration, with the view to amend the published SPG.
- 17 At this stage however, a revised final version of the SPG, highlighting proposed amendments as 'tracked changes', is presented in **Appendix 2**. In addition to a limited number of minor editing changes to aid clarity, the main changes proposed to the SPG relate to the following:

- *Section 3.1 National Policy Context* – changes incorporated to account for the fact that Planning Policy Wales (PPW) Edition 10 was published in December 2018.
- *Section 4 The Conservation of the Historic Environment* – additional text added to account for the fact that developments may have an impact on archaeological remains and the approach that will need to be taken.
- *Section 4 The Conservation of the Historic Environment* – reference added to the availability and use of the Historic Environment Record (HER) managed by Glamorgan Gwent Archaeological Trust.

### **Adoption and Publication Procedures**

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

### **Financial Impact**

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

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

- 22 Even though SPG is non-statutory and does not require a Sustainability Appraisal (SA), the SEA Regulations may apply to certain types of SPG.



- 23 A Screening Exercise has been carried out which concluded that each of the two SPG would not result in significant environmental effects and would not therefore trigger the need for assessment.

### **Equality Impact Assessment**

- 24 In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an Equality Impact Assessment (EIA) Screening Exercise has been carried out.
- 25 The LDP was subjected to a Sustainability Appraisal (SA) process which included an assessment of the LDP policies and proposals on equalities (including sex, age, race and disability issues). These aspects have therefore been assessed alongside all the other sustainability and environmental issues, enabling the effects of the Plan to be fully assessed.
- 26 Given that the SA of the LDP incorporated an EIA, and the fact that the two SPG only provides guidance on the implementation of LDP policy, the Screening Exercise concluded that there is no requirement to carry out an additional separate exercise.

### **Workforce Impacts**

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

### **Legal Impacts**

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

### **Risk Management**

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

### **Recommendation**

- 30 That having considered the report, it is resolved to make the following recommendations for approval:
1. That the responses and recommendations to the representations received as set out in Appendix 1 be agreed.
  2. That the revised SPG as set out in Appendix 2 be agreed.

3. That the adoption and publication procedures as set out in the report are implemented.

### **Reasons for Proposed Decision**

- 31 The recommendations are needed to:
  1. Ensure that clear supplementary guidance is issued by the Council in respect of 'The Historic Environment'.

### **Implementation of Decision**

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

### **Appendices**

- 33 Appendix 1 – Responses & Recommendations to the SPG Representations.
- 34 Appendix 2 – The Historic Environment SPG (Tracked Changes – April 2019).

### **List of Background Papers**

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

- 35 Planning and Compulsory Purchase Act 2004.
- 36 Well-Being of Future Generations (Wales) Act 2015.
- 37 Environment (Wales) Act 2016.
- 38 The Town and Country Planning (Local Development Plan) (Wales) (Amended) Regulations 2015.
- 39 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
- 40 The Conservation (Natural Habitats, &c.) Regulations 1994.
- 41 EC Directive 92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive).

#### ***Planning Policy / Guidance:***

- 42 Neath Port Talbot CBC Local Development Plan (2011-2026).
- 43 Planning Policy Wales Edition 10 (2018).
- 44 Technical Advice Notes (TANs).

### **Officer Contact**

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

## **APPENDIX 1**

### Responses and Recommendations to the SPG Representations

# The Historic Environment SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<a href="#">3</a>	Mr R W Ebley		General Comment		In order that any action taken is effective the Council needs to achieve and maintain ISO (International Standards Organisation) standards in management and service delivery.	The comment is noted.	Not applicable.
<a href="#">34</a>	Mr Paul Sambrook	Trysor	General Comment		The SPG is a welcome document, and the draft lists of Buildings of Local Importance are vital. It is not clear how the list was drawn up however, or what methodology was followed to identify those buildings included. It is evident that there remain many other buildings of local importance within communities across NPT which are not included in the draft list but would be worthy of inclusion. It is a matter of concern that such buildings left off the list would thereafter become vulnerable and ignored.	<p>The methodology and criteria used for compiling the draft lists of BLI is set out in Appendix C of the SPG.</p> <p>It is acknowledged that there will be other buildings across the County Borough that may qualify for inclusion but are not yet on the list and a number of additional suggestions have been made as a result of this SPG public consultation. The BLI list will be reviewed periodically enabling additional suggestions to be put forward and considered where appropriate.</p>	That there be no change to the SPG in respect of this representation.
<a href="#">92</a>	K Thomas	Swansea Valley Historical Society	General Comment		All listed buildings in the area (Pontardawe, Trebanos, Alltwn and Rhos) and all Scheduled Ancient Monuments should be included.	It would not be appropriate to include all listed buildings and scheduled monuments on the BLI list since these already have statutory protection. The BLI list is intended to be a local list of structures that do not have existing protection.	That there be no change to the SPG in respect of this representation.
<a href="#">98</a>	David Michael	Neath Antiquarian Society	General Comment		This document contains the response of Neath Antiquarian Society to the consultation document issued by Neath Port Talbot County Borough Council on supplementary planning guidance relating to the historic environment. The Society is wholly supportive of the council's general approach in the draft guidance and welcomes increased attention to this area; the comments and suggestions set out below are intended to support and strengthen that approach.	The comment is noted.	Not applicable.
<a href="#">104</a>	David Michael	Neath Antiquarian Society	General Comment		<p>Much of the pressure for local lists of historic assets arises from the fact that localities were inspected for the compilation of schedules of listed buildings some years ago, and Cadw are reluctant and perhaps poorly resourced to revisit previous decisions or look at properties not previously inspected. A decision to list a particular structure will have been made by a well-qualified inspector but, inevitably, these are decisions of individuals and the result of this is that there is some perceived inconsistency. It has given rise to outcomes which are hard to understand such as the listing of a pillar-box which would have been manufactured in great numbers next to an ornate Victorian chapel which is not itself listed.</p> <p>The fact that the Castle Hotel was not listed despite the fact that it contains a range of buildings from the 18<sup>th</sup> century to the Victorian era coupled with its historical associations is difficult to explain.</p>	The comments are noted.	Not applicable.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					The Society welcome the fact that this exercise will extend some protection to assets which are not listed buildings but is conscious of the fact that there will in practice be a two tier protection depending on whether a structure is listed or not. The new policy is not a substitute for listed building status.		
<a href="#">97</a>	Mr Timothy Rees	Rich History Project Group	General Comment		<p>The proposed Historic Landscape is the mountainside environment that comprises Mynydd Dinas and the adjacent Mynydd y Gaer, Port Talbot. This upland area above the town of Port Talbot and districts of Baglan and Cwmafan has a number of historic schedule monuments and grade 2 listed buildings of national importance either on the mountains themselves or in close proximity including the following;</p> <ul style="list-style-type: none"> <li>• Plas Baglan 51.6157 N / 3.7978 W</li> <li>• Cwmclais castle mound or Castell Bowlen 51.6135 N / 3.781 W</li> <li>• Blaen Baglan grade 2 schedule building 51.618 N / 3.7921 W</li> <li>• St Baglan chapel 51.6156 N / 3.8016 W</li> <li>• Pen Castell iron age hill fort 51.6115N /3.7509W</li> <li>• Mynydd y Gaer or Buarth y Gaer - large iron age hillfort or enclosure within its boundaries it has a bronze age burial mound 51.6276N- 3.7849 W</li> <li>• Foel Fynyddau round cairn/deserted rural settlements/house platforms/remains of Stac y Foel 51.628 N / 3.7599W</li> <li>• Craig Ty Isaf 51.6254 N / 3.7979 W ; hill fort above Baglan</li> </ul> <p>As well as the established listed buildings and scheduled monuments there are a number of as yet unrecorded buildings and sites on Mynydd Dinas that are part of an ongoing project to establish an historic medieval trail on Mynydd Dinas in particular, which hopes to highlight the distinctly unique Welsh medieval history of Afan Wallia and the Princes/Lords of Afan occupation of the area with all its associated documented history.</p> <p>The project is being led by the RICH HISTORY volunteer group headed by Eirwen Hopkins of Swansea University who is working closely with the following officers from Neath Port Talbot council; Delyth Lewis; Anthony Taylor deputy Leader of council; Kayleigh Davies head of Tourism; Dennis Keogh mayor.</p>	<p>The designation of a 'Registered Historic Landscape' is undertaken by Cadw.</p> <p>The local designation of a landscape for historic interest reasons is not considered to come within the BLI or HASLI definition and it is not considered appropriate to make such a designation under the LDP BLI policy (Policy BE2).</p>	That there be no change to the SPG in respect of this representation.
<a href="#">99</a>	David Michael	Neath Antiquarian Society	General Comment		The Society became aware of the consultation through the Heritage Group only and it respectfully suggests that it, along with other local historical societies, should have been consulted directly about the draft document. The contact details of all these societies are readily available to the local authority through the Heritage Group.	The comment is noted. The LDP contact list will be checked and updated.	Not applicable.
<a href="#">128</a>	Mr	Trysor	General		A prime example of the deficiency in the current HERs are the	A significant number of schools and former	That there be no change to the SPG in

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Paul Sambrook		Comment		<p>lack of school buildings included in the record. At present only two schools within NPT are protected as Listed Buildings, only five are recorded in the regional HER for NPT, and within the consultation document only 10 schools are named in the draft list of Buildings of Local Importance, only one of which remains in use as a school. An unknown number of former school buildings are located within NPT and 63 schools are currently open.</p> <p>It is clear that all schools and former schools within the County Borough should be considered to be Buildings of Local Importance. Many certainly possess architectural and historical qualities which should be recognised and many schools add to settlement character value and some are indeed dominant in their local landscape, as well as dominant in the culture and character of their community. Their general absence from the list could be described as a major shortcoming.</p> <p>We would recommend that all schools and former schools within the County Borough are therefore considered for inclusion on the list of Buildings of Local Importance and assessed against the five criteria.</p>	<p>schools were assessed as part of the compilation of the draft BLI list, but it is acknowledged that there may be other school buildings that should be considered.</p> <p>The BLI list will be reviewed periodically enabling further information and additional suggestions to be put forward and considered where appropriate.</p>	respect of this representation.
119	David Michael	Neath Antiquarian Society	General Comment		<p>Generally and not in application to any particular area, some consideration should also be given to identifying worthwhile examples of the use of slag blocks as a building material. This material was a by-product of metal manufacture and a truly distinctive local feature which only appears in other areas where there has been extensive metal manufacture. Despite the unattractive description some of these blocks are in fact attractive and extremely varied in design. We would be happy to identify some suitable examples.</p>	<p>Full information and further consultation are required prior to possible inclusion of the features on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>
125	David Michael	Neath Antiquarian Society	General Comment		<p>In conclusion the Society would again emphasise that it supports and values the fact that the council has looked at this area. We realise that not everything can be preserved. Where appropriate, uses can be identified for local historical assets such as buildings this can be the best way of ensuring their long-term preservation. We feel that these assets can truly be of use and value to the community.</p> <p>We particularly acknowledge the financial constraints on the local authority in terms of its activities. Sometimes the only practical way forward is to cooperate with other agencies and community groups to preserve assets for future generations or at least ensure that they are not lost entirely.</p> <p>Sadly then are a number of assets which are on the brink and they are a reminder that official status will not, of itself, ensure that they survive.</p>	<p>The comments are noted.</p>	<p>Not applicable.</p>
127	Mr Paul	Trysor	General Comment		<p>The basic information relating to such buildings is often not included in the statutory Historic Environment Record (HER)</p>	<p>It is recognised that the HER will not contain full information about all the historic assets</p>	<p>That the following amendment be</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Sambrook				<p>and therefore planning officers and their advisors would not be aware of the existence of buildings of note and therefore when they make decisions may not be in a position to make appropriate recommendations relating to the recording of such buildings.</p> <p>A second recommendation would be that urgent attention is given to strengthening the Historic Environment Record for the NPT area. At present the HER is notably weak with regard to the record for civic and industrial buildings.</p> <p>Finally, we would recommend that all buildings included on the list of Buildings of Local Importance are also added to the regional Historic Environment Record in order to ensure that the relevant information is available for planning officers and their advisors when making decisions.</p>	<p>within any area.</p> <p>The HER is maintained by the Welsh Archaeological Trusts on behalf of the Welsh Ministers. Once the BLI list has been adopted, it will be sent to Glamorgan Gwent Archaeological Trust to be considered for incorporation within the HER where appropriate.</p>	<p>incorporated into the SPG:</p> <p>Add additional paragraph following the paragraph about the HER (added as a result of Rep ID19):</p> <p><b><i>'Local authorities have an important role in contributing to the HER and once it has been adopted, the Schedule of Buildings of Local Importance (Appendix A) will be sent to Glamorgan Gwent Archaeological Trust for inclusion as appropriate in the HER.'</i></b></p>
129	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	General Comment		<p>The regional Historic Environment Record, as made statutory under the Historic Environment (Wales) Act 2016, has very little recorded for our area and does not give an adequate record of the built heritage or our community. Similarly the National Monuments Record held by the RCAHMW in Aberystwyth.</p> <p>This lack of record means that when planning applications are looked at by the LA important buildings and structures to our community are vulnerable to being lost with no record being made. There also seems to be very little reference to the HER in the SPG generally</p>	<p>The comments are noted. Amendments are proposed to the text of the SPG to include more information about the HER (refer to Rep ID19).</p>	<p>That there be no change to the SPG in respect of this representation.</p>
6	Mr R W Ebley		2		<p>ISO standards in management are needed.</p>	<p>The comment is noted.</p>	<p>Not applicable.</p>
100	David Michael	Neath Antiquarian Society	2	2.0.18	<p>The correct spelling of the name of Alfred Russel Wallace contains only one "l" in the middle name. He was not merely an associate of Darwin; he independently formulated a theory of evolution of species by natural selection and the papers of both naturalists were presented to the same meeting of the Linnaean Society in 1858.</p>	<p>It is accepted that the paragraph should be amended.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Amend Para 2.0.18 to read:</p> <p><b><i>'...and Alfred Russell Wallace (naturalist who independently formulated a theory of evolution and was an associate of Charles Darwin).'</i></b></p>
102	David Michael	Neath Antiquarian Society	2	2.0.19	<p>The Welsh Rugby Union was founded at the Castle Hotel in 1881 rather than 1882.</p>	<p>The point is noted and the paragraph should be amended.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Amend Para 2.0.19 to read:</p> <p><b><i>'...with the Welsh Rugby Union being founded in the Castle Hotel in 1882 1881'</i></b></p>
101	David	Neath	2		<p>Sadly there is no documentary proof that Lord Nelson stayed</p>	<p>The comment is noted. The text indicates only</p>	<p>That there be no change to the SPG in</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Michael	Antiquarian Society			at the Ship and Castle Inn which is now the Castle Hotel.	that Nelson is <i>said to have</i> stayed at the hotel.	respect of this representation.
		Glamorgan-Gwent Archaeological Trust	3	3.1	<p>The Historic Environment is a material consideration in the planning process and we support the production of this document.</p> <p>The draft includes the hierarchy of legislation, policy and best practice guidance which is used in Wales. However, we note that the current edition is Planning Policy Wales Edition 10, rather than that quoted in the draft, specifically Chapter 6: Distinctive and Natural Place, particularly Paragraphs from 6.1 to 6.1.32. This has changed considerably from Edition 9, and since the introduction of the legislation relating to Welsh Government's wider objectives.</p>	The comment is accepted and it is agreed that the paragraphs should be amended to refer to PPW Edition 10.	<p>That the following amendments be incorporated into the SPG:</p> <p>Amend Paras 3.1.5 to 3.1.7 to read:</p> <p><b>Planning Policy Wales (PPW) Edition 9 10 (2016 2018)</b></p> <p><i>PPW sets out Welsh Government policy and guidance and was amended in 2016 to take into account changes introduced by the Historic Environment (Wales) Act completely revised in 2018 in order to ensure that the planning system fully addresses the vision and requirements of the Well-being of Future Generations Act. The overall approach to be taken in relation to the historic environment is set out in Chapter 6 (Distinctive and Natural Places) which identifies the key issue in relation to the historic environment of:</i></p> <p><b>"Loss of venues for cultural activities or historic assets: understanding and addressing the challenges of loss of cultural features which give places their unique feel, including those subjected to particular pressure as a result of increasing demands for urban living."</b></p> <p><b>The document sets out the Welsh Government's specific objectives for the historic environment together with guidance on roles and responsibilities and the planning approach to be taken to the various categories of historic areas, sites, buildings and other remains.</b></p> <p>The identified <del>general</del> <b>specific</b> objectives are:</p> <ul style="list-style-type: none"> <li>• <u>Conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;</u></li> </ul>



ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
							<ul style="list-style-type: none"> <li>• <i>Recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;</i></li> <li>• <i>Base decisions on an understanding of the significance of Wales' historic assets;</i></li> <li>• <i>Contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change, and ensuring that this record or the results of any investigation are securely archived and made publicly available.</i></li> <li>• <b>Protect the Outstanding Universal Value of the World Heritage Sites;</b></li> <li>• <b>Conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;</b></li> <li>• <b>Safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;</b></li> <li>• <b>Preserve or enhance the character or appearance of conservation areas, whilst at the same time helping them remain vibrant and prosperous;</b></li> <li>• <b>Preserve the special interest of sites on the register of historic parks and gardens; and</b></li> <li>• <b>Protect areas on the register of historic landscapes in Wales.</b></li> </ul>
4	Mr R W Ebley		3	3.1	ISO standards are needed.	The comment is noted.	Not applicable.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<a href="#">11</a>	Mr R W Ebley		3	3.2	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">18</a>		Glamorgan-Gwent Archaeological Trust	4		The proportion of undesignated historic assets relative to designated: those undesignated are of a much higher proportion, some 95%, and awareness of these sites, features and finds, needs to be made clear both for educational purposes and also in case of potential development.	The point is accepted and it is agreed that additional text should be added to Chapter 4 to clarify this issue.	<p>That the following amendments be incorporated into the SPG:</p> <p>Add additional paragraph before Para 4.0.1:</p> <p><b><i>'Historic remains, features and buildings may take a wide variety of forms from archaeological deposits to large extant buildings and structures. Some 95% of historic assets are not formally designated, but all historic sites, features and finds need to be taken into account for their intrinsic historical and educational value when any development is proposed'.</i></b></p> <p>Amend Para 4.0.1 to read:</p> <p><del>There are various provisions made for the protection of historic assets depending on their significance. Where assets have been formally designated, the strength of protection is related...</del></p>
<a href="#">20</a>		Glamorgan-Gwent Archaeological Trust	4		<p>The impact of development on any buried archaeological resource or on the built and historic environment may on both designated and non-designated assets, may be both physical and visual (setting); potentially with a need for archaeological mitigation.</p> <p>It is likely that any proposed development, whether small scale or large scale, will require planning or listed building permission, and consultation with ourselves at early stage, as your Authority's archaeological advisors, is strongly advised; we can then supply any appropriate recommendations for mitigation, including recommendations for exclusion of some areas, and monitor archaeological work.</p> <p>For larger scale developments, pre-determination mitigation may include archaeological and historic environment assessments, including geophysical or other survey, and potentially field evaluation; there may remain the potential for post-determination fieldwork, post-excavation and reporting. The earliest stage consultation and implementation of mitigation is strongly recommended. As noted, for sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with the newly released Planning</p>	<p>It is accepted that additional information should be incorporated in the SPG about archaeological remains and the approach to be taken.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Add additional section after the new paragraph concerning HER (Rep ID19) and before Para 4.0.1:</p> <p><b><i>'Developments may have an impact on archaeological remains, whether they are designated or non-designated assets, and this may include both physical and visual (setting) effects. Measures may be required for archaeological investigation, recording and/or preservation. Depending on the importance of the archaeological resource, this may range from the preservation of the remains and setting in situ, to pre-determination mitigation (including archaeological and historic environment assessments, geophysical or other survey work, and field evaluation). In addition there may be the potential for</i></b></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>Policy Wales Edition 10 December 2018, Chapter 6: Distinctive and Natural Places, and the TAN24: The Historic Environment.</p> <p>The impact on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes. These responses are necessary to enable the management of impacts on the archaeological resource and cultural heritage.</p> <p>The above information should also be incorporated into the SPG, as it is likely to be read in conjunction with early stage considerations for development.</p>		<p><i>post-determination fieldwork, post-excavation and reporting.</i></p> <p><i>Impacts on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments, or Registered Historic Landscapes.</i></p> <p><i>Further information about the approach taken to archaeological issues is given in TAN24. Developers are encouraged to use the Council's pre-application service so that such matters can be discussed at an early stage prior to the submission of a formal planning application'.</i></p>
22	Page 27	Glamorgan-Gwent Archaeological Trust	4		<p>If archaeological mitigation work proves necessary, it is our Policy to recommend that all archaeological work undertaken in relation to planning and development issues should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists and it is our Policy to recommend that either a Registered Organisation with the CIfA or a member with MCIa level membership should undertake the work (<a href="http://www.archaeologists.net/codes/cifa">www.archaeologists.net/codes/cifa</a> and <a href="http://www.archaeologists.net/ro">www.archaeologists.net/ro</a>).</p>	<p>The information is noted and the recommendations should be implemented where appropriate in the determination of planning applications.</p>	<p>That there be no change to the SPG in respect of this representation.</p>
7	Mr R W Ebley		4		<p>ISO standards are needed.</p>	<p>The comments are noted.</p>	<p>Not applicable.</p>
19		Glamorgan-Gwent Archaeological Trust	4		<p>The Historic Environment Record should be mentioned, both for its role in development terms and as a fully resource, given its definition within the Historic Environment (Wales) Act 2016.</p>	<p>It is acknowledged that reference should be made to the Historic Environment Record and its use.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Add additional paragraph after Para 4.0.1:</p> <p><b><i>'Historic Environment Record</i></b></p> <p><b><i>The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is contained in the historic environment record (HER) for Neath Port Talbot, which is managed by Glamorgan Gwent Archaeological Trust on behalf of the Welsh Ministers. Information from the HER is used to inform the planning process and in the determination of planning applications'.</i></b></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<a href="#">21</a>		Glamorgan-Gwent Archaeological Trust	4		Additionally, the potential for defining Archaeologically Sensitive Areas should be considered by your Authority. These are areas defined for their concentration of historic assets and or buried archaeological resource, and are intended to raise awareness for consultation and mitigation at early stage in the development and planning process. We have defined these by both plan and written descriptions; and have set them within Historic Environment SPGs which we have written for other Authorities in South East Wales.	<p>The point is noted and it is agreed that the designation of Archaeologically Sensitive Areas could usefully be incorporated.</p> <p>This is a matter that should be considered through review of the LDP and future version of the Historic Environment SPG.</p>	That there be no change to the SPG in respect of this representation.
<a href="#">8</a>	Mr R W Ebley		4	4.1	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">15</a>	Mr R W Ebley		4	4.2	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">14</a>	Mr R W Ebley		4	4.3	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">13</a>	Mr R W Ebley		4	4.4.1	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">12</a>	Mr R W Ebley		4	4.4.2	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">28</a>	Mr Peter Richards		4	4.5	Policy BE2 (refer to Section 3.2) comes into effect when developments or changes are proposed that <i>require planning permission</i> under current regulations. This should be strengthened so that additional permission would have to be sought for changes that do not require planning permission. For example, a Georgian house that has been converted into terrace accommodation should have a uniform colour scheme, railings and gates of its original era, and matching doors and windows to maintain its character. Deviations from this are detrimental to the character of the building and should not be allowed.	<p>While it would be possible to remove specific permitted development rights for particular buildings by the serving of an Article 4 Direction, the particular interest features to be protected will depend on the building concerned and normally additional protection (where considered necessary) should be provided by Statutory Listing or the designation of a Conservation Area in the first instance, as appropriate.</p> <p>The issue of grant funding is not something that the Council can influence through the SPG.</p>	That there be no change to the SPG in respect of this representation.
<a href="#">10</a>	Mr R W Ebley		4	4.5	ISO standards are needed.	The comment is noted.	Not applicable.
<a href="#">103</a>	David Michael	Neath Antiquarian Society	4	4.5.5	The term adopted by the policy to identify assets which are subject to a degree of protection is "Buildings of Local Importance". This paragraph in the consultation document makes it clear that the term incorporates Historic Assets of Special Local Interest as defined in the Cadw guidance "Managing Lists of Historic Assets Of Special Local Interest in Wales" (which refers to assets other than buildings). However it is inevitable that the use of this term Buildings of Local	<p>The term <i>Buildings of Local Importance</i> is the term used in the LDP and in particular Policy BE2. The LDP was adopted before the Cadw guidance (which introduced the <i>Historic Assets of Special Local Interest</i> terminology) was published .</p> <p>The Historic Environment SPG is guidance</p>	That there be no change to the SPG in respect of this representation.

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					Importance, will lead some persons to assume that the scope of the policy only extends to buildings. The Society wonders whether it would have been clearer and more appropriate to stick with the wording contained in the Cadw guidance albeit that it is longer.	explaining and expanding upon the implementation of LDP policy and cannot be used to change the LDP, which will consequently continue to refer to BLI. This issue cannot therefore be addressed until the LDP is formally reviewed.	
9	Mr R W Ebley		4	4.6	ISO standards are needed ASAP.	The comment is noted.	Not applicable.
24	Mrs Jane Hennell	Canal and River Trust	4	4.6.4	Details are given of the Swansea canal and its current status. This section should be amended slightly to include mention of the proposal to restore the canal and in particular the restoration work being carried out by the Swansea Canal Society.	It is accepted that more information should be added to this paragraph to cover restoration proposals.	That the following amendment be incorporated into the SPG:  Add the following to Para 4.6.4:  <b><i>'However, there are proposals to restore sections of the canal, and Swansea Canal Society is currently undertaking restoration works'.</i></b>
Page 29	Mrs Jane Hennell	Canal and River Trust	4	4.6.20	<p>This paragraph states that Criterion 2 of policy BE3 applies to remaining parts of the canal network that may have been infilled or abandoned, but where there remains the possibility of future reinstatement. If development is proposed in these areas, it should be designed and laid out to ensure that sufficient space is retained to reinstate the canal along its historic alignment and that no buildings, permanent structures or access roads are proposed that do not take this into account.</p> <p>The precise requirements will depend on the circumstances of the site concerned and it is recommended that developers instigate pre-application discussions with the Planning Department at an early stage).</p> <p>Whilst the spirit of this section is welcomed the Trust has always promoted the idea that the restoration of the canal may be best achieved in some locations by a slight realignment of the route. This is common practice in canal restorations elsewhere. If a development proposal could be improved, or at least not adversely affected, by allowing a slight realignment of the protected route for the canal in order to facilitate its delivery, then this could be acceptable and explored at pre-application stage.</p> <p>The Trust would welcome pre-application discussions with developers, not only in our role as statutory consultee but also as owner of the canal, in order to properly understand the development proposal and engage in early discussions regarding the benefits a restored canal might bring to the scheme.</p>	<p>It is accepted that under some circumstances it may be appropriate for developments to be designed to retain space for an alternative canal alignment rather than the historic line, and the first amendment to the paragraph is therefore accepted.</p> <p>This would require discussions with various interested parties and regulatory bodies as part of the pre-application procedure, including the owners of the canal. It is not considered necessary to list all relevant parties within para 4.6.20. The need for the second proposed amendment to the paragraph is therefore not accepted.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Amend Para 4.6.20 to read:  <b><i>'...or an agreed revised alignment'</i></b> after <b><i>'...along its historic alignment'</i></b>.</p>
25	Mrs Jane Hennell	Canal and River Trust	4	4.6.20			

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					It is therefore suggested that this paragraph is amended; <i>Criterion 2 of policy BE3 applies to remaining parts of the canal network that may have been infilled or abandoned, but where there remains the possibility of future reinstatement. If development is proposed in these areas, it should be designed and laid out to ensure that sufficient space is retained to reinstate the canal along its historic alignment or an agreed revised alignment and that no buildings, permanent structures or access roads are proposed that do not take this into account. The precise requirements will depend on the circumstances of the site concerned and it is recommended that developers instigate pre-application discussions with the Planning Department and the owners of the canal (in the case of the Swansea Canal this is the Canal &amp; River Trust) at an early stage.</i>		
27	Mrs Jane Hennell	Canal and River Trust	4	4.6	The Trust would like to discuss with the Council whether there would be any benefits in the designation of the canal, or sections of it, as a Canal Conservation Area.	The comment is noted. The Canal and River Trust (Glandwr Cymru) should be consulted during any review of the County Borough's Conservations Areas.	That there be no change to the SPG in respect of this representation.
17	Page 30	Glamorgan-Gwent Archaeological Trust	Appendix A		<p>The draft SPG summarises the archaeological resources within the area, and draws attention to the designated historic assets. Many of these are detailed within the two appendices relating to the <i>Schedule of Buildings of Local Importance</i> and <i>Schedule of Canal Structures</i> both of which provide locational and photographic information. We note that this is supplemented by references from Coflein, the public portal for information for the Royal Commission on the Ancient and Historic Monuments of Wales.</p> <p>It should be noted that Coflein should not be used for information relating to any development or planning purposes as this is contrary to their terms and conditions, a copy of which can be viewed at <a href="https://rcahmw.gov.uk/terms-conditions/">https://rcahmw.gov.uk/terms-conditions/</a>. If the content of the list is to be consulted in any planning or development decisions, then a full Historic Environment Record (HER) search should be made. The HER is the Record which is both full and statutory.</p>	It is acknowledged that the information made available by the RCAHMW through the Coflein portal should not be used for commercial purposes and that a full Historic Environment Record search should be made in relation to any planning or development decisions. Additional text should be added to the SPG to clarify this point.	<p>That the following amendments be incorporated into the SPG:</p> <p>1. Additional information should be included in the SPG text about Historic Environment Records and their use (refer to Rep ID19).</p> <p>2. The following note be added at start of Appendices A and B:</p> <p><b><i>'Information quoted from Coflein is Crown Copyright: Royal Commission on the Ancient and Historical Monuments of Wales, and should not be used for any commercial purpose'.</i></b></p>
71	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Butchers Arms</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
74	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Brondeg House</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
84	D K Thomas	Swansea Valley Historical	Appendix A	Alltwen	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the	The Waun y Coed Colliery, Branch Canal and Tramroad Incline are Scheduled Monuments and as such would not be appropriate for	That there be no change to the SPG in respect of this representation.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
		Society			County Council:  The Waun Coed Wall, colliery site above the incline to Gellinudd.	designation as BLIs.	
<a href="#">62</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The Alltwen and Pontardawe Co-operative store on Alltwen Hill.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">70</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Gwyn Arms	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">75</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Tanyrallt House	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">86</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Alltwen	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The tramroad from the Tesco Footbridge through Alltwen at the bottom of Primrose Lane in Rhos.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">40</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Iron works, Heol Wenallt	The ironworks in Wenallt Road is already protected through being designated as a Scheduled Monument. It would therefore not be appropriate to designate the works as a BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">42</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Old bench at the bottom of Church Crescent	The location of the structure and the reasons that it should be included on the BLI list are not clear from the information submitted.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">44</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Air Raid Shelter, Church Crescent	The location of the structure and the reasons that it should be included on the BLI list are not clear from the information submitted.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">58</a>	Mrs Susan Roberts		Appendix A	Blaengwrach	I would like The Millennium Blaengwrach Witch sign along with its current ground location and its clear visibility from all angles protected.	Further information and consultation are required prior to possible inclusion of the feature on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					This sign is an important landmark to our settlements and famous worldwide. It is part of our historical environment. We as villagers of these settlements are proud of this sign.		
<a href="#">41</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Red Bridge, Cwmgwrach	The location of the structure and the reasons that it should be included on the BLI list are not clear from the information submitted.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">43</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Blaengwrach School	It is not clear which of the school buildings are suggested, and the reasons for inclusion have not been given.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">47</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Blaengwrach	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Blaengwrach Farm	Blaengwrach Farmhouse and the agricultural range are listed buildings. It is therefore not necessary or appropriate to include them on the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">109</a>	David Michael	Neath Antiquarian Society	Appendix A	Briton Ferry West	Consideration should be given to the inclusion of the pedestrian railings on the railway bridge approach at Church Street and at Regent Street West. These railings were manufactured by Taylor's foundry and should be included for their design and local interest.	Full information and further consultation are required prior to possible inclusion of the features on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">94</a>	Mr Timothy Rees	Rich History Project Group	Appendix A	Bryn & Cwmafan	Could you please add the following on your list of buildings/structures of local historical interest also a specific landscape of historic interest:  The New Inn situated off Cwmafan Road, Cwmafan, Port Talbot now a dwelling house but was previously an inn and pub that played an important role in the early industrial development of Cwmafan.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">93</a>	Mr Timothy Rees	Rich History Project Group	Appendix A	Bryn & Cwmafan	Could you please add the following on your list of buildings/structures of local historical interest also a specific landscape of historic interest:  Croft yr Odin site located in the Nant y Clais valley Cwmafan it comprises of a small wrought iron crucible furnace encased in a brick surround with a wall of furnace type bricks on the rear embankment of the site. There are ongoing investigations to establish if it was used by Sydney Gilchrist Thomas and his cousin Percy Carlisle Gilchrist as part of an industrial laboratory site used in their early experiments in 1875-76 to illuminate phosphorous from the steel making process.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">95</a>	Mr Timothy Rees	Rich History Project Group	Appendix A	Bryn & Cwmafan	Could you please add the following on your list of buildings/structures of local historical interest also a specific landscape of historic interest:	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.



ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					The Copper House, Heol Crwys, Cwmafan now a dwelling house but previously an inn and pub that played an important role in the early industrial development of Cwmafan.		
<a href="#">36</a>	Mr Jeffrey Griffiths		Appendix A	Bryncoch South	<p>I'm wondering if the Main Lodge next to St Matthew's Church, Dyffryn, is already listed or, if not, needs to be included as a BLI? It served as the principal entrance to the now demolished Dyffryn House and carries the Moore-Gwyn crest. It will be in the Bryncoch North Ward but there is also the Brick Lodge close by the current Vicarage which was likewise an entrance to the Dyffryn estate and its stabling. I presume The Grange, the Stable block to which this entrance way leads, is listed?</p> <p>I wanted to query that what is listed as Tyn yr Heol House is, in fact, the old farmhouse at the junction with the Main Road in Bryncoch?</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">37</a>	Mr Jeffrey Griffiths		Appendix A	Bryncoch South	I presume The Grange, the Stable block to which this entrance way leads, is listed?	The Grange, former stables and coach house to Dyffryn House, is a listed building.	That there be no change to the SPG in respect of this representation.
<a href="#">35</a>	Mr Paul Sambrook	Trysor	Appendix A	Cadoxton	The Gelliau Colliery office building should be considered a building of local importance. It has a distinctive tower but is now a private dwelling. It dates to the third quarter of the 19th century and stood alongside the tramway which came down from the colliery on the hill above.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">1</a>	Mrs Angharad Aubrey		Appendix A	Coedffranc Central	I am delighted that Carnegie Hall is listed as a building of local importance and I think that people should look at this as a positive as the building does have cultural and historic value. The building used to be the old library and I think most people would want to preserve its features and that it should be embraced and respected as it is a positive factor.	The comment of support is noted.	Not applicable.
<a href="#">29</a>	Mr Peter Richards		Appendix A	Dyffryn	I am pleased to see that Ty Mawr, the Ironmaster's house on New Road has been designated as a BLI. This building, with its links to the Neath Abbey Ironworks is of immense historical importance.	The comment of support is noted.	Not Applicable.
<a href="#">31</a>	Mr Jeffrey Griffiths		Appendix A	Dyffryn	<p>I'm wondering if the Main Lodge next to St Matthew's Church, Dyffryn, is already listed or, if not, needs to be included as a BLI? It served as the principal entrance to the now demolished Dyffryn House and carries the Moore-Gwyn crest. It will be in the Bryncoch North Ward but there is also the Brick Lodge close by the current Vicarage which was likewise an entrance to the Dyffryn estate and its stabling. I presume The Grange, the Stable block to which this entrance way leads, is listed?</p> <p>I wanted to query that what is listed as Tyn yr Heol House is, in fact, the old farmhouse at the junction with the Main Road in Bryncoch?</p>	Front Lodge, Dyffryn (next to St. Matthew's Church) is on the draft BLI list (Ref DYF006).	That there be no change to the SPG in respect of this representation.
<a href="#">33</a>	Mr Jeffrey		Appendix A	Dyffryn	I endorse the comments of another respondent regarding the historic importance of Ty Mawr which bears a plaque to	The comment is noted.	Not applicable.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Griffiths				Joseph Tregelles Price a person of immense historical importance.		
<a href="#">46</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Bevans Farm	The location of the suggested buildings and the reasons that they should be included on the BLI list are not clear from the information submitted.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">48</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Aberpergwm House and grounds	Aberpergwm House and gates are listed buildings. It is therefore not necessary or appropriate to include them on the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">50</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Abernant Hir Farm, Glynneath SA11 5RU, dates from 1640, believed to be the oldest farmhouse in the Vale of Neath	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">52</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  The viaduct at Pont Walby, Glynneath	The railway viaduct at Pontwalby is a listed building. It is therefore not necessary or appropriate to include it on the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">54</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Bethel Chapel, Glynneath	Bethel Chapel, High Street, Glynneath is on the draft list of BLI. It is therefore not necessary to add it to the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">56</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  The Angel Inn, Pontneddfechan	The Angel Inn Pontneddfechan is on the draft list of BLI. It is therefore not necessary to add it to the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">45</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Gunpowder Factory, Pontneathvaughan	The site is located outside of Neath Port Talbot County Borough.	That there be no change to the SPG in respect of this representation.
<a href="#">49</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Aberpergwm Church	Aberpergwm Church (Church of St. Cadoc), gates, railings and other features are listed buildings. It is therefore not necessary or appropriate to include them on the list of BLI.	That there be no changes to the SPG in respect of this representation.
<a href="#">51</a>	Mrs Emma	Blaengwrach Community	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document	The former Bethania Chapel is a listed building, together with the forecourt piers and	That there be no change in the SPG in respect of this representation.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Eynon	Action Group			as follows:  The former Bethania Chapel, High Street, Glynneath	railings. It is therefore not necessary or appropriate to include them on the list of BLI.	
<a href="#">53</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Addoldy Chapel, Glynneath	Addoldy Glynedd Chapel is on the draft list of BLI. It is therefore not necessary to add it to the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">55</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Capel y Glyn	Capel y Glyn, High Street, Heol y Glyn, Glynneath is on the draft list of BLI. It is therefore not necessary to add it to the list of BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">57</a>	Mrs Emma Eynon	Blaengwrach Community Action Group	Appendix A	Glynneath	As part of this consultation, I would like to put forward our residents suggestions for sites to be added to this document as follows:  Remains of the Derlwyn Farm buildings, Glynneath believed to date from Medieval times	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">131</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  All our remaining schools - we lost one school a couple of years ago when it was demolished. Out of the remaining four buildings two are now closed. They are all large buildings and give character and structure to each village. They link to periods of education reform and change and have strong links to people's sense of place and personal memories. The schools are <u>Gwaun Cae Gurwen</u> (still open, started as a secondary school and then became the primary school. It still has a detached gym building), Tairgwaith (still open, village primary), Cwmgors (closed) and Ysgol y Glyn (closed).	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">132</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  All our remaining schools - we lost one school a couple of years ago when it was demolished. Out of the remaining four buildings two are now closed. They are all large buildings and give character and structure to each village. They link to periods of education reform and change and have strong links to people's sense of place and personal memories. The schools are Gwaun Cae Gurwen (still open, started as a secondary school and then became the primary school. it still has a detached gym building), Tairgwaith (still open, village primary), <u>Cwmgors</u> (closed) and Ysgol y Glyn (closed)	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">134</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Blaengwrach	These are additional buildings and structures we have	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					identified that should be considered:  Old Carmel chapel - now reduced to foundations but an important link in our communities history		
<a href="#">136</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Red telephone box in Cwmgors (these kiosks are listed in other areas - this telephone box is still in situ, although not in use, and owned by the community council	Full information and further consultation are required prior to possible inclusion of this feature on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">138</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Crescis Cafe - former Italian cafe with a history	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">135</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Three "GR" red wall postboxes (we did have four until the former post office was demolished recently and the wallbox removed)	Full information and further consultation are required prior to possible inclusion of the features on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">137</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  The "Bufs", the RAOB building which although in poor repair is still a reasonably sized building	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">140</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Miners Federation Hall between GCG and Tairgwaith, the current building was built in 1937 after the former building burnt down, but has links with the mining past, now gone.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">142</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Buildings between GCG and Tairgwaith and opposite Canolfan Maerdy which may be remains of former colliery buildings	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">144</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Carreg y Ffylfan on the common - a glacial erratic which is said to be where ponies stopped on route from Ystalyfera Ironworks to Llandyfan Forge	Full information and further consultation are required prior to possible inclusion of this feature on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">146</a>	Ms Jenny	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have	Full information and further consultation are required prior to possible inclusion of this	Further investigatory / evaluation work to be undertaken to determine suitability for

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
	Hall				identified that should be considered:  Two milestones on Graig Road and <u>Brynamman Road</u> (one on the Banwen in Lower Brynamman is already a Listed Building)	feature on the BLI list.	inclusion on the Schedule of BLIs.
<a href="#">148</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  The New Star Inn (more recently known as TJs and the Queen of Hearts) in Cwmgors	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">150</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Abernant Inn/Brewery (or Cornucopia, now private housing).	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">152</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Neuadd	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">139</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  The former Efail - gives Twyn yr Efail its name.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">141</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Former Lloyds bank and adjacent building in GCG.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">143</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  The Old Police Station in GCG.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">145</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Two milestones on <u>Graig Road</u> and Brynamman Road (one on the Banwen in Lower Brynamman is already a Listed Building).	Full information and further consultation are required prior to possible inclusion of this feature on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">149</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  The Mount in GCG.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">151</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Cold War nuclear bunker above viaducts.	Full information and further consultation are required prior to possible inclusion of this building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<a href="#">153</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Gwaun-Cae-Gurwen	These are additional buildings and structures we have identified that should be considered:  Additional shops, - Albion House, Butchers etc.	Full information and further consultation are required prior to possible inclusion of this building(s) on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">131</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Lower Brynamman	These are additional buildings and structures we have identified that should be considered:  All our remaining schools - we lost one school a couple of years ago when it was demolished. Out of the remaining four buildings two are now closed. They are all large buildings and give character and structure to each village. They link to periods of education reform and change and have strong links to people's sense of place and personal memories. The schools are Gwaun Cae Gurwen (still open, started as a secondary school and then became the primary school. It still has a detached gym building), <u>Tairgwaith</u> (still open, village primary), Cwmgors (closed) and Ysgol y Glyn (closed).	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">133</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Lower Brynamman	These are additional buildings and structures we have identified that should be considered:  All our remaining schools - we lost one school a couple of years ago when it was demolished. Out of the remaining four buildings two are now closed. They are all large buildings and give character and structure to each village. They link to periods of education reform and change and have strong links to people's sense of place and personal memories. The schools are Gwaun Cae Gurwen (still open, started as a secondary school and then became the primary school. It still has a detached gym building), <u>Tairgwaith</u> (still open, village primary), Cwmgors (closed) and <u>Ysgol y Glyn</u> (closed).	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.
<a href="#">32</a>	Mr Jeffrey Griffiths		Appendix A	Neath East	Mynachlog Nedd Junior School is now known as The Abbey School.	It is acknowledged that the school is now called Ysgol Gynradd Abbey/Abbey Primary School, and the BLI list should be amended accordingly.	That the following amendment be incorporated into the SPG:  The draft BLI list be amended (Ref DYF005) to change the name of the school to <b><i>Ysgol Gynradd Abbey/Abbey Primary School.</i></b>
<a href="#">111</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath East	Since consideration has been given to the inclusion of a number of public houses, the Borough Arms, Henry Street should be considered for inclusion on the basis of its traditional frontage and contribution to the street scene	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">109</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath East	On the basis that other chapels have been included consideration should be given to the inclusion of the Herbert Road chapel.	Ebenezer Baptist Church Herbert Road is already on the draft BLI list.	That there be no change to the SPG in respect of this representation.
<a href="#">112</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath East	Since consideration has been given to the inclusion of a number of public houses, the Borough Arms, Henry Street should be considered for inclusion on the basis of its traditional frontage and contribution to the street scene as should the <u>Pennsylvania</u> (formerly known as the Glamorgan	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					and the New Inn) on the basis of its prominent location and the survival of its original rendering.		
<a href="#">108</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	The town quay features still visible on the eastern riverbank from Bridge Street downstream to the warehouse frontages north of the Stockham's Corner/Cwrt Herbert viaduct should also be examined for inclusion on the basis that they are visible evidence of the town as a river port. These are best viewed from the Tennant canal tow path.	Full information and further consultation are required prior to possible inclusion of the features on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">107</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	The small Green Mission (Commercial Street/The Green) should be examined for inclusion as an example of a small chapel meeting room built to accommodate poorer worshippers.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">114</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Consideration should also be given to the <u>Duke of Wellington</u> , Old Market Street and the Cross Keys, Saint David Street which, although they have both lost many of their original features, remain distinctive buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">116</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Active and early consideration should be given to the inclusion of the present Canterbury Arms previously the Queen's Hotel. Although now vacant and in need of considerable repair, it has an elegant facade and an unusual rounded frontage between Orchard Street and Queen Street. It was originally a private house in the early 19 <sup>th</sup> century and seems to have marked one end of Queen Street which was one of the first planned streets in Victorian Neath. The loss of the building would have a damaging impact on this end of Queen Street and Victoria Gardens. The building contains some nicely composed stained-glass.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">118</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Since Alfred Russel Wallace has been mentioned in the historical introduction, consideration might be given to the inclusion of Llantwit Cottage adjacent to Llantwit church.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">126</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	The Society is pleased to see the inclusion of 1-4 Lletty Nedd and hope that this will cover the whole of the former workhouse site. This has suffered from lack of protection and unsympathetic signage which has detracted from the overall appearance of the building.	The comment is noted. The designation covers the whole former workhouse building.	Not applicable.
<a href="#">113</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Since several public houses have been included in the list, consideration should also be given to the inclusion of The Bear, Pen y Dre which, although low-key in appearance, is in fact an 18 <sup>th</sup> -century public house in a terrace of housing which is probably 19 <sup>th</sup> -century.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">115</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Consideration should also be given to the Duke of Wellington, Old Market Street and <u>the Cross Keys</u> , Saint David Street which, although they have both lost many of their original features, remain distinctive buildings. The Cross Keys in particular should be included because of its overall contribution to Victoria Gardens. The public house was the replacement for the original Cross Keys which stood on part of what is now the gardens themselves. The original public house and the terrace in which it stood were demolished as part of the development of Victoria Gardens.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
<a href="#">117</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath North	Consideration should also be given to the inclusion of the remaining first floor school features between the Masonic Hall and the Canterbury Arms.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">106</a>	David Michael	Neath Antiquarian Society	Appendix A	Neath South	Consideration should be given to the inclusion of Crynallt house which is an example of a gentry house most probably built in the early 19 <sup>th</sup> century on an earlier foundation. This was the home of William Davies early historian of Glamorgan.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">96</a>	Mr Timothy Rees	Rich History Project Group	Appendix A	Pelenna	Could you please add the following on your list of buildings/structures of local historical interest also a specific landscape of historic interest; The buildings/ structures are;  Dan y Bont, Ponrhydyfen, Port Talbot birthplace of the Welsh actor Richard Burton	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">59</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The former Davies the ironmongers shop on the Cross  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">61</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The Alltwen and Pontardawe Co-operative store on High Street.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">63</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Former Lyric Cinema Façade.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">65</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.



ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					Dillwyn Arms.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.		
<a href="#">67</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Victoria Inn.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">69</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Ynysmeudwy Arms.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">76</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Bryncelyn.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">78</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Old vicarage off Brecon Road Pontardawe.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">80</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:	Full information and further consultation are required prior to possible inclusion of the structure on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>Railway tunnel in the Uplands.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>		
<a href="#">82</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Various former manses.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	Full information and further consultation are required prior to possible inclusion of the properties on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">60</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>The former W J Davies ironmongers shop on Herbert Street.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">64</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>The Stables.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">66</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Dynevor Arms.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">68</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					Castle Hotel.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.		
<a href="#">77</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Garth Rhydyfro.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">79</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  Glanrhyd walled garden + swimming pool + lake (indeed all of the site).  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the features on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">81</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The Rink.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">83</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:  The lime kiln in Holly Street.  The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.	Full information and further consultation are required prior to possible inclusion of the feature on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">85</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:	The Waun y Coed Branch Canal forms part of a Scheduled Monument.  The extent of the feature referred to in the representation and its features of interest are	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>The Waun Coed branch canal.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	<p>not clear from the information submitted but it would not be necessary or appropriate to designate parts of a Scheduled Monument as a BLI.</p>	
<a href="#">88</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>The ruin of the former mill off Commercial Road, Rhydyfro.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	<p>Full information and further consultation are required prior to possible inclusion of the building on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>
<a href="#">87</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Gelligron House off Gelligron Road.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	<p>Full information and further consultation are required prior to possible inclusion of the building on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>
<a href="#">89</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Pontardawe	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>The bridge over the Upper Clydach river leading to the ruin of the former mill off Commercial Road, Rhydyfro.</p> <p>The building falls into one or more of the five criteria listed in Appendix A i.e. architectural, historic, historic or cultural, group/settlement character value, old or rare local buildings.</p>	<p>Full information and further consultation are required prior to possible inclusion of the structure on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>
<a href="#">147</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix A	Pontardawe	<p>These are additional buildings and structures we have identified that should be considered:</p> <p>The Old Star in Cwmgors, now a private house.</p>	<p>Full information and further consultation are required prior to possible inclusion of this building on the BLI list.</p>	<p>Further investigatory / evaluation work to be undertaken to determine suitability for inclusion on the Schedule of BLIs.</p>
<a href="#">72</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Rhos	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>Old School Gellinudd.</p>	<p>Full information and further consultation are required prior to possible inclusion of the building on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>
<a href="#">90</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Trebanos	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p>	<p>Full information and further consultation are required prior to possible inclusion of the structure on the BLI list.</p>	<p>Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					The former railway bridge over Glynmeirch Road		
<a href="#">91</a>	D K Thomas	Swansea Valley Historical Society	Appendix A	Trebanos	<p>The History Society considers that the following building is worthy of inclusion in addition to the list prepared by the County Council:</p> <p>The former Toll House in Swansea Road</p>	The former tollhouse at 39 Swansea Road is a Listed Building. It would not be necessary or appropriate to designate it also as a BLI.	That there be no change to the SPG in respect of this representation.
<a href="#">23</a>	Mr Ian Graham		Appendix A	Ystalyfera	<p>Dan Y Graig is a substantial property opposite the head of Clees Lane, SA9 2BU. It is currently empty and advertised as for sale by auction by Seal on February 12th. cf <a href="https://www.rightmove.co.uk/property-for-sale/property-78748250.html">https://www.rightmove.co.uk/property-for-sale/property-78748250.html</a></p> <p>As someone interested in, and with a fair knowledge of, the history of Ystalyfera, I have long had a private speculation that the single-storey building at the north end of Dan Y Graig might be the schoolroom which Huw Thomas says was built in Craig Raw in 1785: (cf <a href="https://www.genuki.org.uk/big/wal/Archives/NLWjournals/Glamorgan3">https://www.genuki.org.uk/big/wal/Archives/NLWjournals/Glamorgan3</a> and search for 'school')</p> <p>If it were the case that that shell is the 1785 schoolroom, it would be the oldest public building in Ystalyfera, and be among the very oldest surviving buildings of any kind in the village.</p> <p>The whole building, showing several phases, is of considerable interest, though in many parts in poor repair. Parts must once have been quite 'grand'. The room in which there is a Rayburn also once had a moulded ceiling, for instance. Behind the house is a very substantial mortared stone revetment wall, with linseed bays. The fact that it is embayed and not simply solid makes me wonder whether it predates the building and could originally have had some industrial application. This stretch of the valley (i.e. say half a mile each way) was where the earliest commercial mining took place.</p>	Full information and further consultation are required prior to possible inclusion of the building on the BLI list.	Further investigatory/evaluation work to be undertaken to determine suitability for inclusion on the schedule of BLIs.
<a href="#">26</a>	Mrs Jane Hennell	Canal and River Trust	Appendix B		The Trust has no ownership interest in the Neath and Tennant Canals, but we fully support the inclusion of assets relating to those canals within the list.	The comment of support is noted.	Not applicable.
<a href="#">2</a>	Mrs Angharad Aubrey		Appendix C		I think it is important to preserve buildings of historic/cultural value where possible and personally I think that by having the buildings of local importance it allows us to keep a record of our heritage without it being restrictive with regards to planning and future work that may need to be done. It allows for buildings to be recognised for their value in local history if they have not previously been listed by Cadw so that we do not lose them.	The comment of support is noted.	Not applicable.
<a href="#">30</a>	Ms Jenny Hall	Y Lolfa Grwp Hanes Lleol	Appendix C		<p>The general approach of the SPG is to be welcomed but we would like to make a few points.</p> <p>It is not clear how the draft lists were drawn up. The criteria</p>	The comments are noted. The methodology and criteria used for compiling the draft lists of BLI is set out in Appendix C of the SPG.	That there be no change to the SPG in respect of this representation.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>are given but not the methodology by which the buildings in each ward where actually selected. We have looked at the buildings listed for the wards of Gwaun-Cae-Gurwen and Cwmgors, Lower Brynamman and Tairgwaith. The draft list is largely one that is supported by our group, although the details about the buildings are sketchy, sometimes miss the point and are not up to date. As a group we have held meetings and consultations and drawn up a list of other buildings/structures that give our village character, structure, interest, link to community memories, or have historical links, or are of noteworthy architecture etc.</p> <p>We have lost many of our larger buildings and structures which gave shape to our villages, such as the Miners Welfare Hall and the Cae Gurwen Arms.</p>	<p>It is acknowledged that there will be other buildings across the County Borough that may qualify for inclusion but are not yet on the list and a number of additional suggestions have been made as a result of this SPG public consultation.</p> <p>The BLI list will be reviewed periodically enabling additional suggestions to be put forward and considered where appropriate.</p>	
<a href="#">5</a>	Mr R W Ebley		Appendix C		The Local Authority needs to achieve and maintain ISO standards.	The comment is noted.	Not applicable.
<a href="#">120</a>	David Michael	Neath Antiquarian Society	Appendix C		The Society believe that members of the public should be able to propose an asset for inclusion in the list.	Suggestions for assets to be included on the list can be accepted from members of the public and these will be assessed in accordance with the criteria set out in Appendix C. The BLI list will be reviewed periodically allowing for additional assets to be added where appropriate.	Not applicable.
<a href="#">122</a>	David Michael	Neath Antiquarian Society	Appendix C		The Society does not agree that assets should have to satisfy at least three of the five selection criteria. An asset may very well justify inclusion on one particularly pressing criterion and the requirement to satisfy three out of five is unduly restrictive.	It is considered reasonable to require a historic asset to meet a mix of criteria in order to be added to the BLI list. This accords with Cadw's HASLI guidance and ensures that features on the list are shown to have a broad-based local importance.	That there be no change to the SPG in respect of this representation.
<a href="#">124</a>	David Michael	Neath Antiquarian Society	Appendix C		Also, the criteria do not include assets of social and communal value as exemplified in the Cadw guidance.	Although it is acknowledged that the criteria do not fully follow the examples given in the Cadw guidance, it is considered that criterion 3 (Historical or Cultural Association), which includes <i>having had an important role in the cultural life or development of the community</i> appropriately covers this aspect.	That there be no change to the SPG in respect of this representation.
<a href="#">121</a>	David Michael	Neath Antiquarian Society	Appendix C		Also, the Society considers that historical societies should be consulted on the inclusion of assets in the Appendix. The Cadw guidance contained in the document "Managing Lists of Historic Assets Of Special Local Interest in Wales" says that the preparation of a statement of criteria would be a good opportunity to encourage community involvement and that, potentially, local groups, civic and history societies all have a role to play. Also, it states that publications and databases held by non-government organisations may be a potential source of information. The Society feels that the Cadw guidance should have led the council to actively and specifically consult with historical groups when preparing the Appendix and that future proposals should also be the subject	The comments are noted. Although it was not possible to involve local groups, civic and history societies in the drafting of the criteria for selection of BLIs (which was undertaken prior to the issuing of the Cadw guidance), this consultation allows for comments to be made and additions to the draft BLI list to be suggested. Comments and suggestions will be taken into account in future reviews of the SPG and BLI lists.	That there be no change to the SPG in respect of this representation.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					of specific consultation.		
<a href="#">123</a>	David Michael	Neath Antiquarian Society	Appendix C		Criterion 1 does not follow the full wording of the nearest equivalent criterion in the guidance. It refers to buildings or architectural features and not parks gardens and places of recreation. This reflects a point made previously about the wording of the policy in relation to assets which are not buildings or structures.	The term <i>Buildings of Local Importance</i> is the term used in the Local Development Plan and in particular policy BE2. The LDP was adopted before the Cadw guidance (which introduced the <i>Historic Assets of Special Local Interest</i> terminology) was published . The Historic Environment SPG is guidance explaining and expanding upon the implementation of LDP policy and cannot be used to change the LDP, which will consequently continue to refer to BLI. This issue cannot therefore be addressed until the LDP is formally reviewed.	That there be no change to the SPG in respect of this representation.

## **APPENDIX 2**

The Historic Environment SPG  
(Tracked Changes – April 2019)





Neath Port Talbot County Borough Council

# Local Development Plan 2011 - 2026

## The Historic Environment Supplementary Planning Guidance (Tracked Changes - April 2019)





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### Note to Reader

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

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken early in 2019 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on **[Date]**.

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

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



### 1 Introduction

**1.0.1** This Supplementary Planning Guidance (SPG) gives an overview of the historic environment of Neath Port Talbot and outlines the planning policy protections that are in place to safeguard and conserve as far as possible the historic assets of the County Borough.

**1.0.2** Statutory protection has been afforded to the most significant buildings and structures for many years through the scheduling of important ancient monuments and the listing of buildings of special architectural or historic interest. In addition, specific areas or neighbourhoods are designated as Conservation Areas, and Registers of Historic Parks and Gardens and Historic Landscapes have been compiled.

**1.0.3** The Neath Port Talbot Local Development Plan (LDP) adopted in January 2016 adds an additional local designation to these provisions by including a policy affording protection to 'Buildings of Local Importance' (Policy BE2). This allows buildings or structures that have architectural, historic or local community significance (but have not met the criteria for formal listing or scheduling) to be identified and included on a local list for protection under local planning policy.

**1.0.4** This document gives advice about the requirements that will need to be met if developments are proposed which could affect any type of historic asset and outlines the approach that will be taken when such proposals are considered.

# 1 . Introduction

Supplementary Planning Guidance: The Historic Environment (Tracked Changes - April 2019)



## 2 Historic Context

### Origins and Growth of the Area

#### Prehistoric

**2.0.1** The Swansea, Neath and Afan valleys were carved out of the landscape largely as a result of glaciation during the last ice age: at its furthest extent the ice sheet spread as far as the Bristol Channel. Some evidence of human activity has been found in the region dating from soon after the retreat of the ice some 10,000 years ago, but the first known traces of human activity within the boundaries of Neath Port Talbot date from neolithic times.

**2.0.2** A significant number of prehistoric sites exist within Neath Port Talbot including Neolithic chambered tombs, Bronze Age cairns, barrows and standing stones and Iron Age hill forts. Known monuments from these periods are often identified and protected as scheduled monuments, but many other sites are likely to exist but remain currently unknown. Within Neath Port Talbot, many of the known features from prehistoric times are to be found on higher ground: on hilltops and moorland and along ridgeways. However, this may be due to evidence of populations on lower lying and coastal areas being obscured by more recent development and sea level rise.

#### Roman

**2.0.3** When the Romans first arrived in south Wales (around 52-57 AD), the area is thought to have been a frontier area lying between the territories of the Silures and Demetae Iron Age tribes. This may be reflected in the pattern of development, with three large Roman marching encampments (temporary forts) being established in the area, followed by major forts at Neath and Coelbren probably with significant associated civilian settlements. The main Roman road through south Wales (Via Julia Maritima) followed a route broadly similar to the present day A48, with the Roman road of Sarn Helen linking coastal areas with other Roman centres inland including at Brecon.

#### Medieval

**2.0.4** In the early medieval period, Roman and pre-Roman communication links would have remained important and it is likely that Margam Abbey, Neath Abbey and St. Baglans were all ecclesiastical centres prior to the foundation of the later monasteries/churches. The Norman influence reached Morgannwg (Glamorgan) in about 1093, which was followed by new land ownership patterns and the foundation of the boroughs of Neath, Aberafan and Kenfig. Within the County Borough, Neath is the most notable settlement having clear medieval or pre-medieval origins, with some significant extant remains (in particular the castle and St. Thomas' Church) together with the central street plan, town bridge and overall character reflecting its history. There is little evidence remaining of the medieval origins of central Port Talbot (Aberafan) (the site of a castle and settlement at the crossing point of the river Afan).

## 2 . Historic Context

**2.0.5** The monasteries were of significant importance at this time: Neath Abbey controlled and managed a large area of land to the west of the river Neath, with the resulting clearance of woodland and organisation of agriculture via a system of monastic granges. Margam Abbey was similar, but involved a greater investment in drainage and land improvement resulting in a clearly different landscape character and settlement pattern, visible to this day.

**2.0.6** Overall, the medieval landscape pattern in the area was not characterised by nucleated villages with open field systems as in much of England and parts of Wales but was 'woodland pasture' comprising enclosed pasture/arable fields and woodlands with highly dispersed settlements. The upland areas show a relatively even distribution of house platforms and long houses complemented by open upland ridges used for common pasture. This contrasts with the nucleated boroughs of Neath and Aberafan which were created by the Norman lords.

### Post Medieval and Modern

**2.0.7** The dissolution of the monasteries in the 16<sup>th</sup> Century led ultimately to a transfer of landholdings from the church to the local aristocracy, following which many landed estates remained in the same families until modern times. The pattern of industrialisation was influenced by these estates, including copper and iron at Neath Abbey and lead and copper industries at the Gnoll/Melincryddan.

**2.0.8** These early industrial developments were then affected by changes in sources of materials and motive power (including the importing of materials from elsewhere by sea and the move from water power to steam and the use of coal). This resulted in a general move of industry from locations near water power (such as in the valleys) to more accessible coastal sites (e.g. Briton Ferry ironworks 1860).

**2.0.9** The introduction of improved transport systems, initially canals in the Neath and Swansea valleys in the 1790s and later tramways and railways, opened up the valleys to development to exploit the coal resources, resulting in new settlements (Glynneath, Ystalyfera, and the villages of the Afan Valley in particular). Other industries were locating at Briton Ferry and Port Talbot close to port facilities vital for coal exports and the iron and steel industry.

**2.0.10** Further into the 20th century new industries (including petro-chemical installations at Baglan and Llandarcy and the establishment of manufacturing such as that associated with the motor industry at Resolven and Fabian Way) brought new development and associated housing as more traditional industries declined. The newer industries of the 20th century have now declined in their turn, to be replaced by service industries and high tech manufacturing linked to the universities and new forms of energy generation.

### Patterns of Settlement

**2.0.11** Until the beginning of the 19<sup>th</sup> Century, there were very few settlements of any size in the NPT area, apart from Neath, Aberafan and a few old established villages such as Cilybebyll. The modern settlement pattern in the area has grown as a response to the

requirements of the various industries that sprang up through the 19<sup>th</sup> and 20<sup>th</sup> centuries, starting with the copper and coal industries at Neath, Neath Abbey and Briton Ferry and later following the growth of the coal industry in the valley areas.

**2.0.12** The historic development of the network of communications is the other key factor influencing the settlement pattern of the area. The town of Neath is sited at a key strategic location at the historic lowest crossing point of the river Neath, with Aberafan at the equivalent location on the River Afan, and development has spread along the main transport routes, linking important industrial sites as these grew. This has resulted in areas of linear urban development linking older established settlements along the coastal belt, with smaller, more separated valleys settlements in locations that met the requirements of industry (mainly coal mining).

**2.0.13** In terms of the historic legacy, this has resulted in conglomerations of urbanised areas along the coastal belt and main east-west transport routes, effectively linking the eastern side of Swansea with the wider Neath and Port Talbot settlements with continuous linear development. Within this are older areas and centres associated with various phases of industrial development and (in a few cases) pre-industrial settlement. In valleys areas there are also some linear patterns of development (for example in the Swansea Valley) but with a general tendency towards more stand alone separate settlement clusters (for example Resolven or Crynant).

### Local Building Traditions

**2.0.14** Local styles and traditions of building tend to reflect the history of settlement development in the area, from traditional Welsh farmsteads (with their longhouses and traditional stone barns), characteristic terraces of stone and slate houses associated mainly with the growth of the coal industry in the valleys, and extensive housing estates to accommodate workers in the steel and petro-chemical industries of the 20<sup>th</sup> Century.

### Social History

**2.0.15** In common with most parts of Wales, religious nonconformity was a significant influence across the area from the 18<sup>th</sup> to the 20<sup>th</sup> centuries. Nonconformist denominations, including the Calvinist, Baptist and Wesleyan movements, grew alongside the expanding industries leaving a significant legacy of chapel buildings throughout the area, ranging from simple early meeting houses to increasingly grandiose structures of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

**2.0.16** One of the oldest established secular traditions in the area is the Neath September Fair which can trace its origins back over 700 years to an original Charter granted in 1280 and can therefore claim to be the oldest fair in Wales and one of the oldest in the UK.

**2.0.17** Local artistic associations include the area's popularity with a significant number of notable artists in the late 18<sup>th</sup> and early 19<sup>th</sup> Century. The scenic beauty including mountains and waterfalls, combined with picturesque ruined abbeys, castles and churches feature in notable works from the period include paintings by Thomas Horner (1785-1844), William Weston Young (1776-1847) and J.M.W Turner (1775-1851) which capture the pre-industrial character of the area and the beginnings of industrialisation.

## 2 . Historic Context

**2.0.18** Famous names with associations or connections with the Neath Port Talbot area include Lord Nelson (said to have stayed at the Castle Hotel Neath on more than one occasion) the engineer Isambard Kingdom Brunel (construction of number of railways and Briton Ferry dock) and Alfred **Russel** Wallace (naturalist **who independently formulated a theory of evolution** and **was an** associate of Charles Darwin).

**2.0.19** In more recent times a number of names famous in the sporting and entertainment worlds have connections in the area, including film stars Richard Burton, Anthony Hopkins and Michael Sheen, all from Port Talbot. Neath in particular has strong sporting associations, with the Welsh Rugby Union being founded in the Castle Hotel in ~~1882~~ **1881**.

### Built Legacy

**2.0.20** The historic context outlined above has left an important built legacy from all periods across the County Borough. This is reflected in the spatial patterns of statutory and non-statutory historic designations (refer to Chapter 4). In broad terms, Scheduled Monuments tend to be clustered on hilltops and ridgeways (prehistoric), older population centres or industrial sites; Listed Buildings are mainly clustered in the County Borough's older population centres, while the Conservation Areas range in character from old established town and village centres, through distinctive housing and industrial developments, to the former country estate of Margam Park.

**2.0.21** The building types identified as nationally important Listed Buildings or as locally recognised Buildings of Local Importance under LDP Policy BE2 (refer to Chapter 4) reflect the social and economic history of the area. Many examples of churches and chapels are included (mainly from the era of rapid industrialisation), but also included are examples of houses, pubs, schools and entertainment venues that typify their time and the local social and economic history of the area. These historic assets can all help to illustrate the story of the growth of the area and its changing building techniques and styles, bringing to life the culture and society of the past.

## 3 Policy Context

### 3.1 National Policy

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

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

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

**3.1.2** The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. In relation to the historic environment, the most relevant well-being goal is the achievement of '*a Wales of vibrant culture and thriving Welsh language*' which would include the need to promote and protect culture, heritage and the Welsh language.

#### Historic Environment (Wales) Act 2016

**3.1.3** The Historic Environment (Wales) Act 2016 received Royal Assent on 21<sup>st</sup> March 2016. It has three main aims:

- To give more effective protection to listed buildings and scheduled monuments;
- To improve the sustainable management of the historic environment; and
- To introduce greater transparency and accountability into decisions taken on the historic environment.

**3.1.4** The Act amends the two pieces of UK legislation — the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990 — that currently provide the framework for the protection and management of the Welsh historic environment. It also contains new stand-alone provisions relating to historic place names; historic environment records and the Advisory Panel for the Historic Environment in Wales.

#### Planning Policy Wales (PPW) Edition 10 (2018)

**3.1.5** PPW sets out Welsh Government policy and guidance and was ~~amended in 2016 to take into account changes introduced by the Historic Environment (Wales) Act completely revised in 2018 in order to ensure that the planning system fully addresses the vision and requirements of the Well-Being of Future Generations Act.~~ The overall approach to be taken in relation to the historic environment is set out in Chapter 6 ~~including overall objectives, roles and responsibilities and the planning approach to be taken to the various categories of historic areas, sites, buildings and other remains (Distinctive and Natural Places) which identifies the key issue in relation to the historic environment of: 'loss of venues for cultural activities or historic assets:~~

## 3 . Policy Context

understanding and addressing the challenges of loss of cultural features which give places their unique feel, including those subjected to particular pressure as a result of increasing demands for urban living'.

**3.1.6** The overall aim is identified of enabling the historic environment to deliver rich benefits to the people of Wales by identifying what is of significance and managing in a sensitive and sustainable way change that has an impact on historic assets. The document sets out the Welsh Government's specific objectives for the historic environment together with guidance on roles and responsibilities and the planning approach to be taken to the various categories of historic areas, sites, buildings and other remains.

**3.1.7** The identified **general specific** objectives are:

- Conserve and enhance the historic environment, which is a finite and non-renewable resource and a vital and integral part of the historical and cultural identity of Wales;
- Recognise its contribution to economic vitality and culture, civic pride, local distinctiveness and the quality of Welsh life, and its importance as a resource to be maintained for future generations;
- Base decisions on an understanding of the significance of Wales' historic assets;
- Contribute to the knowledge and understanding of the past by making an appropriate record when parts of a historic asset are affected by a proposed change, and ensuring that this record or the results of any investigation are securely archived and made publicly available.
- **Protect the Outstanding Universal Value of the World Heritage Sites;**
- **Conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;**
- **Safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;**
- **Preserve or enhance the character or appearance of conservation areas, whilst at the same time helping them remain vibrant and prosperous;**
- **Preserve the special interest of sites on the register of historic parks and gardens; and**
- **Protect areas on the register of historic landscapes in Wales.**

### Technical Advice Note (TAN) 24: The Historic Environment (2017)

**3.1.8** TAN 24 gives more detailed advice on the historic environment in relation to the planning system in Wales. This includes information on the following matters:

- *Archaeological remains*, including procedures for dealing with archaeological remains on development sites or affected by development (including unexpected discoveries), preserving or partially preserving them in situ and recording them;
- *Scheduled monuments*, including designation (based on the national importance of the asset) and requirements and procedures for scheduled monument consent (dealt with by Welsh Ministers/Cadw);

- *Listed buildings*, including designation (based on special historic architectural or historic interest) and requirements and procedures for listed building consent (dealt with by the local authority or by Welsh Ministers depending on circumstances);
- *Conservation areas* (largely dealt with by local authorities), including designation and review, conservation area appraisals, conservation area consent and special provisions for trees in conservation areas
- *Registered historic assets* (historic parks and gardens and historic landscapes), including procedures for dealing with developments that could affect these designations.
- *Historic assets of special local interest*, designated by local authorities and protected by local planning policy (See Section 4.5 Buildings of Local Importance below)

### Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Cadw 2011)

**3.1.9** 'Conservation Principles' was published by Cadw in March 2011 and sets out the guidance principles that Cadw applies when undertaking work on the monuments in its care and when considering consent and grant applications. The principles embody the objectives of conserving and enhancing the historic environment for the benefit of present and future generations and aim to nurture Wales's rich culture and heritage as a vehicle for regeneration and for fostering local character and distinctiveness.

**3.1.10** The six principles for the sustainable management of the historic environment in Wales are:

- Historic assets will be managed to sustain their values.
- Understanding the significance of historic assets is vital.
- The historic environment is a shared resource.
- Everyone will be able to participate in sustaining the historic environment.
- Decisions about change must be reasonable, transparent and consistent.
- Documenting and learning from decisions is essential.

**3.1.11** Explanatory paragraphs about how to apply each of these principles are provided in Conservation Principles. In addition, a section on 'Understanding Heritage Values and Assessing Significance' defines four heritage values: evidential value; historical value; aesthetic value; and communal value. These are intended to provide the basis for making a Statement of Significance against which the effects of any proposed changes can be measured.

**3.1.12** Finally, the document includes a section called 'Conservation Principles in Action' offering advice about changes to significant historic assets. This looks at different levels of change from routine maintenance and repair, restoration and new work, through to situations where historic assets are threatened by other overriding interests or the need for enabling development.

## 3 . Policy Context

### Cadw Guidance

**3.1.13** Cadw (the Welsh Government's Historic Environment Service) have also published a wide range of guidance documents to complement the Historic Environment (Wales) Act 2016 and recent planning policy and advice. These include the following titles:

- ***Managing Change to Listed Buildings in Wales*** sets out general principles to consider when making changes to listed buildings and explains how to apply for listed building consent, including the roles and responsibilities of owners, local planning authorities and Cadw itself.
- ***Heritage Impact Assessment in Wales*** sets out the general principles to consider when planning changes to historic assets and applying for listed building and conservation area consent.
- ***Managing Lists of Historic Assets of Special Local Interest in Wales*** sets out general principles and good practice for preparing and managing lists of local historic assets — including criteria, nomination, consultation, validation, appeals and monitoring — and provides guidance on their use in the planning system.
- ***Setting of Historic Assets in Wales*** explains what setting is, how it contributes to the significance of a historic asset and why it is important. It also outlines the principles used to assess the potential impact of development or land management proposals within the settings of World Heritage Sites, ancient monuments (scheduled and unscheduled), listed buildings, registered historic parks and gardens, and conservation areas.

**3.1.14** Other Cadw publications give advice on a wide range of topics including advice on the conservation and re-use of chapels, historic farm buildings, small rural dwellings; the installation of renewable energy installations, energy efficiency measures and barrier free access and the approach to be taken to a range of buildings, features and monuments of historic interest from all periods. These publications are all available on the Cadw website<sup>(1)</sup>.

### 3.2 Local Policy

**3.2.1** The policy framework for the historic environment in Neath Port Talbot is set out in Chapter 5.5 of the Local Development Plan (LDP) entitled culture and heritage.

**3.2.2** Policies SP21, BE2 and BE3 set out the local policy framework, Policy SP21 being the strategic policy that sets the context for the subsequent detailed policies. Policy SP21 aims to deliver LDP Objectives OB2, OB23 and OB24, OB23 being of particular relevance to the historic environment: *'Protect and enhance the County Borough's historical heritage, built environment and identity'*.



### Strategic Policy SP21 Built Environment and Historic Heritage

**3.2.3** Policy SP21 sets out the measures that will be taken to deliver the LDP objectives. Criteria 3 and 4 are specifically relevant to the historic environment and outline the categories of historic assets that will be protected. The designated sites listed under criterion 4 are protected under national policy.

#### Policy SP 21

##### Built Environment and Historic Heritage

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

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

**LDP Objectives: OB 2, OB 23 and OB 24**

### Policy BE2 Buildings of Local Importance

**3.2.4** Buildings of Local Importance are locally identified historic assets of special local interest. Policy BE2 sets out the measures that will be taken to conserve these features.

#### Policy BE 2

##### Buildings of Local Importance

Development proposals that would affect buildings that are of local historic, architectural or cultural importance will only be permitted where:

## 3 . Policy Context

1. They conserve and where appropriate enhance the building and its setting; or
2. It is demonstrated that the development could not reasonably be accommodated without affecting or replacing the building and the reasons for the development outweigh the heritage importance of the site.

### Policy BE3 The Canal Network

#### Policy BE 3

##### The Canal Network

1. In order to protect and conserve the canal network, the following lengths of canal will be safeguarded:
  - (a) The Swansea Canal at Trebanos from the County Borough boundary to the southern edge of the playing fields;
  - (b) The Swansea Canal from Pontardawe Town Centre to Godre'r Graig;
  - (c) The Tennant Canal;
  - (d) The Neath Canal from Briton Ferry to Ysgwrfa Bridge, Aberpergwm.

Proposals which would prejudice the conservation, restoration and operation of these safeguarded lengths of canal will be resisted. Proposals will need to demonstrate that they would not adversely affect the setting of the canals or prevent or discourage the use of the canals for recreation and water supply;

2. Developments affecting locations where lengths of canal have been drained, infilled, culverted, obstructed or cut off from the remainder of the network, but where there is the possibility of future reinstatement, will be expected to take into account the historic line of the canal and to avoid the introduction of buildings or structures that would prevent reinstatement.

### 4 The Conservation of the Historic Environment

**4.0.1** Historic remains, features and buildings may take a wide variety of forms from archaeological deposits to large extant buildings and structures. Some 95% of historic assets are not formally designated, but all historic sites, features and finds need to be taken into account for their intrinsic historical and educational value when any development is proposed.

**4.0.2** ~~There are various provisions made for the protection of historic assets depending on their significance.~~ **Where assets have been formally designated,** the strength of protection is related to the classification status of the building or structure and therefore to its importance and significance, and ranges from the statutory protections afforded by the Ancient Monuments and Archaeological Areas Act 1979 and the Planning (Listed Buildings and Conservation Areas) Act 1990, to local policies and guidance. These provisions are outlined below.

#### Historic Environment Record

**4.0.3** The most accessible and comprehensive information on all known archaeological sites, historic buildings and other components of the historic landscape is contained in the Historic Environment Record (HER) for Neath Port Talbot, which is managed by Glamorgan Gwent Archaeological Trust on behalf of the Welsh Ministers. Information from the HER is used to inform the planning process and in the determination of planning applications.

**4.0.4** Local Authorities have an important role in contributing to the HER and once it has been adopted, the Schedule of Buildings of Local Importance (Appendix A) will be sent to Glamorgan Gwent Archaeological Trust for inclusion as appropriate in the HER.

#### Archaeological Remains

**4.0.5** Developments may have an impact on archaeological remains, whether they are designated or non-designated assets, and this may include both physical and visual (setting) effects. Measures may be required for archaeological investigation, recording and/or preservation. Depending on the importance of the archaeological resource, this may range from the preservation of the remains and setting in situ, to pre-determination mitigation (including archaeological and historic environment assessments, geophysical or other survey work, and field evaluation). In addition there may be the potential for post-determination fieldwork, post-excavation and reporting.

**4.0.6** Impacts on designated historic assets and their setting is dealt with by Cadw, who must be consulted if any development is proposed that may impact Scheduled Monuments or Registered Historic Landscapes.

## 4 . The Conservation of the Historic Environment

**4.0.7 Further information about the approach taken to archaeological issues is given in TAN24. Developers are encouraged to use the Council's pre-application service so that such matters can be discussed at an early stage prior to the submission of a formal planning application.**

### 4.1 Scheduled Monuments

**4.1.1** Welsh Ministers compile and maintain a schedule of monuments, which comprise historic assets which are considered to be of national importance. This is assessed through reference to specified criteria including: the period represented; the rarity of the monument; any existing documentation; group value; survival and condition of the remains and their fragility/vulnerability; the diversity of the monument's features; and sometimes the potential for important evidence to exist justifying scheduling without this being fully known.

**4.1.2** Scheduling is intended to ensure that monuments are preserved, and there is a presumption against proposals that would result in significant change or damage or that would significantly affect the setting of remains. Any works that would directly affect a scheduled monument require scheduled monument consent, which is a process dealt with by Welsh Ministers through Cadw. However, consent is granted for certain classes or descriptions of work by the Ancient Monuments (Class Consents) Order 1994. Full details are given in TAN24.

**4.1.3** Full details of the locations and reasons for scheduling of all scheduled monuments within Neath Port Talbot is available on the Cadw/Cof Cymru website<sup>(2)</sup>.

### 4.2 Listed Buildings

**4.2.1** Listed Buildings are nationally important buildings and other assets that have been identified and included on a list that is compiled by Welsh Ministers under the Planning (Listed Buildings and Conservation Areas Act) 1990. To be included on the list, buildings have to meet criteria as being of special architectural and historic interest. Buildings are listed in three grades (I, II\* and II) depending on their importance.

**4.2.2** Any works to a Listed Building that would affect its character (including demolition, alteration and/or extension) would require listed building consent (as a separate matter from normal planning permission). Applications for listed building consent are determined taking special account of the desirability of preserving the building or its setting or any of its features of special architectural or historic interest and it is a criminal offence to carry out any such works without the required consent.

**4.2.3** Full details of the requirements and procedures relating to listed building policy and legislation are given in TAN24. Full details of the locations and list descriptions of all listed buildings within Neath Port Talbot is available on the Cadw/Cof Cymru website<sup>(3)</sup>.

## 4 . The Conservation of the Historic Environment

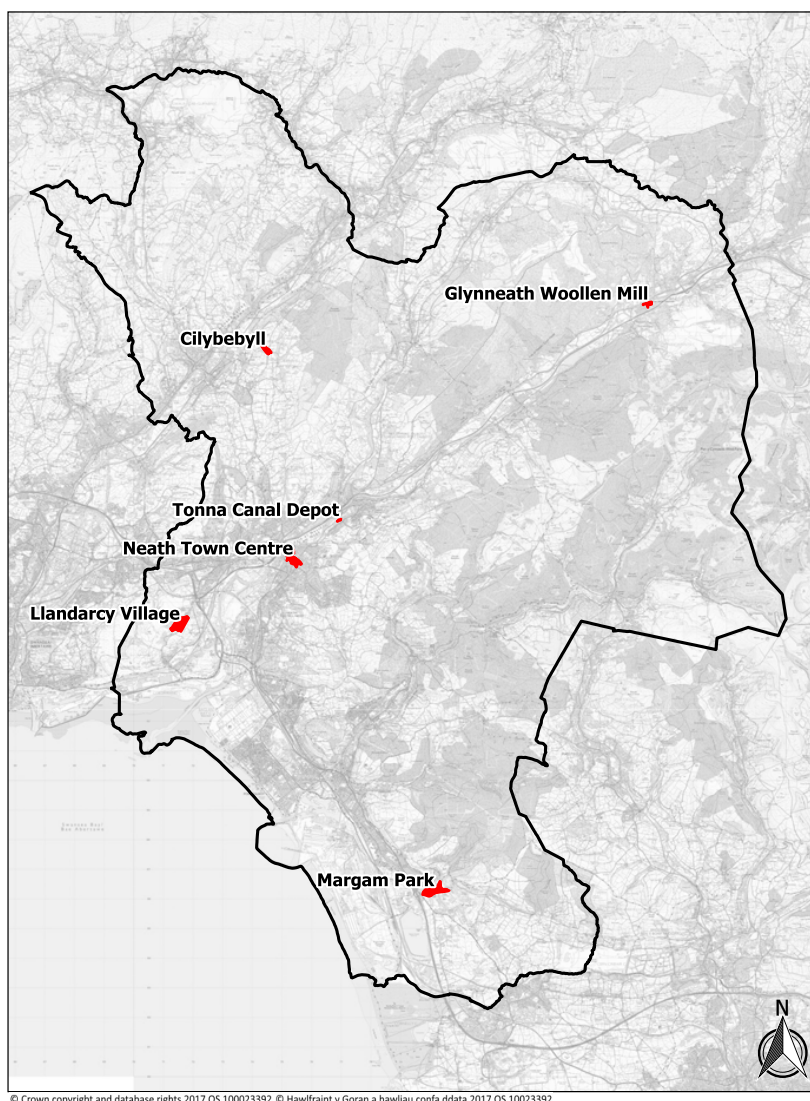
### 4.3 Conservation Areas

**4.3.1** Conservation areas are normally identified and designated by Local Planning Authorities (LPAs) and are defined as areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

**4.3.2** There are six conservation areas within Neath Port Talbot. These can be found on the LDP Proposals Map [SP21/4(c)] and are shown below.

**Figure 4.1**

#### Conservation Areas

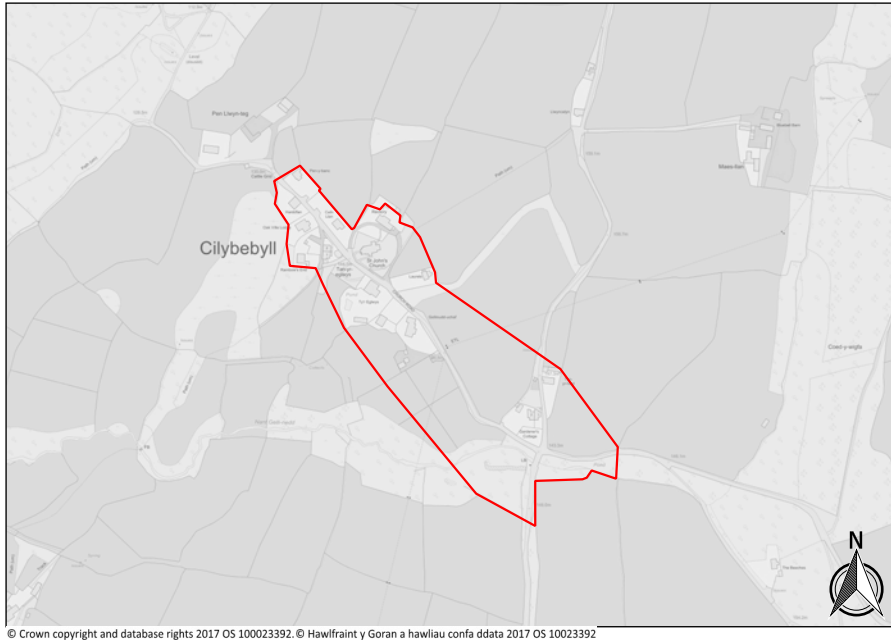


**4.3.3** A brief description and plan of each conservation area is given below:

**4.3.4** *Cilybebyll*: a small self-contained rural village grouped around the parish church of St. John the Evangelist.

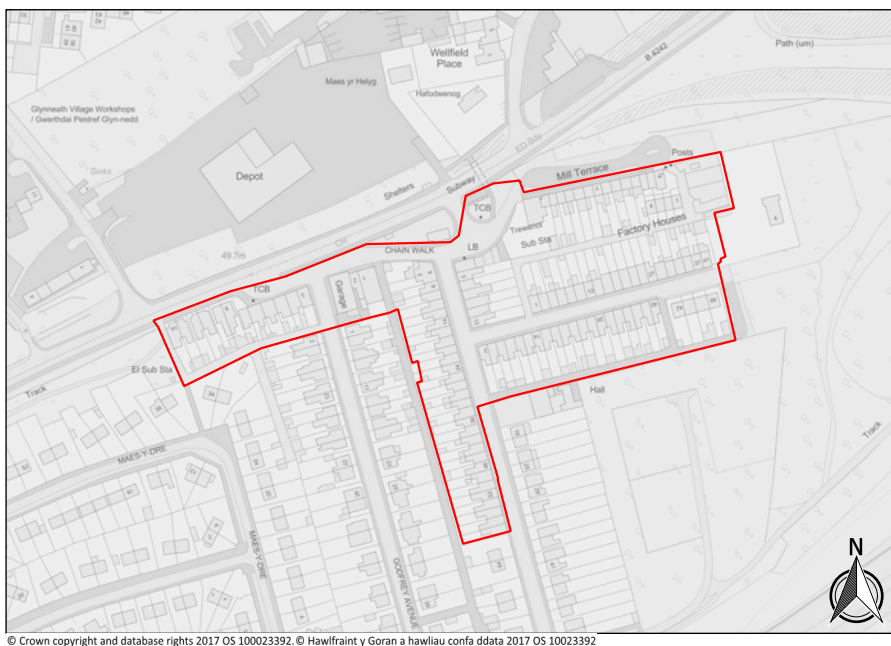
## 4 . The Conservation of the Historic Environment

**Figure 4.2 Cilybebyll Conservation Area**



**4.3.5 Glynneath Woollen Mill:** a relatively small area comprising a group of mainly terraced houses, some of distinctive red brick and three storey design, centred around three streets associated with the former woollen mill.

**Figure 4.3 Glynneath Woollen Mill**



**4.3.6 Llandarcy:** originally designed as a garden village, built between 1918 and 1922, of some 250 houses and flats to house the workers of the former adjacent oil refinery in an 'arts and crafts' style.

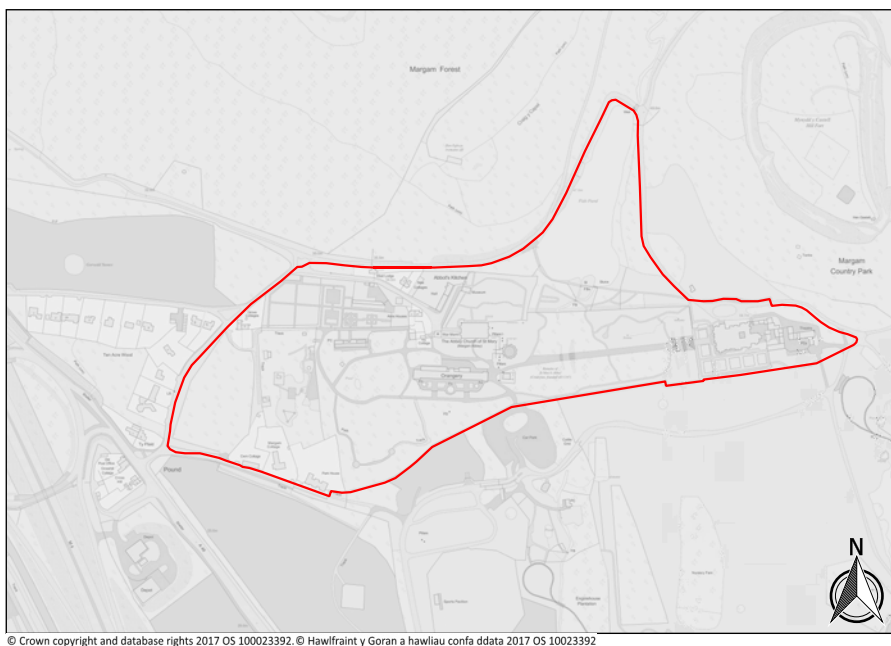
## 4 . The Conservation of the Historic Environment

**Figure 4.4 Llandarcy**



**4.3.7 Margam Park:** the conservation area comprises the central part of the park, including the main buildings (Margam Castle, the Orangery, the Abbey church and ruins) and formal gardens.

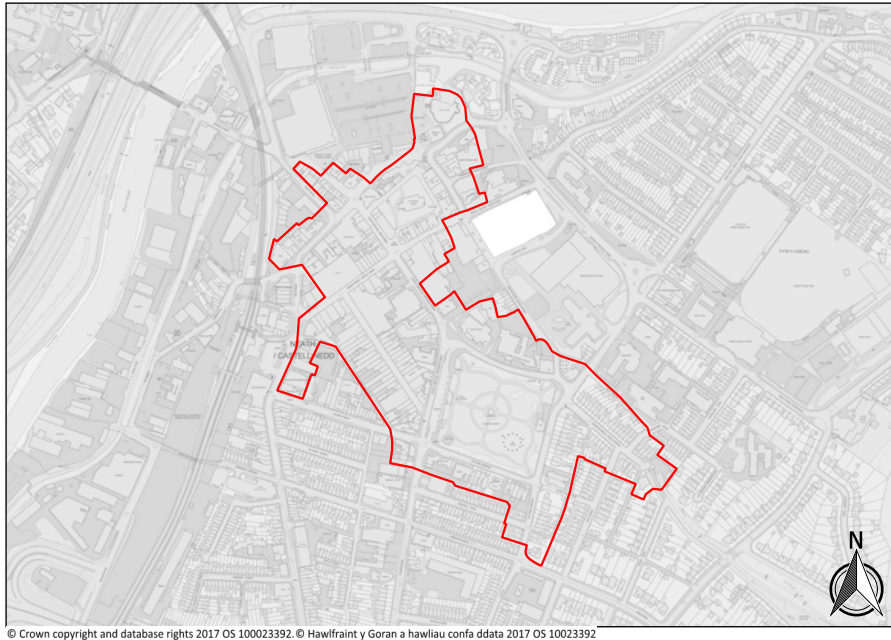
**Figure 4.5 Margam Park**



**4.3.8 Neath Town Centre:** features of importance include the traditional commercial centre with some small shop units, the general market, public buildings, the castle, St. Thomas' church, Victoria Gardens and other architectural features and structures.

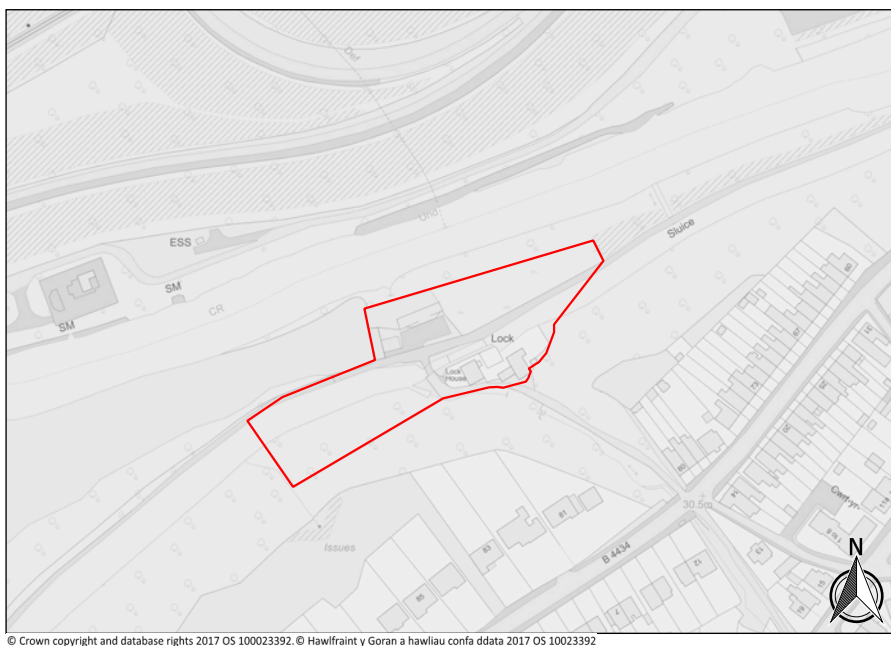
## 4 . The Conservation of the Historic Environment

**Figure 4.6 Neath Town Centre**



**4.3.9 Tonna Canal Depot:** a small area around the Neath Canal at Tonna, including the restored canal depot and workshops, canal structures including lock and lock gates, and the residential lock house property.

**Figure 4.7 Tonna Canal Depot**



**4.3.10** Conservation area designation means that the identified architectural or historic interest of an area should be given special consideration in planning policy and decision making. In particular, special attention must be given to the desirability of *preserving* or



## 4 . The Conservation of the Historic Environment

enhancing any affected conservation area when planning decisions are taken. In addition, a number of specific provisions for development proposals within conservation areas are applicable, as listed below.

**4.3.11 Permitted Development Rights:** Householders are able to undertake certain minor, uncontentious improvements and alterations to their properties without the need to make a planning application. This is termed '*Permitted Development*'. Within Conservation Areas these provisions are more restrictive. Full details are available from the Welsh Government website<sup>(4)</sup>.

**4.3.12 Conservation Area Consent:** This is a separate consent from normal planning applications and will be required for demolition works within a Conservation Area (although smaller buildings and structures are excluded). Further details are available in TAN 24.

**4.3.13 Design and Access Statements and Heritage Impact Assessment:** In addition to the normal requirement to submit a 'Design and Access Statement' (DAS) to accompany planning applications for major developments, one will also be required for planning applications for developments in Conservation Areas that are for one or more dwellings or for the creation of new floorspace of 100 square metres or more.

**4.3.14** Applications for Conservation Area Consent will also require a 'Heritage Impact Statement' (detailing the results of a Heritage Impact Assessment). Where a DAS is required, the Heritage Impact Statement can be incorporated. Further advice on these assessments is available in TAN12 (Design), TAN24 (The Historic Environment)<sup>(5)</sup> and from *Heritage Impact Assessment in Wales* (Cadw)<sup>(6)</sup>.

**4.3.15 Trees:** Proposals to fell or lop any tree in a Conservation Area should be notified to the LPA giving six weeks notice during which time the authority can consider whether the tree(s) should be protected by a Tree Preservation Order (TPO).

### Conservation Area Appraisals

**4.3.16** The Council will be preparing a 'Conservation Area Appraisal' (CAA) for each Conservation Area. This will include a detailed assessment of the character and appearance of each area defining its special interest, an assessment of strengths, weaknesses, opportunities and threats to its integrity, an analysis of the area's policy and management needs and the effectiveness of current controls and need for additional protection.

**4.3.17** In dealing with applications, full regard will be paid to the effects of proposals on the character of the Conservation Area as set out in the relevant CAA, with the objective of ensuring that all proposals accord with the need to preserve or enhance the area's identified character, appearance and setting.

4 <https://gov.wales/topics/planning/policy/guidanceandleaflets/householder-permitted-development-rights/?lang=en>  
5 Both available on the Welsh Government website: <https://gov.wales/topics/planning/policy/tans/?lang=en>  
6 Available on the Cadw Website: <https://cadw.gov.wales>

## 4 . The Conservation of the Historic Environment

### 4.4 Registered Historic Assets

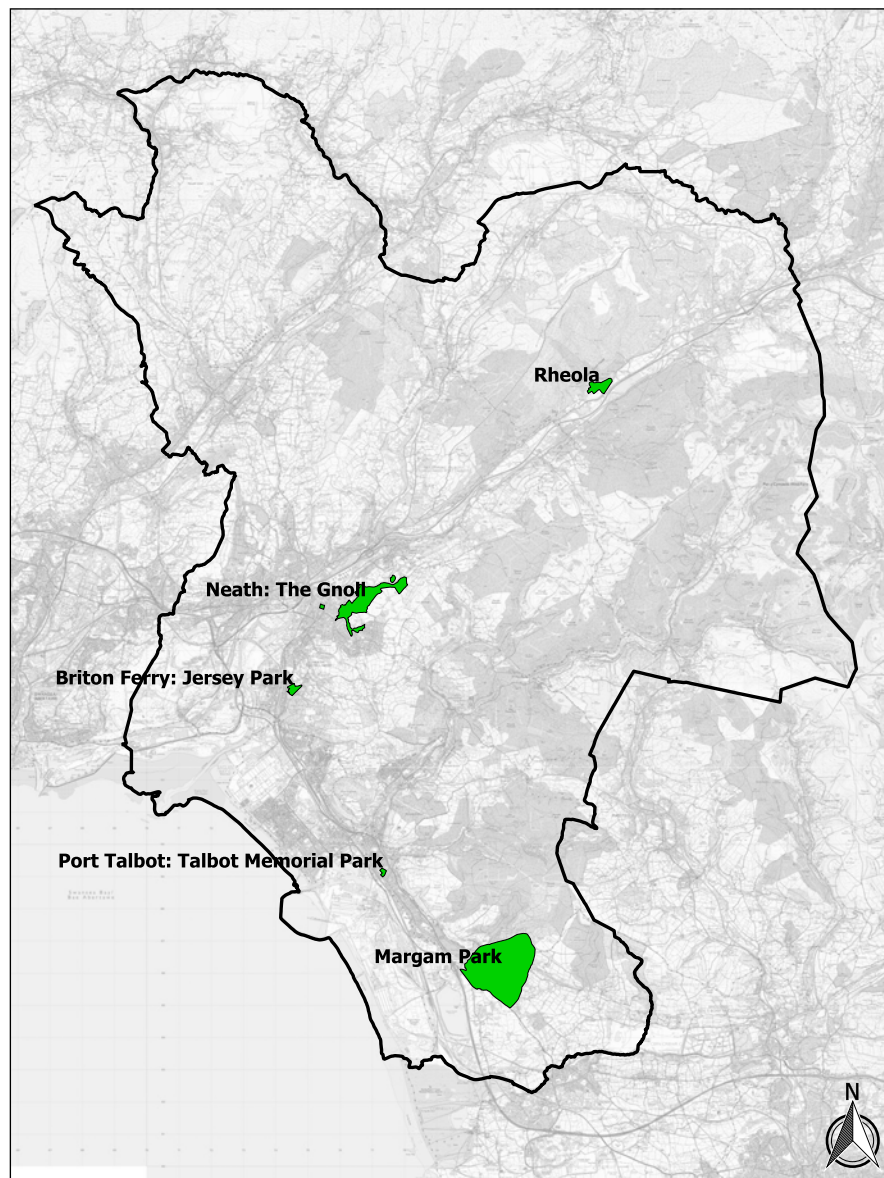
#### 4.4.1 The Register of Historic Parks and Gardens in Wales

**4.4.1.1** The statutory register of historic parks and gardens is compiled and maintained by the Welsh Ministers, and the parks and gardens on the register, together with their settings, should be protected and conserved by Local Planning Authorities.

**4.4.1.2** Historic parks and gardens are graded in a similar way to listed buildings (Grades I, II\* and II), and the park boundaries and essential settings are defined. There are six registered parks/gardens within Neath Port Talbot and these are illustrated below.

Figure 4.8

#### Registered Historic Parks & Gardens

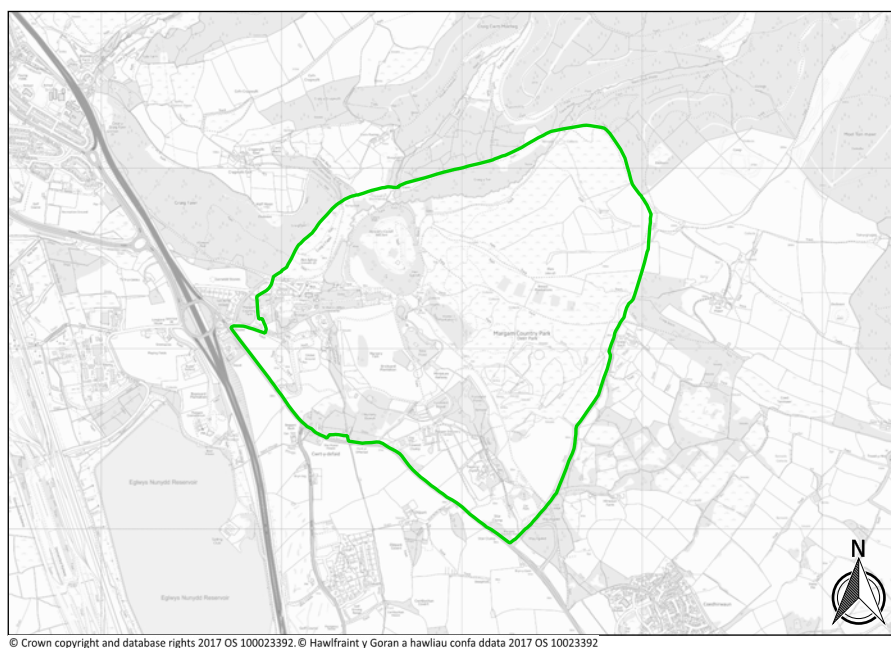


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## 4 . The Conservation of the Historic Environment

**4.4.1.3 Margam Park (Grade I):** A multi-layered site of outstanding historical importance including prehistoric and Cistercian abbey remains and Tudor, 18<sup>th</sup> Century and 19<sup>th</sup> Century garden and landscaping phases.

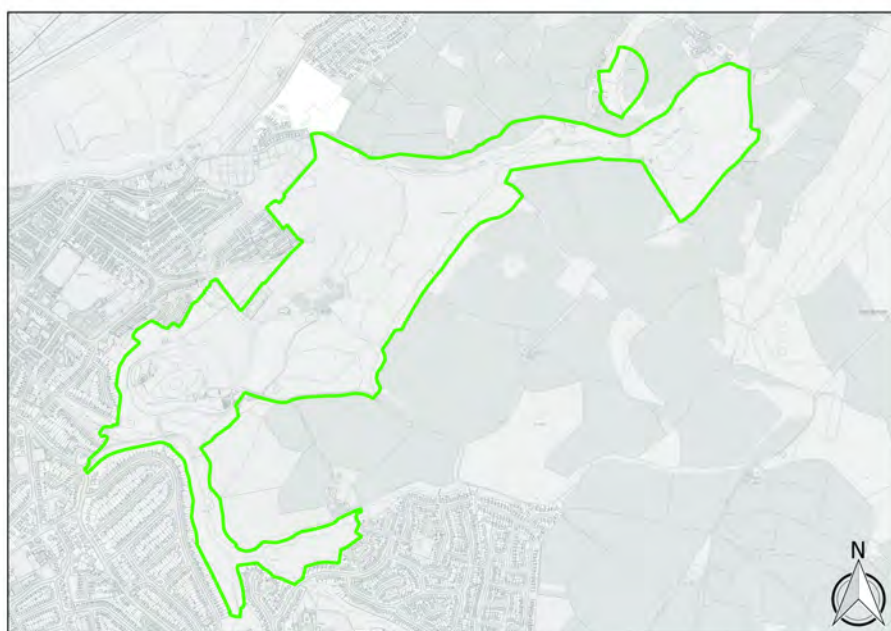
**Figure 4.9 Margam Park**



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**4.4.1.4 The Gnoll, Neath (Grade II\*):** A largely 18<sup>th</sup> Century landscape park of very great historical interest, in its original setting above Neath. The landscape of the Gnoll is exceptional for its combination of industrial and ornamental functions and for its strong visual relationship with the surrounding countryside.

**Figure 4.10 The Gnoll**

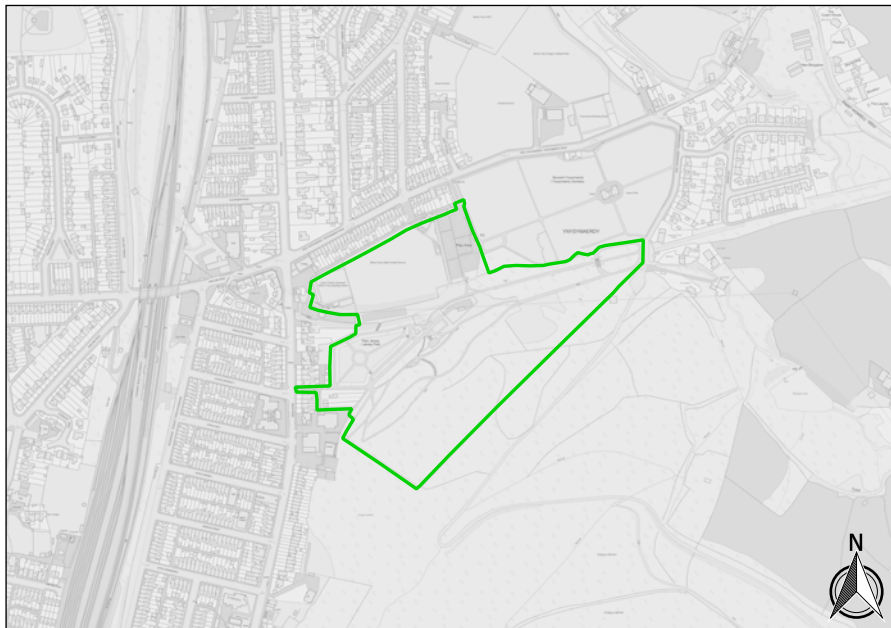


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**4.4.1.5 Jersey Park, Briton Ferry (Grade II):** An exceptionally well preserved urban public park. Its original layout of formal and informal areas remains complete and includes sports facilities.

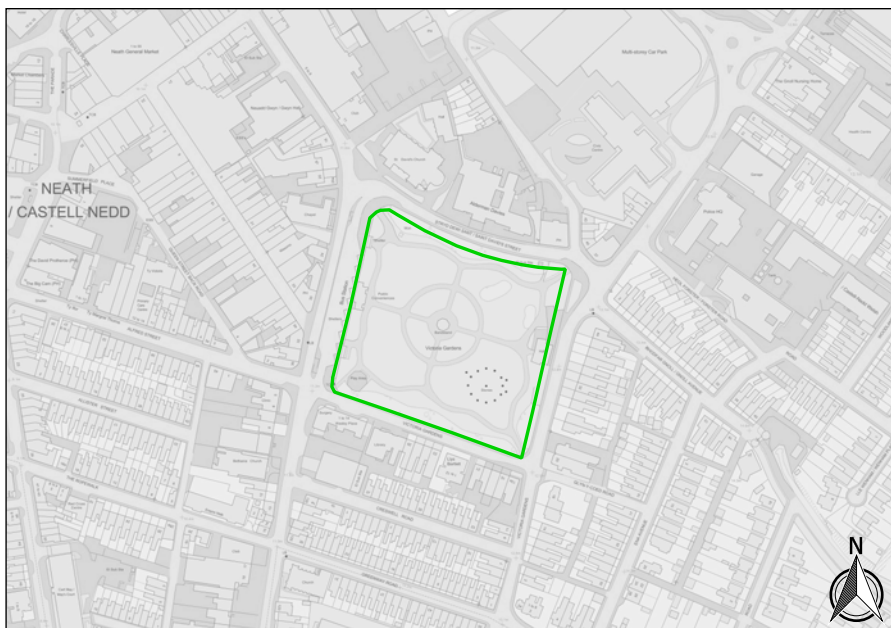
**Figure 4.11 Jersey Park**



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**4.4.1.6 Victoria Gardens, Neath (Grade II):** A small, well preserved and popular urban park, with most of its original layout and features.

**Figure 4.12 Victoria Gardens**

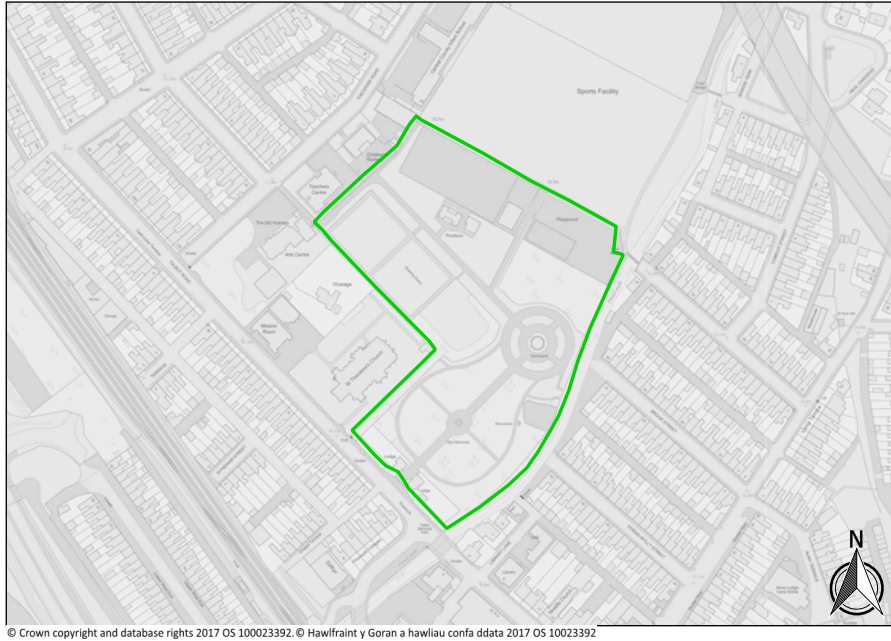


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## 4 . The Conservation of the Historic Environment

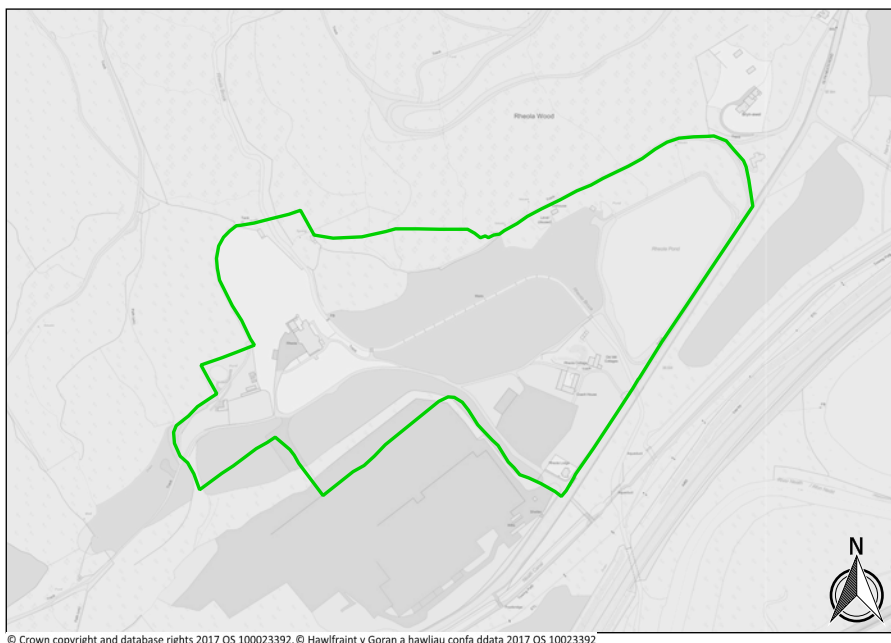
**4.4.1.7 Talbot Memorial Park, Port Talbot (Grade II):** A small, well preserved urban public park with a fine central bandstand and war memorial.

**Figure 4.13 Talbot Memorial Park**



**4.4.1.8 Rheola (Grade II):** The survival of an early 19<sup>th</sup> Century villa by John Nash and its contemporary picturesque setting. Although part of the park was developed by a wartime aluminium plant, the majority of the setting, which was kept deliberately simple, survives, as do some of Nash's picturesque estate buildings.

**Figure 4.14 Rheola**



## 4 . The Conservation of the Historic Environment

**4.4.1.9** Proposals that could affect a registered park or garden or its setting will need to be fully assessed, including consultation with Welsh Ministers/Cadw, to ensure that there are no adverse effects, and applicants should ensure that the significance of the registered park/garden and any impacts are shown to be fully understood and addressed.

### 4.4.2 The Register of Historic Landscapes in Wales

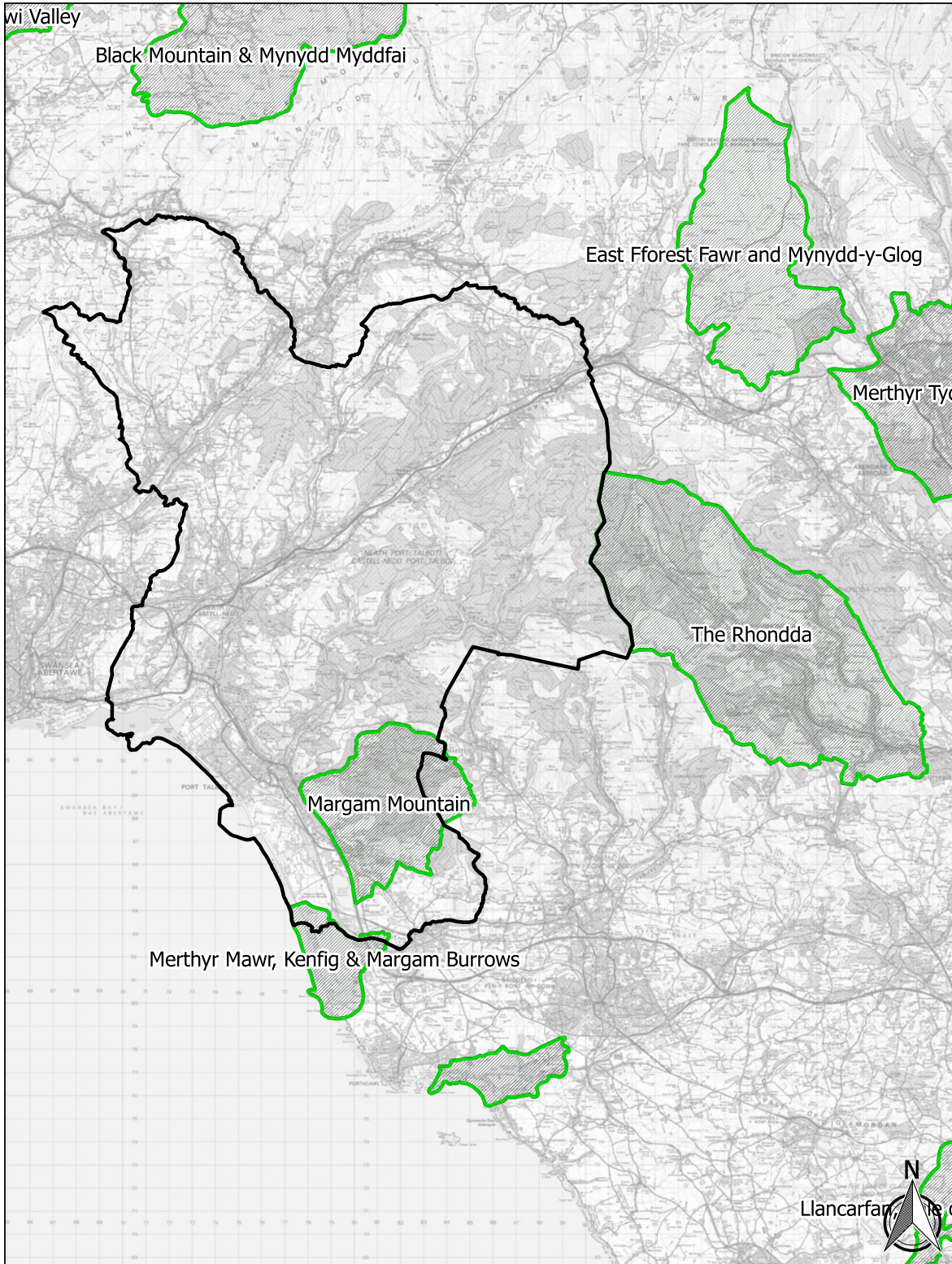
**4.4.2.1** The non-statutory Register of Historic Landscapes in Wales is an advisory register that is intended to inform policy making and decision making at a strategic level and to inform environmental impact assessment. Development proposals should ensure that any affected historic landscape areas are taken into account and that the integrity and coherence of the areas is maintained.

**4.4.2.2** There are two registered historic landscapes within or partly within Neath Port Talbot, and one which adjoins the County Borough boundary and consequently could be affected by development within Neath Port Talbot.

**4.4.2.3** The boundaries within Neath Port Talbot of 'Margam Mountain Historic Landscape' and 'Merthyr Mawr, Kenfig and Margam Burrows Historic Landscape' are shown on the LDP Proposals Map [SP21/4(a)]. Historic Landscapes within Neath Port Talbot and within neighbouring administrative areas are illustrated below.

Figure 4.15

### Historic Landscapes



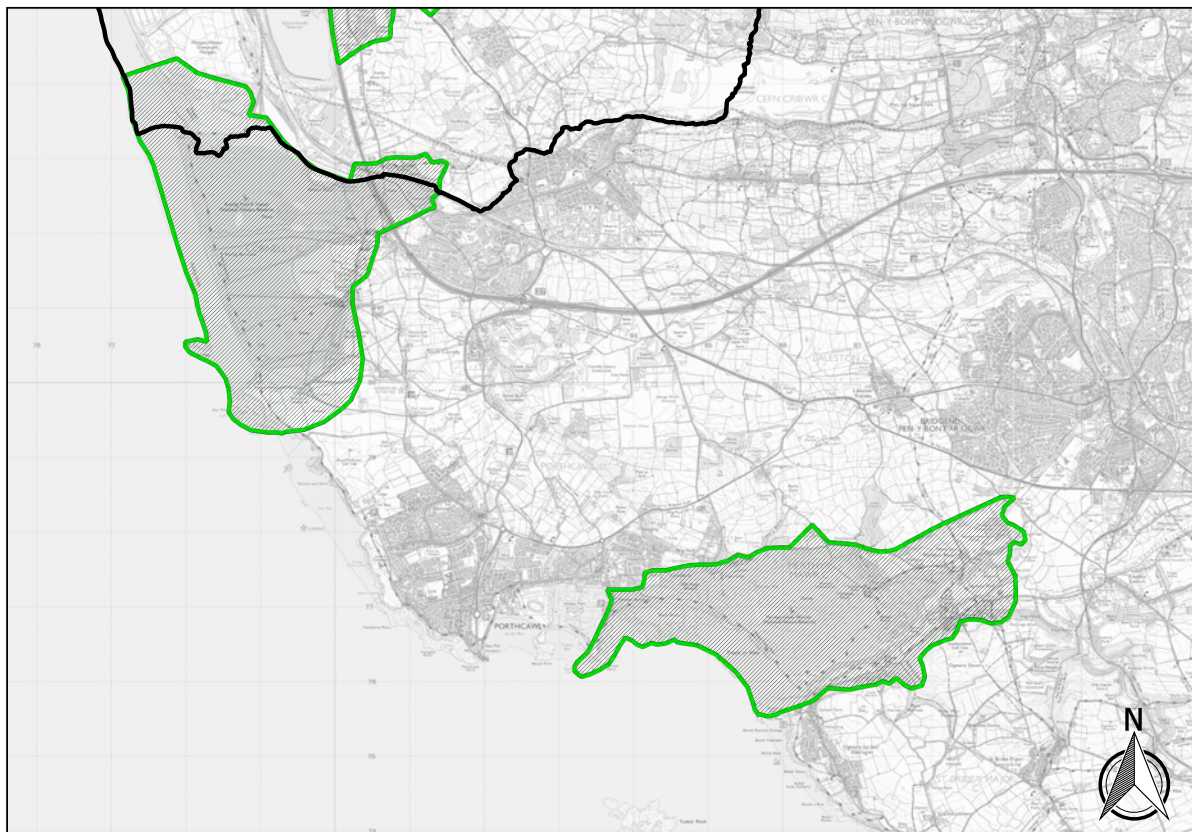
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**4.4.2.4 Merthyr Mawr, Kenfig and Margam Burrows:** The designation comprises two distinct areas: Merthyr Mawr (to the south east of Porthcawl) and Kenfig/Margam Burrows, which extends partly into Neath Port Talbot.

**4.4.2.5** The landscapes are listed as being extensive areas of littoral, wind blown sand dunes containing buried remains of immense archaeological and historic potential from the prehistoric, Roman and medieval periods.

**Figure 4.16 Merthyr Mawr, Kenfig and Margam Burrows**

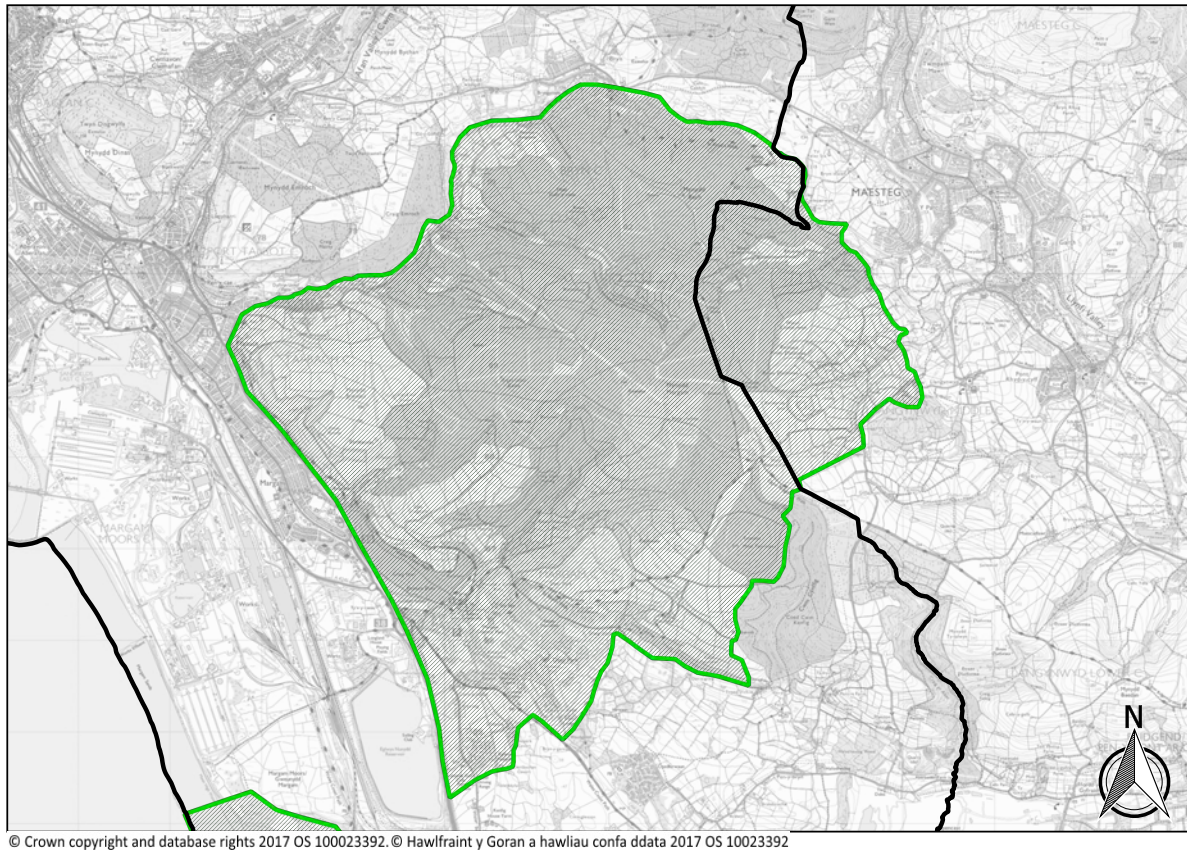


**4.4.2.6 Margam Mountain:** A discrete block of uplands situated at the south west fringe of the historical Glamorgan Blaenae, displaying continuity, density and diversity of human occupation from the prehistoric period to the recent past.

**4.4.2.7** The area includes Bronze Age ritual and funerary monuments; large Iron Age hill forts, settlements, enclosures and trackways; a Roman road; a large and important group of Early Christian inscribed stone monuments and associations; medieval defensive works; Margam Abbey, later a site for gentry residences; a landscaped park, pleasure gardens and a magnificent Georgian orangery; and second world war defensive installations. Part of the designated area is located within the Bridgend administrative area.



**Figure 4.17 Margam Mountain**



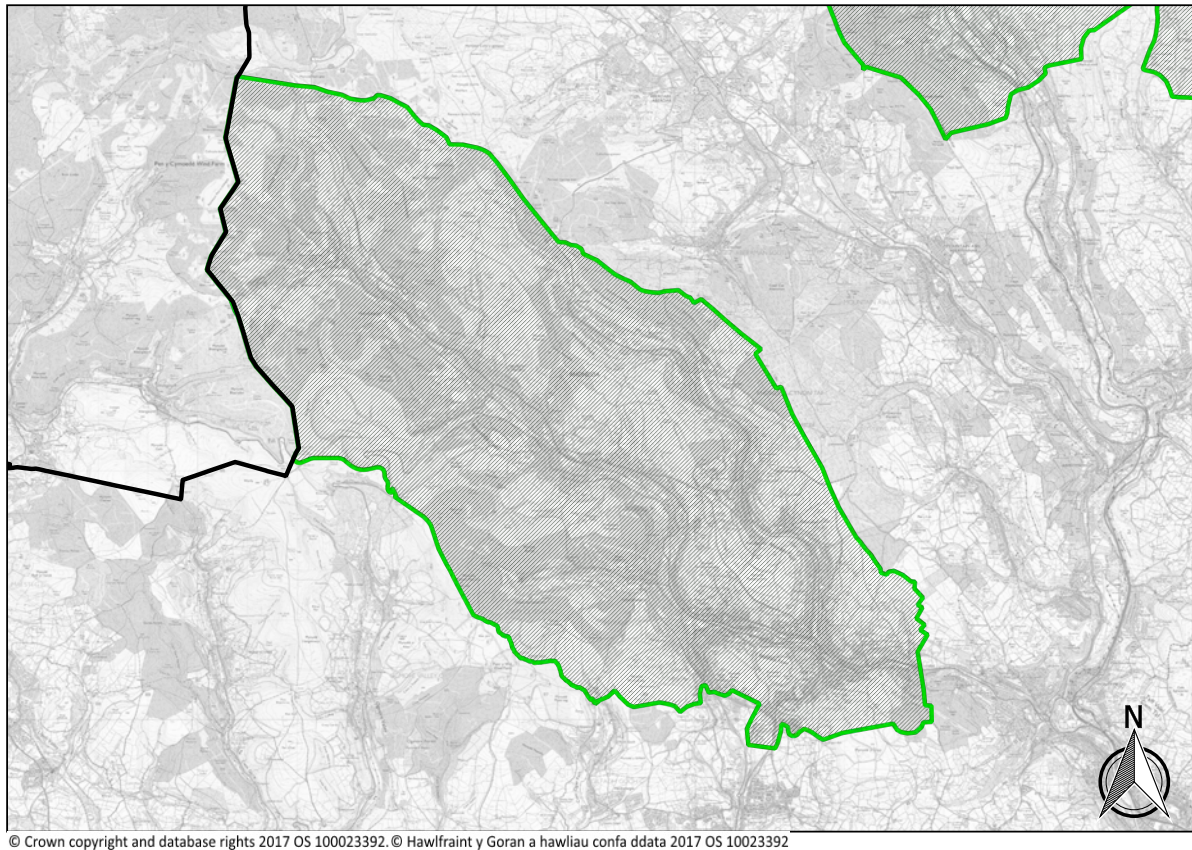
© Crown copyright and database rights 2017 OS 100023392. © Hawlfraint y Goran a hawliau confa ddata 2017 OS 10023392

**4.4.2.8** *The Rhondda*: Although not within Neath Port Talbot, this area abuts the County Borough boundary to the east of the Afan and Corrwg valleys.

**4.4.2.9** The area represents one of the largest and best-known mining conurbations and coalfield communities in Britain. The wider landscape is rich in a diverse and thematic archaeological resource of many periods and types, showing a high degree of cultural interest and continuity.

## 4 . The Conservation of the Historic Environment

Figure 4.18 The Rhondda



**4.4.2.10** Guidance on the approach to be taken to proposals that may affect registered historic landscapes has been published by Cadw<sup>(7)</sup>.

### 4.5 Buildings and Historic Assets of Local Importance

**4.5.1** LDP Policy BE2 (refer to Section 3.2) seeks to give protection to *Buildings of Local Importance* (BLIs). BLIs are locally identified and designated buildings (and other historic assets) that may not meet the requirements to be included on the statutory list of buildings of architectural or historic importance or the schedule of monuments, but are considered to be important within the local context and therefore to be worthy of conservation.

**4.5.2** This policy was incorporated into the LDP as a result of strong representations received from across Neath Port Talbot from those concerned that the character and distinctiveness of their communities was being compromised through the loss or spoiling of distinctive and characterful buildings and (in some cases) their replacement with bland modern developments.

7 Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process ([http://cadw.gov.wales/~/media/ArchaeologyPublications/LandscapesRegisterGoodPractice\\_EN.pdf](http://cadw.gov.wales/~/media/ArchaeologyPublications/LandscapesRegisterGoodPractice_EN.pdf))

## 4 . The Conservation of the Historic Environment

**4.5.3** The buildings that have been identified for BLI designation are therefore not necessarily of national architectural or historical significance, but are considered to have strong associations with the locality and to give distinctive character to the community or settlement. The aim of the policy is to try to retain this local character.

**4.5.4** Since the adoption of the LDP, Cadw has issued guidance on the compilation of local lists of buildings (using the term *Historic Assets of Special Local Interest*)<sup>(8)</sup>. The compilation of the BLI list has been undertaken following the principles set out in this guidance and in accordance with the explanatory text to LDP Policy BE2 which states that an inventory of BLIs is to be compiled as part of the preparation of this Historic Environment SPG.

**4.5.5** For the purposes of this guidance the term *Building of Local Importance* (BLI) should be taken to be the equivalent of and to incorporate the term *Historic Asset of Special Local Interest*.

### **Schedule of Buildings of Local Importance**

#### **Preparation and Engagement**

**4.5.6** The list of BLIs has been compiled in accordance with the procedure and criteria set out in Appendix C. The list has been subject to a consultation process with building owners which has resulted in some amendments (including some additional suggestions).

#### **BLI Schedule Contents**

**4.5.7** The designated BLIs are listed in Appendix A grouped by LDP spatial area and electoral ward. The full BLI Schedule including details for each individual building are in a separate document (The Schedule of Buildings of Local Importance <sup>(9)</sup>). For each building/historic asset, the Schedule gives the building address and location (including a plan indicating the extent of the designation); a description and photograph; the BLI selection criteria that are applicable; the justification for inclusion; and additional notes. These elements are explained in more detail below.

#### ***Building/Historic Asset Location***

**4.5.8** The list entries are arranged by electoral ward and give the postal address, grid reference and a location plan which indicates the extent of the designation (i.e. the area edged red). The terms of Policy BE2 will be applicable to the buildings/structures within this area.

#### ***Building/Historic Asset Description***

**4.5.9** The description of the BLI includes any special characteristics or additional features (such as railings/gates etc.) that should be taken account of when applying Policy BE2. The accompanying photo is a recent image showing the building/asset as at the time of

## 4 . The Conservation of the Historic Environment

its inclusion in the BLI list. The management objectives for each building/asset should be taken to be the conservation and maintenance as far as practicable of the building as described and any features specifically mentioned here.

### **Selection Criteria**

**4.5.10** Underneath the building photograph is a table giving the BLI selection criteria with an indication of which of the criteria are met by the building/asset.

### **Justification for Consideration**

**4.5.11** The justification section seeks to explain further the features of the building/asset that have led to its designation, expanding on the selection criteria above. This information will also be taken into account when applying Policy BE2.

### **Notes**

**4.5.12** Other available information about the building/asset and any references or information sources are given in the notes section. In a number of cases, buildings/assets are included in *Coflein* (the database for the National Monuments Record of Wales)<sup>(10)</sup> and where available information from Coflein is included in this section.

### **Application of Policy BE2**

**4.5.13** Policy BE2 (refer to Section 3.2) comes into effect when developments or changes are proposed that *require planning permission* under current regulations (it does not mean that any additional permission would have to be sought for changes that currently do not require it). The policy requires proposals that would affect a BLI to *conserve and where appropriate enhance* the building and its setting. This does not rule out change, such as alterations, extensions, changes of use and so on, but indicates that the Council will seek to conserve the character of the building or historic asset whenever possible.

**4.5.14** Flexibility is provided by the second part of the policy which indicates that if the development is not possible without adversely affecting the building's character, it could still be permitted if *the reasons for the development are shown to outweigh the heritage importance of the site*. These policy requirements are examined in more detail below.

### **Policy BE2 Criterion 1: Conserving and Enhancing a BLI and its setting**

**4.5.15** Detailed advice on building conservation is widely available from a variety of sources. Cadw have issued guidance relating to listed buildings that gives useful general advice applicable to any building<sup>(11)</sup>. In applying Policy BE2, the specific matters set out below will be addressed when planning applications affecting BLIs are being considered by the Council, and should be taken into account in drawing up proposals that would affect a BLI.

10 <http://coflein.gov.uk/en>

11 Available on Cadw's Website: <https://cadw.gov.uk/Assets/HistoricEnvironment>

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**4.5.16 Building Character** - the BLI list entry for the building gives an indication of the important aspects of its overall character and significance and can be a useful starting point to developing an understanding of what makes the building important and how this can be conserved when alterations are being planned.

**4.5.17 Building Style and Form** - the proportions of the building, the layout, spacing and design of its major elements such as windows, doors, porches and chimneys are fundamental aspects of its character. Removal or replacement of any element or unsympathetic additions can be detrimental to a building's special character. New additions such as extensions should not dominate the existing building form.

**4.5.18 Architectural Detail** - particular attention should be paid to retaining and conserving any features specifically referred to in the BLI list description wherever possible. Any such features or detailing can be important to the overall character of the building and can be important clues about its history. The removal or replacement of such features and details can have a very significant impact on the building's overall appearance and should be avoided wherever possible.

**4.5.19 Materials** - repairs, renewal and replacement of parts of a building are aspects of normal necessary maintenance, for example re-roofing or re-rendering. The materials used for such maintenance should be visually and physically compatible with the existing fabric, respecting the performance characteristics of the building.

**4.5.20 Demolition** - BLI designation does not in itself give any extra controls over demolition, but the demolition of significant or important parts of any BLI should be avoided. **It should be recognised however, that where any BLI has fallen into such disrepair where there is a health and safety issue and/or danger of collapse, demolition may be the only feasible option.** Where a building is no longer suitable for its existing or former use, sympathetic additions and alterations to allow its continued occupation or use for alternative purposes will be encouraged. Where a site occupied by a BLI is to be redeveloped, every effort should be made to retain the BLI itself as part of the new scheme (through change of use or conversion) as far as possible.

**4.5.21 Adaptation and Modernisation** - bringing a building up to modern standards and making it suitable for occupation and use in the 21<sup>st</sup> Century will often involve significant change. Important examples of this are improving energy efficiency and ensuring that a building is fully accessible. In relation to energy efficiency, it is important to ensure that the materials used are technically appropriate for a historic building and that adequate ventilation is maintained. Measures appropriate for modern buildings will not always be suitable for older structures. Specialist advice may be required to ensure that alterations are sympathetic to both the appearance and performance of traditional buildings. Ensuring that a building is accessible to all can also pose challenges when applied to traditional buildings, and innovative solutions may be required in order to maintain a building's character. However, BLI designation is not intended to prevent adaptation and where changes are necessary to enable the reuse of the building it may be necessary to accept some adverse effects on character under criterion 2 of the policy.

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**4.5.22 Building Setting** - Policy BE2 refers not only to the designated BLI, but also to its setting. The extent and nature of the setting of a BLI will depend not only on the type, size and prominence of the BLI itself but also its location or context (e.g. whether it is in a town centre or on a more isolated site). Every BLI has a distinct individual context and unsympathetic new development within a building's setting can destroy this context and a significant part of the building's historic or cultural value or meaning. Where new development is proposed anywhere near to a BLI, the setting of the building should be given consideration and efforts made to ensure that the new changes do not dominate or overwhelm the BLI or divorce it from its context.

**4.5.23** Further information on design matters is available from TAN12 (Design)<sup>(12)</sup> and the Design SPG<sup>(13)</sup>.

### ***Policy BE2 Criterion 2: Reasons for development that outweigh the heritage importance of the site***

**4.5.24** Where a development is proposed that adversely affects a BLI and is contrary to criterion 1 of Policy BE2, it may still be acceptable provided it is shown to comply with the terms of criterion 2 of the policy.

**4.5.25** BE2(2) has two elements. Firstly, it must be demonstrated that there is no way of undertaking the development without having adverse effects on the BLI or its setting. This will involve showing that there is no reasonable way of redesigning the scheme to avoid the adverse effects or to incorporate or reuse BLI as part of the proposal. This will need to be clearly demonstrated and not just asserted (i.e. clear evidence will be required to show that such alternatives would not be possible and/or viable).

**4.5.26** The second element of criterion 2 requires the reasons (or benefits) of a development to be weighed against the heritage importance of the site. This means that there is a requirement to show what the economic and/or social benefits of the proposal would be (in particular for the wider community) and to demonstrate that these benefits would outweigh the loss of the site's heritage value (set out in the BLI list). Additional information about the history or current condition of the building or site may also be relevant, for example evidence to show that changes to the building/heritage asset since the adoption of the BLI list mean that its heritage interest has been lost or compromised.

**4.5.27** If these points can clearly be demonstrated, development proposals that adversely affect a BLI may be permitted, subject to other planning considerations.

## **4.6 Neath Port Talbot Canal Network**

### **Background**

**4.6.1** Neath Port Talbot's canals were first built in the late 18<sup>th</sup> Century for the transportation of minerals and produce enabling the early development and expansion of industry in the Swansea and Neath valleys. There are three principal canals in Neath Port

12 Technical Advice Note 12 Design (2016)

13 Design Supplementary Planning Guidance

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Talbot: The Neath Canal extends for some 13 miles from Briton Ferry up the Vale of Neath to Glynneath; the Tennant Canal is some 8 miles in length running from Port Tennant near Swansea docks to link with the Neath Canal at Aberdulais; and the Swansea Canal originally linked Swansea with Abercraf, running up the Swansea Valley through Pontardawe and Ystalyfera.

**4.6.2** In addition to the three main canals there were a number of relatively short branch canals providing links to collieries and other industrial sites. Most of these are not now extant, but it is still possible to identify the course of the Glan y Wern Canal running through Crymlyn Bog linking to the Tennant Canal.

**4.6.3** In addition to their historic interest, the canals still have significant roles to play in providing water supplies to local industries, providing recreation and leisure and active travel facilities (particularly as walking and cycling routes) and for biodiversity: a wide range of biodiversity designations apply to the canals, all of which are recognised as Sites of Interest for Nature Conservation (SINCs), with some stretches also being part of nationally and internationally designated areas, for example the Tennant Canal forms part of the Crymlyn Bog and Pant y Sais Fen Special Area for Conservation and Ramsar Site.

### Current Status of the Canals

#### Swansea Canal

**4.6.4** The line of the lower part of the Swansea Canal (between Swansea Docks and Trebanos) is within the City and County of Swansea administrative area, while the upper reaches are in Powys. Within Neath Port Talbot the canal is partly extant and in water (with some stretches that have seen significant restoration works) and partly abandoned or infilled. Some lengths of the canal within NPT have been built over or destroyed, mainly as a result of the construction of new or widened/improved roads. **However, there are proposals to restore sections of the canal, and Swansea Canal Society is currently undertaking restoration works.**

**4.6.5** From the County Borough boundary at Trebanos to the southern end of the playing fields, the canal is extant and in water, including locks and overbridges. Through the playing fields up to the bypass road (A474) at Pontardawe town centre it has been infilled and is largely not visible. Through Pontardawe town centre and up to Ynysmeudwy it has been restored, including bridges, aqueducts and locks with the towpath providing a popular recreational route and the canal making an important contribution to the character and attractiveness of the town.

**4.6.6** After the modern road bridge at Ynysmeudwy, the next stretch of the canal forms part of a nature reserve and has not been restored but remains extant, with bridges and locks in situ as far as Godre'r Graig (Gnoll Road). From this point up to Pantteg/Ystalyfera, the canal line has been significantly affected by road widening and straightening, and much of the canal has been destroyed although some locks and a former boatyard remain.

**4.6.7** From Pantteg to the County Borough boundary where the canal aqueduct crosses the River Twrch adjacent to the A4067, there is little obvious remaining of the canal and a significant part has been destroyed by the construction of the bypass road.

## 4 . The Conservation of the Historic Environment

**4.6.8** A number of remaining features associated with the canal including bridges and locks are protected by statutory designations (as listed buildings or scheduled monuments). Significant canal features and buildings that are not protected in this way have been designated as BLIs (refer below).

### Tennant Canal

**4.6.9** The first part of the Tennant Canal route from Swansea Docks to the County Borough boundary lies within the City and County of Swansea. From the boundary the canal is maintained in water following the edge of Crymlyn Bog to Jersey Marine including the junction with the Glan y Wern branch canal.

**4.6.10** After the B4290 road bridge at Jersey Marine the canal passes through Pant y Sais Fen before passing Neath Abbey Wharf and Neath Abbey ruins and going close to Neath town centre alongside the River Neath to Aberdulais.

**4.6.11** At Aberdulais, the canal crosses the river Neath on a stone aqueduct (currently not in water) before joining the Neath Canal at a canal basin. Again, a significant number of structures along the canal are Listed Buildings, with a section of canal at Neath Abbey designated as a Scheduled Monument. Significant features that are not currently protected have been designated as BLI (refer below).

### Neath Canal

**4.6.12** The Neath Canal is maintained in water from Briton Ferry adjacent to wharfs on the River Neath, past Giants Grave and Milland Road industrial area to Neath town centre and then on to Tonna and Aberdulais. Improvements have been made in recent years to accessibility allowing the use of the tow path for walking and cycling along these stretches of the canal. At Tonna, significant restoration work was undertaken some years ago on the canal depot which is designated a Conservation Area (refer to Section 4.3 above).

**4.6.13** After the junction with the Tennant Canal at Aberdulais, the Neath Canal continues in water up the valley, passing Clyne, where a pair of locks and associated structures have been restored in recent years, crossing the River Neath at Ynys Bwllog on a modern replacement aqueduct, and continuing in water as far as a pair of disused locks near to Abergarwed.

**4.6.14** There is a stretch of canal infilled at Abergarwed, followed by a stretch along side the B4242 Neath Road which is derelict, including a lock near to the Farmers Arms Public House. The link road to the A465 dual carriageway at Resolven severs this part of the canal from the stretch between Resolven and Aberpergwm, which has been restored (including a number of locks and bridges) and is in water.

**4.6.15** At Aberpergwm, road improvements have again severed the line of the canal and the final stretch to Glynneath is largely derelict. The final length of canal has been lost under the embankment for a former stretch of the A465 dual carriageway.



### LDP Policy

**4.6.16** LDP Policies BE2 and BE3 (refer to Section 3.2 above) are both specifically relevant to the heritage value of the County Borough's canals. The policies have the aim of conserving and enhancing the significant features of the canals where possible through the planning system, with Policy BE3 specifically aiming to safeguard the canal routes from development that could prejudice their use or reinstatement.

### Application of Policy BE2

**4.6.17** As outlined above, a number of structures along the canals are either Listed Buildings or Scheduled Monuments, and any proposed alterations to any of these structures will require the relevant consents (refer to Section 4). The majority of the remaining canal structures that are not already protected in this way have been designated as BLIs, and LDP Policy BE2 will therefore be applied when dealing with any planning applications that could affect these structures. Policy BE2 will be applied to the designated canal structures in the same way as for other types of BLI as set out above.

### Application of Policy BE3

**4.6.18** Policy BE3 specifically relates to the canal network, and aims to safeguard the canal routes. Criterion 1 of the policy identifies the lengths of canal that are still substantially in existence (also identified on the LDP Proposals Map) and sets out restrictions on development that would prejudice the conservation, restoration and operation of these lengths. The policy refers to the setting of the canals and their use for recreational and water supply purposes.

**4.6.19** Any proposal for development near to the identified lengths of canal will therefore need to consider its possible impacts on the canal including the effects it will have on the canal's setting and therefore on its character and appearance in that locality. In relevant cases, additional information should be submitted with the planning application to explain how the canal has been taken into account in the design and layout of the development, and to show how the development will relate to the canal.

**4.6.20** Criterion 2 of the policy applies to remaining parts of the canal network that may have been infilled or abandoned, but where there remains the possibility of future reinstatement. If development is proposed in these areas, it should be designed and laid out to ensure that sufficient space is retained to reinstate the canal along its historic alignment **or an agreed revised alignment**, and that no buildings, permanent structures or access roads are proposed that do not take this into account. The precise requirements will depend on the circumstances of the site concerned and it is recommended that developers instigate pre-application discussions with the Planning Department at an early stage<sup>(14)</sup>.

14 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website: <http://www.npt.gov.uk/default.aspx?page=111>

### Canals Lists

**4.6.21** The canal structures that are designated as BLIs are listed in Appendix B, with lists for each of the three main canals. The full schedule of protected structures (including Listed Buildings and Scheduled Monuments) for each canal is contained in a separate document (The Schedule of Designated Canal Structures<sup>(15)</sup>). This is set out in a similar way to the Schedule of Buildings of Local Importance, but includes scheduled and listed structures as well as BLIs, in the interests of clarity.

## Appendix A: Schedule of Buildings of Local Importance

The BLIs are listed in the tables below by electoral ward, grouped into the eight LDP Spatial Areas. BLIs associated with the Swansea, Tennant and Neath canals are listed separately in Appendix B. The full schedules giving details of each BLI are in a separate document<sup>(16)</sup>.

**[Note: Information quoted from Coflein is Crown Copyright: Royal Commission on the Ancient and Historical Monuments of Wales, and should not be used for any commercial purpose].**

### Afan Valley

#### Cymmer

Ref:	Name	Address	Settlement
CYM002	Former Brynsiriol Senior Citizens Centre	Station Road	Cymmer
CYM003	Former HSBC Bank	Station Road	Cymmer
CYM004	Ty Sant John	Station Road	Cymmer
CYM005	Former Railway Station Refreshment Rooms	Station Road	Cymmer
CYM006	United Free Methodist Church	Brytwn Road	Cymmer

#### Glyncorrwg

Ref	Name	Address	Settlement
GLC002	Bethel House	Corner of Commercial Street and Melyn Street	Glyncorrwg
GLC003	United Methodist Church and Schoolroom	Bryn Road	Glyncorrwg
GLC004	St. John the Baptist Church	Church Street	Glyncorrwg

#### Gwynfi

Ref	Name	Address	Settlement
GWY001	Capel Salem	Commercial Street	Abergwynfi
GWY003	St. Gabriel's Court	Graig Road	Abergwynfi

## Appendix A: . Schedule of Buildings of Local Importance

Ref	Name	Address	Settlement
GWY004	Blaengwynfi Library	Jersey Road	Blaengwynfi
GWY005	Tunnel Hotel	Heol y Nant	Blaengwynfi
GWY006	Community Co-op Store	Jersey Road	Blaengwynfi

### Pelenna

Ref	Name	Address	Settlement
PEL001	The Colliers Riverside	Efail Fach	Efail Fach
PEL002	Independent Chapel	Efail Fach	Efail Fach
PEL005	Limekiln	Tonmawr Road	Tonmawr

## Appendix A: . Schedule of Buildings of Local Importance

### Amman Valley

#### Gwaun-cae-Gurwen

Ref	Name	Address	Settlement
GCG001	Carmel Chapel	Heol Cae Gurwen	Gwaun Cae Gurwen
GCG002	Shops	61 and 63 Heol Cae Gurwen	Gwaun Cae Gurwen
GCG004	St. Mary's Church	Heol Cae Gurwen	Gwaun Cae Gurwen
GCG005	Capel Hermon	Brynamman Road	Gwaun Cae Gurwen
GCG006	Railway Viaducts	Off Heol Cae Gurwen	Gwaun Cae Gurwen

#### Lower Brynamman

Ref	Name	Address	Settlement
LBA001	Siloam Chapel	Amman Road	Lower Brynamman
LBA002	Ebenezer Chapel	Amman Road	Lower Brynamman
LBA003	Brynamman Hotel	27 Amman Road	Lower Brynamman
LBA004	Crown Inn	25 Park Street	Lower Brynamman
LBA005	27 Park Street	27 Park Street	Lower Brynamman
LBA007	St. David's Church	King Edward Road	Tairgwaith

## Appendix A: . Schedule of Buildings of Local Importance

### Dulais Valley

#### Crynant

Ref	Name	Address	Settlement
CRY001	Salem Chapel	Brynawel	Crynant
CRY002	St. Margaret's Church	Main Road	Crynant
CRY004	Maes Mawr Bridge	Maes Mawr Road	Crynant
CRY006	Crynant Community Centre	Woodland Road	Crynant
CRY007	Bethel Chapel	School Road	Crynant

#### Dyffryn Cellwen

Ref	Name	Address	Settlement
ONL002	St. David's Church	Main Road	Dyffryn Cellwen
ONL003	Noddfa Chapel	Main Road	Dyffryn Cellwen

#### Seven Sisters

Ref	Name	Address	Settlement
SEV004	Brick Row	1 - 6 High Street	Seven Sisters
SEV007	St. Mary's Church	Church Road	Seven Sisters
SEV008	Bryndulais PH	Church Road	Seven Sisters
SEV009	Footbridge, truck and winding wheels	Recreation Area Church Road	Seven Sisters

## Appendix A: . Schedule of Buildings of Local Importance

### Neath

#### Aberdulais

Ref	Name	Address	Settlement
ABD001	Dulais Rock PH	Main Road	Aberdulais
ABD002	Former Wesley Chapel	Canalside	Aberdulais
ABD005	Pisgah Chapel	Main Road	Cilfrew
ABD006	Hermon Chapel	Main Road	Cilfrew
ABD008	Pisgah Vestry	Main Road	Cilfrew

#### Briton Ferry East

Ref	Name	Address	Settlement
BFE001	Former Bank	43 Neath Road	Briton Ferry
BFE002	Jerusalem Baptist Church	Neath Road	Briton Ferry
BFE003	Ferryman PH	Neath Road	Briton Ferry
BFE004	Briton Ferry Workingmen's Club	Neath Road	Briton Ferry
BFE006	Ynysmaerdy Cemetery Chapels	Ynysmaerdy Road	Briton Ferry
BFE007	The Christian Centre	Craig Road	Briton Ferry
BFE009	Church of Our Lady of the Assumption	Neath Road	Briton Ferry
BFE011	Former New Dock Hotel	Villiers Road	Briton Ferry
BFE012	Y Graig Chapel	Neath Road / Ynysmaerdy Road	Briton Ferry
BFE014	Bethesda Congregational Church	Cwrt Sart	Briton Ferry
BFE018	Former Post Office	Neath Road	Briton Ferry
BFE019	Leigh's Barbers Shop	177 Neath Road	Briton Ferry
BFE020	Horse Trough	Adj. Car Wash Neath Road	Briton Ferry

## Appendix A: . Schedule of Buildings of Local Importance

Ref	Name	Address	Settlement
BFE021	English Independent Chapel Vestry	Thomas Street	Briton Ferry
BFE022	Briton Ferry Little Theatre	Neath Road	Briton Ferry

### Briton Ferry West

Ref	Name	Address	Settlement
BFW003	Barn Cottages	1 - 5 Barn Cottages, Shelone Road	Briton Ferry
BFW006	Former St. John the Baptist Church	50A Giants Grave Road	Briton Ferry

### Bryncoch North

Ref	Name	Address	Settlement
BRN002	Saron Chapel	Main Road	Bryncoch

### Bryncoch South

Ref	Name	Address	Settlement
BRS002	Ty'n yr Heol House	Ty'n yr Heol	Bryncoch
BRS004	Neath and Brecon Junction signal box	Neath Abbey Road	Neath

### Cadoxton

Ref	Name	Address	Settlement
CAD001	The Green Dragon PH	Church Road	Cadoxton
CAD003	War Memorial	Main Road	Cadoxton
CAD004	Crown and Sceptre PH	Main Road	Cadoxton

### Coedfranc Central

Ref	Name	Address	Settlement
COC002	Calfaria Baptist Church	Stanley Road	Skewen
COC006	Carnegie Hall	Evelyn Road	Skewen



## Appendix A: . Schedule of Buildings of Local Importance

Ref	Name	Address	Settlement
COC007	Y Capel	Old Road	Skewen
COC008	The Colliers Arms PH	New Road	Skewen

### Coedffranc North

Ref	Name	Address	Settlement
CON002	Traveller's Well PH	Dynevor Place	Skewen
CON003	Drymmau Hall	Drymmau Road	Skewen
CON004	Free Mission Church	Dynevor Road	Skewen

### Coedffranc West

Ref	Name	Address	Settlement
COW002	William Knox House	Britannic Way	Coed Darcy
COW003	Gower Chemicals	Baldwins Crescent	Crymlyn Burrows
COW005	Llandarcy Institute	Prettyman Drive	Llandarcy
COW006	Milestone		Llandarcy
COW007	Crymlyn Primary School	School Road	Llandarcy
COW008	Nissen Hut	Serecold Avenue	Skewen

### Dyffryn

Ref	Name	Address	Settlement
DYF001	Ty Mawr	1 - 5 New Road	Neath Abbey
DYF002	Glynfelin Lodge	Longford Road	Neath Abbey
DYF003	Swiss Cottage	Longford Road	Neath Abbey
DYF005	<del>Mynachlog-Nedd Junior School</del> <b>Ysgol Gynradd Abbey / Abbey Primary School</b>	New Road	Neath Abbey
DYF006	Front Lodge	Dyffryn Road	Dyffryn

## Appendix A: . Schedule of Buildings of Local Importance

### Neath East

Ref	Name	Address	Settlement
NTE002	Dark Arch Tunnel	The Rope Walk	Neath
NTE003	Ebenezer Baptist Church	Briton Ferry Road	Neath
NTE006	English Presbyterian Church in Wales	London Road	Neath
NTE008	Neath Methodist Church	Briton Ferry Road	Neath
NTE012	Siloh Chapel	Old Road	Melin
NTE013	Melincryddan Community Centre	Old Road	Melin
NTE014	Siloh Fach	Dan y Graig Road	Melin
NTE015	Bethel Elim Chapel	Briton Ferry Road	Melin

### Neath North

Ref	Name	Address	Settlement
NTN001	Warehouse	Croft Road	Neath
NTN006	Lletty Nedd	1 - 4 Lletty Nedd, Pen y Dre	Neath
NTN008	The Greyhound PH	Water Street	Neath
NTN010	Llantwit Cemetery Chapel	Fairyland Road	Neath
NTN011	Zoar Chapel	Bridge Street	Neath
NTN014	Chapel	High Street	Neath
NTN015	Neath Mission Hall	High Street	Neath
NTN017	Orchard Place Baptist Church	Orchard Street	Neath
NTN018	Castle Hotel	The Parade	Neath
NTN019	Castell Nedd Arms	Angel Street	Neath
NTN020	1 Orchard Street and 1 Wind Street	Wind St/ Orchard St.	Neath
NTN021	David Protheroe PH	7 Windsor Road	Neath
NTN022	The Big Cam PH	9 Windsor Road	Neath
NTN023	Prudential Chambers	11 The Parade	Neath
NTN024	Alderman Davies School	St. David's Street	Neath

## Appendix A: . Schedule of Buildings of Local Importance

Ref	Name	Address	Settlement
NTN025	1 - 3 Church Place	1 - 3 Church Place	Neath

### Neath South

Ref	Name	Address	Settlement
NTS001	St. Peter and St. Paul Church	Cimla Road	Cimla
NTS003	The Laurels	Lewis Road	Neath
NTS005	St. Joseph's RC Church	Cook Rees Avenue	Neath

### Tonna

Ref	Name	Address	Settlement
TON001	Tonna Hospital	Tonna Uchaf	Tonna

## Appendix A: . Schedule of Buildings of Local Importance

### Neath Valley

#### **Blaengwrach**

Ref	Name	Address	Settlement
BLA001	Calfaria Chapel	High Street	Cwmgwrach
BLA002	Wenallt Farm	Heol Wenallt	Cwmgwrach
BLA003	Former Siloh Chapel	Heol Wenallt	Cwmgwrach
BLA004	St. Mary's Church	Blaengwrach	Cwmgwrach

#### **Glynneath**

Ref	Name	Address	Settlement
GLN002	Lamb and Flag PH	B4242	Glynneath
GLN009	Addoldy Glynneath	Addoldy Road	Glynneath
GLN011	Angel Inn	Pontneathvaughan Road	Pontneddfechan
GLN012	Pentreclwydau Farm pigsty	Glynneath Road	Pentreclwydau
GLN013	Rheola Lodge	Glynneath Road	Rheola
GLN014	Capel y Glyn	Heol y Glyn	Glynneath
GLN016	Bethel Baptist Chapel	High Street	Glynneath
GLN017	Pontneddfechan Bridge	High Street	Pontneddfechan

#### **Resolven**

Ref	Name	Address	Settlement
RES002	St. David's Church	Neath Road	Resolven
RES004	Resolven War Memorial	Neath Road	Resolven
RES005	Resolven Community Centre	Tan y Rhiw Road	Resolven
RES006	Sardis Baptist Chapel and Church	Commercial Road	Resolven
RES007	Ton House and former Post Office	5,7 & 9 Neath Road	Resolven
RES008	Farmers Arms PH	Glynneath Road	Resolven

# Appendix A: . Schedule of Buildings of Local Importance

## Pontardawe

### Alltwen

Ref	Name	Address	Settlement
ALL001	Alltwen Chapel	Bryn Llewellyn	Alltwen
ALL002	St. John the Baptist Church	Bryn Llewellyn	Alltwen
ALL004	Mount Pleasant and Warehouse/club	The Triangle	Alltwen
ALL005	Church House	Dyffryn Road	Alltwen
ALL007	Dan y Graig Chapel	Edward Street	Alltwen
ALL008	Alltwen Community Centre	Dyffryn Road	Alltwen

### Pontardawe

Ref	Name	Address	Settlement
PON001	Neuadd Glanrhyd	Glan Rhyd Road	Pontardawe
PON002	Cross Community Centre	High Street/Herbert Street	Pontardawe
PON003	New Church Temple	86 New Road	Ynysmeudwy
PON006	Pontardawe Arts Centre	Herbert Street	Pontardawe
PON007	Pontardawe Library	Holly Street	Pontardawe
PON008	Ivy Bush Hotel	High Street	Pontardawe
PON009	Adulam Baptist Chapel	Swansea Road	Pontardawe
PON010	Pontardawe Police Station	High Street	Pontardawe
PON012	Bethesda Chapel	New Road	Ynysmeudwy
PON014	Soar Presbyterian Church	Holly Street	Pontardawe
PON016	Alltycham Farm	Alltycham Drive	Pontardawe
PON017	Old Brewery	High Street	Pontardawe
PON019	Pontardawe Inn	Off Neath Road	Pontardawe
PON020	Ty Mawr	Ynysderw Road	Pontardawe
PON021	St. Mary's Church	Ynysmeudwy Road	Ynysmeudwy
PON022	21 Holly Street	21 Holly Street	Pontardawe

## Appendix A: . Schedule of Buildings of Local Importance

Ref	Name	Address	Settlement
PON023	6 James Street	6 James Street	Pontardawe
PON024	Wesleyan Chapel	James Street	Pontardawe
PON025	57 - 60 Herbert Street	57 - 60 Herbert Street	Pontardawe
PON026	Saron New Chapel	Commercial Road	Pontardawe
PON027	41 - 43 Herbert Street	41 - 43 Herbert Street	Pontardawe
PON028	44 - 46 Herbert Street	44 - 46 Herbert Street	Pontardawe
PON029	46 - 47 Herbert Street	46 - 47 Herbert Street	Pontardawe

### Rhos

Ref	Name	Address	Settlement
RHO001	Ebenezer Chapel	Neath Road	Rhos
RHO005	Plas Cilybebyll	Cwm Nant Llwyd Road	Rhos
RHO006	Swansea Valley Holiday Cottages	Cwm Nant Llwyd Road	Rhos

### Trebanos

Ref	Name	Address	Settlement
TRE001	St. Michael and All Angels Church	Swansea Road	Trebanos
TRE002	Capel y Graig	Swansea Road	Trebanos
TRE003	Gosen Chapel	Swansea Road	Trebanos

# Appendix A: . Schedule of Buildings of Local Importance

## Port Talbot

### Aberafan

Ref	Name	Address	Settlement
ABA001	Bethlehem Evangelical Church	Ysguthan Road	Aberafan
ABA002	Salem Church	Sandfields Road	Aberafan
ABA003	St Paul's Church	Pendarvis Terrace	Aberafan
ABA005	Old Fire Station	Water Street	Aberafan
ABA006	Kash Superstore	Bailey Street	Aberafan

### Baglan

Ref	Name	Address	Settlement
BAG001	Baglan Lodge	Glan Hafren	Baglan
BAG002	St. Baglan's Church and No. 5	Old Road	Baglan
BAG004	The Lodge	32 Lodge Road	Baglan

### Bryn & Cwmavon

Ref	Name	Address	Settlement
BCA001	Former St John's Church	Oakwood Avenue, Oakwood	Pontrhydyfen
BCA002	Former Pontrhydyfen Primary School	School Street, Oakwood	Pontrhydyfen
BCA004	Rolling Mill PH	Salem Road	Cwmafan
BCA008	Church Hall	School Terrace	Cwmafan
BCA009	Bryn Gurnos	Chapel Terrace	Bryn
BCA010	Royal Oak PH	Maesteg Road	Bryn
BCA011	St. Philip Evans Catholic Church	Salem Road	Cwmafan
BCA012	Rock Independent Chapel	Pwll y Glaw	Cwmafan
BCA013	St. Tydfil's Church	Bryn Eglwys	Bryn
BCA014	British Lion PH	Pwll y Glaw	Cwmafan

## Appendix A: . Schedule of Buildings of Local Importance

### Margam

Ref	Name	Address	Settlement
MAR002	Pen y Bryn Methodist Chapel	Heol y Glo	Pen y Bryn

### Port Talbot

Ref	Name	Address	Settlement
POR003	Mission Room	Talbot Road	Port Talbot
POR004	Forest Veterinary premises	Talbot Road	Port Talbot
POR006	Former Lloyds Bank	2 - 4 Station Road	Port Talbot
POR007	Grove House	Grove Place	Port Talbot
POR008	St. Oswald's Chambers	6 Station Road	Port Talbot
POR011	Barclays Bank	48 Station Road	Port Talbot
POR012	Constitutional Club	62 Station Road	Port Talbot
POR013	Former Glan Afan School	Station Road	Port Talbot
POR014	Commercial Buildings	Corner of Talbot Road and Beverley Street	Port Talbot
POR015	Grand Hotel	Talbot Road	Port Talbot
POR016	Romily Buildings	42 Talbot Road	Port Talbot
POR018	Page's DIY	56 Talbot Road	Port Talbot
POR020	Lucania Buildings	1 – 6 Lucania Buildings Talbot Rd/Talcennau Road	Port Talbot
POR021	Eagle House	Talbot Road	Port Talbot
POR022	Grange Street Independent Chapel	Grange Street	Port Talbot
POR023	St. Agnes Church	Forge Road	Port Talbot
POR024	101 and 109 Pen y Cae Road	101 and 109 Pen y Cae Road	Port Talbot
POR025	Riverside Baptist Church	Rear of Station Road	Port Talbot
POR026	Carmel Church	Rear of Station Rd	Port Talbot
POR027	Saron Chapel	Lletty Harri	Port Talbot



## Appendix A: . Schedule of Buildings of Local Importance

### Sandfields West

Ref	Name	Address	Settlement
SAW001	Sandfields Methodist Church	Western Avenue	Sandfields
SAW003	St. Therese RC Church	Southdown Road	Sandfields

### Taibach

Ref	Name	Address	Settlement
TAI001	Evangelical Reformed Church	Margam Road	Taibach
TAI002	Our Lady of Margam RC Church	Margam Road	Taibach
TAI003	Ffrwdwyllt House	2 Commercial Road	Taibach
TAI004	Wesley Chapel	Incline Row	Taibach
TAI005	St. David's Church	Ty Fry Road	Taibach
TAI008	Taibach Rugby Club	Commercial Road	Taibach
TAI010	Former Smyrna Chapel	Smyrna Cottages	Taibach
TAI011	40 Commercial Road	40 Commercial Road	Taibach

## Appendix A: . Schedule of Buildings of Local Importance

### Swansea Valley

#### Cwmllynfell

Ref	Name	Address	Settlement
CWL001	Former Ysgol Gynradd Rhiwfawr	Rhiw Road	Rhiwfawr
CWL003	St. Margaret's Church	New Road	Cwmllynfell
CWL004	Cwmllynfell Chapel	New Road	Cwmllynfell

#### Godre'r Graig

Ref	Name	Address	Settlement
GOD002	168 Graig Road	168 Graig Road	Godre'r Graig

#### Ystalyfera

Ref	Name	Address	Settlement
YST001	Gurnos Chapel	Main Road	Ystalyfera
YST002	St. David's Church	St. David's Road	Ystalyfera
YST006	Capel Caer Salem	Cyfyng Road	Ystalyfera
YST007	Wern Fawr Inn	47 Wern Road	Ystalyfera
YST008	45 Wern Road	45 Wern Road	Ystalyfera
YST009	Jerusalem Chapel	Wern Road	Ystalyfera

## Appendix B: Canals BLI List

### B.1 Swansea Canal

The BLIs associated with the canals are listed in the tables below by electoral ward, in the order in which they occur along each canal. All other BLIs are listed separately in Appendix A. The full schedules giving details of each canal BLI, together with Listed Buildings and Scheduled Monuments along the canals are in a separate document<sup>(17)</sup>.

**[Note: Information quoted from Coflein is Crown Copyright: Royal Commission on the Ancient and Historical Monuments of Wales, and should not be used for any commercial purpose].**

#### Swansea Canal

Ref:	Name	Address	Settlement
<b>Trebanos</b>			
SCA001	Trebanos Lock 8, overbridge and Lock 9	The Green	Trebanos
<b>Pontardawe</b>			
SCA002	Ynysmeudwy Lower Lock (12) and Lengthman's Hut	Ynysmeudwy Road	Ynysmeudwy
SCA003	Ynysmeudwy Upper Lock (13)	Ynysmeudwy Road	Ynysmeudwy
<b>Godre'r Graig</b>			
SCA004	Cilmaengwyn Overbridge	Cilmaengwyn Road	Cilmaengwyn
SCA005	Cwm Tawe Isaf/ Cilmaengwyn Upper Lock (14)	Cilmaengwyn Road	Cilmaengwyn
SCA006	Lock 15	Adjacent A4067	Godre'r Graig
SCA007	Lock 16	Adjacent A4067	Godre'r Graig
SCA008	Lock 18	Adjacent A4067	Godre'r Graig
<b>Ystalyfera</b>			
SCA010	High level rock cutting for canal	Rear of Cyffyng Road	Ystalyfera

## Appendix B: . Canals BLI List

### B.2 Tennant Canal

#### Tennant Canal

Ref:	Name	Address	Settlement
<b>Coedffranc West</b>			
TCA001	Railway embankment abutments and two railway overbridges	Pant y Sais	Jersey Marine
TCA002	Railway overbridge	Adjacent Llandarcy Gas Depot	Llandarcy
TCA003	Arched railway overbridge	Neath Abbey Wharf	Skewen
<b>Cadoxton</b>			
TCA004	Railway overbridge	Adjacent A465 dual carriageway	Cadoxton
TCA005	Canal Overbridge	South west of Bett's Nursery	Cadoxton

### B.3 Neath Canal

#### Neath Canal

Ref:	Name	Address	Settlement
<b>Briton Ferry West</b>			
NCA001	Saltings Overbridge	Giants Grave Tip	Briton Ferry
NCA002	Railway Overbridge	Cwrt Sart	Briton Ferry
<b>Neath East</b>			
NCA003	Galve Bridge	Milland Road	Melincrythan
<b>Tonna</b>			
NCA004	Railway Overbridge	Dulais Fach Road	Tonna
NCA005	Pont y Gwaith Bridge	Off B4434	Tonna
NCA006	Craig Ynysnedd Lock (Lock 2)	Off B4434	Tonna
<b>Resolven</b>			
NCA007	Whitworth Lock Overbridge, Whitworth and Gitto Locks (Locks 3 and 4)	Cyd Terrace	Clyne
<b>Aberdulais</b>			
NCA008	Ynysbwlllog Bridge	Ynysbwlllog Farm	Ynysbwlllog

## Appendix B: . Canals BLI List

Ref:	Name	Address	Settlement
<b>Resolven</b>			
NCA009	Ynysarwed Lock South (Lock 5)	Edwards Terrace	Abergarwed
NCA010	Ynysarwed Lock North (Lock 6)	Abergarwed	Abergarwed
NCA011	Farmers Lock (Lock 7)	Off B4242	Resolven
NCA012	Resolven Lock (Lock 8)	South of B4242	Resolven
NCA013	Ty Banc	South of B4242	Resolven
<b>Glynneath</b>			
NCA014	Crugau Lock (Lock 9)	South of B4242	Rheola
NCA015	Rheola Lock (Lock 10)	South of B4242	Rheola
NCA016	Canal Aqueduct over Rheola Brook	South of B4242	Rheola
NCA017	Ynys yr Allor Lock (Lock 12)	Ynys yr Allor	Pentreclwydau
NCA018	Maes Gwyn Lock (Lock 13)	Maes Gwyn	Pentreclwydau
NCA019	Pwllfaron Lock (Lock 14)	Pwllfaron	Aberpergwm
NCA020	Granary Lock (Lock 15)	Adjacent to B4242 north of Ysgwrfa Bridge	Aberpergwm
NCA021	Chain Lock (Lock 16)	Opposite Chain Road	Aberpergwm
NCA022	Fox's Lock (Lock 17)	North of B4242 adjacent to Manor Road bridge/gateway	Aberpergwm

# Appendix B: . Canals BLI List

Supplementary Planning Guidance: The Historic Environment (Tracked Changes - April 2019)

### Appendix C: Procedure for Identifying BLIs

#### Exclude all:

- Listed Buildings
- Scheduled Monuments

#### Examples of types of Building/Structure to be assessed:

- Churches and Chapels
- Pubs
- Halls
- Libraries and other public buildings
- War memorials, statues, fountains etc.
- Traditional shops/shopfronts
- Industrial heritage, railway/tramway structures, canal structures etc.
- Distinctive/important examples of local building types and styles

#### Qualifying Characteristics

LDP Policy BE2 defines BLIs as '*...buildings that are of local historic, architectural or cultural importance*'. The supporting text for the policy states:

*'Buildings may be significant for architectural reasons, giving character and sense of place to local centres and settlements, or may be of particular local historic or cultural importance'*.

#### Criteria for Selection<sup>(18)</sup>

In order to qualify for designation as a BLI, a building has to meet at least three of the five selection criteria listed below. The criteria that the building is considered to meet are shown on the draft BLI schedule entry. The selection criteria are:

1. **Architectural Interest** - Buildings and structures which are of importance to Neath Port Talbot for the interest of their architectural design, decoration and craftsmanship; also important examples of particular building types and techniques.
2. **Historic Interest** - Buildings and structures which illustrate significant aspects of Neath Port Talbot's social, economic, cultural or military history.
3. **Historical or Cultural Association** - Association with the community's important people or events or having had an important role in the cultural life or development of the community.

## Appendix C: . Procedure for Identifying BLIs

4. **Group/Settlement Character Value** - Where local buildings comprise an important architectural or historic unity or make an important contribution to the character of a settlement.
5. **Old or Rare Local Buildings** - Buildings/structures that may have been altered too much to warrant being included on the national statutory list but are of a rare type locally or retain historic character or interest.







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



Local Development Plan  
Cynllun Datblygu Lleol

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

**Date: 12<sup>th</sup> April 2019**

#### **REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS**

#### **MATTER FOR DECISION**

#### **WARD AFFECTED: SANDFIELDS EAST**

#### **ALLEGED PUBLIC FOOTPATH FROM DARWIN ROAD TO NEWBRIDGE ROAD COMMUNITY OF SANDFIELDS.**

#### **Purpose of the Report**

- 1.1 To determine an application which alleges a public footpath exists alongside part of the estuary, commencing on Newbridge Road at the point it meets the pedestrian bridge which is currently closed, before turning into the land occupied by the Greenstar rugby club. Shown on plan no.1 by a broken line A-B-B1-C.

#### **The law**

- 1.2 The application has been made under the provisions of the Wildlife and Countryside Act 1981 and a copy of the relevant provisions are reproduced at appendix 1.
- 1.3 There are sixteen people who support the application, ten of whom each claim to have walked this path for at least 20 years and that there has been no interruption during that period of use.
- 1.4 For the purposes of this report, it should also be noted that under Section 31 of the Highways Act 1980 (reproduced at Appendix 2) any minimum period of uninterrupted use of 20 years could give rise to the

presumption that the owner of the land has dedicated the way to the public.

- 1.5 In addition to the statutory provisions referred to above, there are provisions under the common law where any period of use whether it be more or less than 20 years could be deemed sufficient to establish that there has been a dedication of a public right of way. However there needs to be evidence of positive action by the landowner that shows there was an intention to dedicate and that the public have used the route which is consistent with an acceptance of that dedication (for the common law provisions please see Appendix 3).

### **The application**

- 2.1 Turning to the application, one point of termini is at the entrance to the Green Stars Rugby Club and its playing fields on Darwin Road (shown as point A on the plan no.1). This is accessed via a large vehicular gate and an adjacent small pedestrian gate. The route follows the tarmacked access road and adjacent footway to pass between the rugby clubhouse and the 11<sup>th</sup> Port Talbot Scouts Group clubhouse before passing through another pedestrian gate (point B). The path continues via the tarmacked joint cycleway and footpath before terminating at the junction of Newbridge Road and Darwin Road (point s B-B1C). The section of path B-C forms part of the Wales coast path even though it is not registered as a public right of way.
- 2.2 An objection has been made to this application by one of the local Ward Members who also represents the Greenstars rugby club. A letter setting out the club's grounds for objecting was sent by another member of that club and this is shown in Appendix 4.

### **3.1 Tests to be applied are as follows**

- 3.2
- (a) Whether there has been a minimum period of twenty years uninterrupted use prior to the first occasion the public's alleged right to use the path was called into question. This is known as the relevant period and is calculated counting retrospectively from this date. If there is no evidence of such an occasion, then the

date of the application itself will count as the end date for the twenty years;

- (b) Whether as outlined in paragraph 1.5, there is evidence of common law dedication.

3.3 Issues such as the convenience of a path, or whether it would provide a useful amenity or be of recreational value to the public are not grounds for recognising the path as a public one. Conversely, if the registration of this path were to prove an inconvenience or problematic to the owners of the land, this would also not be a relevant consideration. It is a question as to whether the applicant can show a right of way exists: the letter submitted by the Greenstars Rugby Club list their concerns associated with the possible recognition of this path as a public right of way. Nonetheless that letter does not provide any evidence as to why the public have not been making use of this path for the requisite period. The relevant tests are as follows:-

Whether a public right of way can be shown to exist;

- (a) on the balance of probability; or
- (b) that it is reasonable to allege one exists.

In the case of (b) this means the Council has to conclude there is sufficient evidence to justify making a modification order, rather than conclude such a public path does exist. It is therefore a less onerous test to satisfy.

If a modification order were to be made this would be subject to a period in which objections could be raised in respect of it. If objections are made to an order, the matter would have to be referred to the Planning Inspectorate for determination. If the Planning Inspectorate determines in favour of making the order, the order would then be confirmed and subsequently registered as a public path.

### **Land Ownership**

4.2 This Council owns all the land affected by the application and leases the land containing the length A-B to the Trustees of the Aberavon Green Stars Rugby Football Club. At point A there is a notice stating

“Little Warren Playing Fields”. At point C there are footpath and cycling notices with the 2 metre wide path divided by a white painted line. This length C-B is still managed as well as owned by this Council.

### **The Evidence**

- 5.1 The application was made in 2016 due to the pedestrian gate at point B having been locked at this time, according to two of the supporters of the application, and one of the Local Members. This coincided with the time the Green Stars Rugby Club took on the lease. However three supporters have said they have not found it locked much, at most only 2-3 times per year.
- 5.2 According to the six supporters to this claim who have been interviewed, the smaller pedestrian gate at point A has never been locked. According to four people the larger vehicular gate alongside has been locked with two suggesting more recently. Two other people have said that this larger gate has been locked periodically to prevent some local residents from using the club car park. One of the Local Members stated it has been locked every evening since September 2016 as a result of a request by the Police in order to deter acts of vandalism.
- 5.3 If the date of 2016 is the first occasion the public’s alleged right to use the path was challenged by the locking of the gate at point B then the relevant period would be 1996-2016. If so, ten people have each claimed to have used the route A-B for at least twenty years counting retrospectively from 2016.

### **Possible Relevant Period 1996 – 2016**

- 5.4 No exact date has yet been found from this Council’s records as to when the path B-C was set out, although according to one officer and also one resident it was 2005. The aerial photograph establishes it would have been after 2004 but before 2009.
- 5.5 Prior to the construction of the joint cycleway/footpath there were two paths running alongside the estuary in approximately the same location. One was positioned via a slightly different alignment as can be seen on plan no. 2 and shown as a bold black line, B-B3-B2-B4-C1-C .6 The aerial photographs of 2000 and 2004 show this earlier path more clearly but also a path at a higher level running alongside the playing fields via

B3- C1. This is why the connection to the access at point B, was via a number of short routes from the lower path situated slightly south west of point B1 passing up a steeper gradient than the current cycleway/pedestrian paths. These four routes are also shown on plan no.2 again as bold black lines, a fifth is highlighted as B2-B3.

- 5.7 In order to satisfy the provisions of S.31 of the Highways Act 1980, it is necessary to consider that length of path that was available to the public for the full twenty year period. Whilst the position of the path between A-B was unchanged throughout 1996-2016, it did vary from point B as its alignment between 1996 and 2005 proceeded to this earlier path from B-B2 or via the other four routes as mentioned. However the change in the alignment of the path in 2005 to the newer cycleway did not call into question the existence of the earlier path as it was not obstructed or removed. The result was to offer the public a newer path constructed to a higher standard which has since been used.
- 5.8 The position under common law is different to the test under s31 of the Highways Act 1980, in that whilst the path used after 2005 (B-B1-C via the broken line) was not subject to a minimum of 20 years use, it was specifically constructed for use by the public, whereby the notice at point C with its clear demarcation for dual cycling and walking and its more gradual gradient to the gate from B1 – B, was a clear invitation to the public to make use of this path. Since its construction the public accepted and have made use of the path until the present day. Consequently this provides good evidence of an express dedication by this Council under common law for the length B-C shown on plan no.1. The result was to provide better access into what was known as the Little Warren Playing Fields, in 2005 still managed by this Council until it leased the land to the Green Stars Rugby Club in 2016.
- 5.9 There is further evidence from three supporters, two of whom indicated the surface of the length of path A3-B, was tarmacked as a result of the intervention of a previous Local Member. This has been estimated to have been around 2009. This action enabled a less abled person to use the path in a wheelchair, given it was often muddy. This provides further evidence that this Council was also improving access for the public to pass in and out of what was the “Little Warren Playing Fields”.

- 5.10 Paragraph 3.2 refers to the basis upon which a modification order can be justified, that is:
- (a) whether it can be concluded a public path exists on the balance of probabilities; or
  - (b) whether it is reasonable to allege one exists.
- 5.11 The evidence shows the Council improved access alongside the estuary via B-B1-C, shown as a broken line in plan no.1
- 5.12 Within the grounds of the rugby club the Council also improved the surface of the shorter length of path A3-B and previously provision was made for a pedestrian gate at point A. Evidently this allowed the public to pass through the site when the main gate at point A was locked. This establishes access has been available throughout the period 1996 – 2016.
- 5.13 Consequently to satisfy the provisions of section 31 that there has been a route that was in continuous use between 1996 and 2016 would require recognition of the length A-B-via the broken line and thereafter via B-B3-B2-B4-C1-C via the bold line as shown on plan no.2.
- 5.14 Regarding the more recent path via B-B1- C via the broken line, this route can be shown to have been dedicated under common law for the lesser period from 2005 – 2016.
- 5.15 In conclusion there is sufficient evidence that the path as claimed A-B-C (plan no.1 ) has been dedicated to the public by the Council and accordingly a modification order should be made at the very least on the basis that it is reasonable to allege such a public path exists. That order would recognise access commencing at the pedestrian gate at point A and following the accommodation road and footway alongside and up to point A3, (plans no 1 or 2) thereafter via the single narrower path between point A3 and B before following the joint footpath and cycle path between points B and C shown on plan no.1, (or via the broken line between points B –B1-B4 and thereafter via the bold line from B4-C. as shown on plan no.2)

**Relevant Period**  
**1985 – 2005**



- 6.0. When the newer path B-C was set out in 2005 according to three supporters this coincided with the occasion the perimeter fence enclosing the playing fields was installed, which obstructed access into and out of the site at point B. Four stated the access was obstructed by this fence but two said a gap appeared shortly afterwards, with a section of the fence having been removed. One person thought this was done by members of the public. Two people however estimate this fence was installed closer to the year 2000.
- 6.1 It is possible these two possible earlier dates could be taken as the first occasion the existence of the alleged public path was called into question which would move the relevant period further back to either 1985 – 2005 or 1980 - 2000. There are six people who could each claim to have made use of this path throughout the whole of this period, 1985 – 2005, three of whom have been interviewed to include the earlier path running north from B3 – B2 –B4 – C. If the earlier date for when the fence was installed was 2000 then there are 5 persons who would claim to have been walking this path for the whole of this period, 3 of whom have been interviewed.
- 6.2 It is evident that throughout this earlier relevant period whether 1980 – 2000 or of 1985 – 2005, the public have enjoyed uninterrupted access via the route A-B-B3-B2-B4-C, shown on plan no.2, whilst part of this path is no longer in existence; the route has nonetheless acquired legal status.
- 6.3 It is also the case that when this perimeter fence appeared two persons stated that a section of this fence was removed (by persons unknown) to enable public access and that accordingly the public re asserted its right to continue to use the path. If this was the case, the appearance of this fence would not therefore have called the existence of the right of way into question.

## **Conclusion**

- 7.0 The two paths B-C and B-B3-B2-B4-C1 (apart from where they merge north of point B4) are shown as being approximately 5 metres apart. The length B-B3 was at its maximum 28 metres distant from the current path. A 5 metre variation to the alignment of these paths is more than what would be considered di minimus and so it cannot be said that the paths are one and the same.

## **Recommended**

- 7.1 Given the newer path B-C (plan no 1 ) is now the preferred and used route, it is recommended that this length be made the subject of a modification order as specified in 5.11 above and if no objections are made to confirm the same.
- 7.2 Secondly for the sake of completeness the earlier route B-B3-B2-B4 (plan no 2) via the bold line, has to be given legal recognition but be the subject of an extinguishment order on the grounds it is no longer needed for use.
- 7.3 The Welsh Office Circular 3/93 ( still in force ) advises that where it is agreed between the users of a path, the landowner and the Council that a path is not the most suitable, it does not have to be entered into the Definitive map before it is diverted.
- 7.4 In this case it is recommended that both paths should be accorded legal status and so whilst there are grounds to add the length B3-B2-B4 via the bold line to the Definitive map, it is suggested that it be made the subject of an extinguishment order, rather than first being included into the Definitive map before being extinguished. It is not possible to divert a path on to an existing public path and so it would be necessary to extinguish the path B-B3-B2-B4-C as it is no longer needed for public use.

## **Proposed Extinguishment of the Path B - B<sub>3</sub> - B<sub>2</sub> - B<sub>4</sub>**

- 1.1 Under the provisions of Section 118 to the Highways Act 1980, a public path may be extinguished provided:
- (a) the path is not needed for public use.
  - (b) consideration is given to the extent the path is likely to be used by the public, taking into account the land that is served by the path even if the Order is unopposed.

It is a two stage test so that even if it is agreed the path is not needed before this Council decides it could confirm an unopposed order, it should give due regard to the (b) above.

- 1.2 Since 2005 the public have made use of the path set out by this Council. Secondly the earlier path as shown by the bold line has been abandoned and no longer in existence. Therefore condition (a) above can be satisfied.
- 1.3 There is no reason to assume this earlier path will ever be used in the future, particularly as part of the path was in close proximity to the current one.

### **Recommendation**

- 1.4 It is therefore recommended that an extinguishment order be made under Section 118 of the Highways Act 1980 for the length of path B-B2-B4 shown on plan No. 2 and if no objections are made to confirm the same as an opposed order.

## APPENDIX 1

### WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every Definitive Map and Statement, the Surveying Authority shall:
  - (a) as soon as reasonably practical after commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in Sub-Section 3; and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in Sub-Section 2 are as follows:
  - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period rises a presumption that the way has been dedicated as a public path or restricted byway;
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A a byway open to all traffic;

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description or any other particulars contained in the map and statement require modification.

## APPENDIX 2

### HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

## **APPENDIX 3**

### **COMMON LAW DEDICATION**

Consideration must also be given to the possibility of the path having been dedicated under common law. In these circumstances there are two elements:

Firstly there must be evidence of positive action on behalf of the owner that clearly shows an intention to dedicate. Secondly the public must use the land in a manner consistent with the intended use of the land in a manner consistent with the intended use of the dedication. Such a dedication is not reliant on statute and therefore a greater or lesser period of 20 years can be sufficient.

Evidence therefore of the owner setting aside land for the use of the public and of such a character that the public could not but believe that there was an intention to vest that route in the public, so that use by the public and maintenance by the owner is a strong indication of such a dedication.

The current path was set out as a dual cycleway footpath, tarmacked, in effect replacing the earlier earth path from approximately 2005. As indicated the public were already making use of the earlier path on Council owned land and so inevitably the public having been being invited to use this newer improved path did so, from at least September 2005.

The addition of notices situated at points B1 and C promoting the route is consistent with the presumption that the path was being given over to the public.

This therefore provides good evidence of an express dedication by this Council particularly in the absence of any notices clearly stating that there was no intention to dedicate the path nor has there been any clear indication given to the public that their use was by consent.

## APPENDIX 4

We are a community club that's run by volunteers with very little income. Part of the lease conditions are that we maintain the building and surrounding grounds which includes the maintenance of perimeter fence, gates, car park and everything inside that perimeter.

Ninety percent of the time the gates are left open to the public and we endeavour to control some of the daily issues that we encounter.

By making this a public right of way we would lose the ability to sometimes control the right of access.

We have a huge litter problem with people disposing of their litter and dog waste indiscriminately.

We have a huge problem with dog mess on the grounds where children play daily.

We have to deal with 'joy riders' who race around the car park, we have to deal with youths who use the grounds for drug abuse.

We have to deal with vandalism of the premises and surrounding area.

As stated previously, we are also responsible for the maintenance of the perimeter fence which has already been damaged by some residents to allow themselves access to the playing fields.

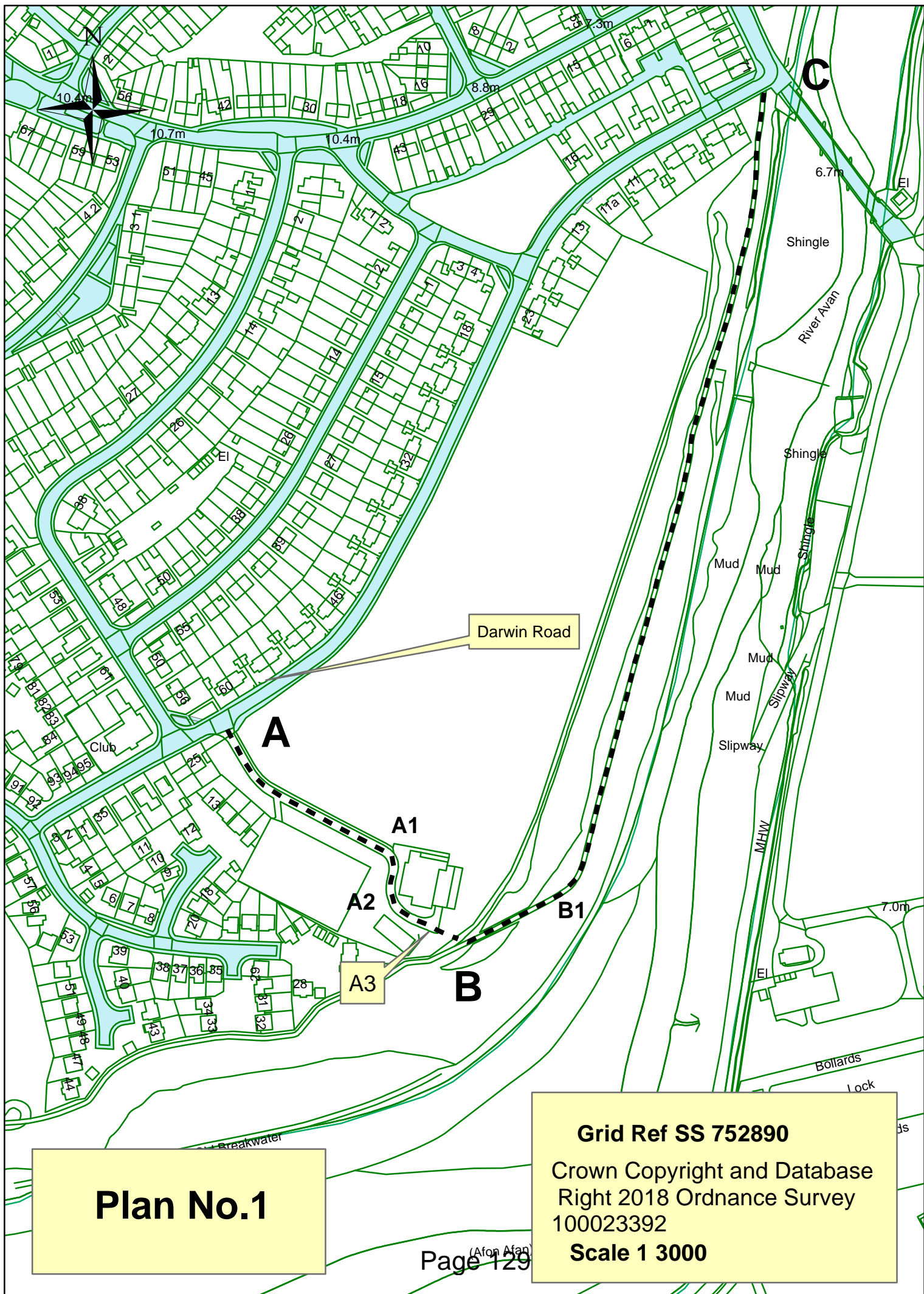
In the coming months we must spend more than £4000 to repair and maintain the playing surfaces.

We will need to control access to these areas for a period of 10 weeks, without the ability to lock the gates this would become impossible.

We strongly object to the proposal of making this a public right of way but will always endeavour to make access available to the public whenever possible.

If this proposal was to go ahead we feel that we would no longer be held responsible and liable for the full maintenance of the facility.

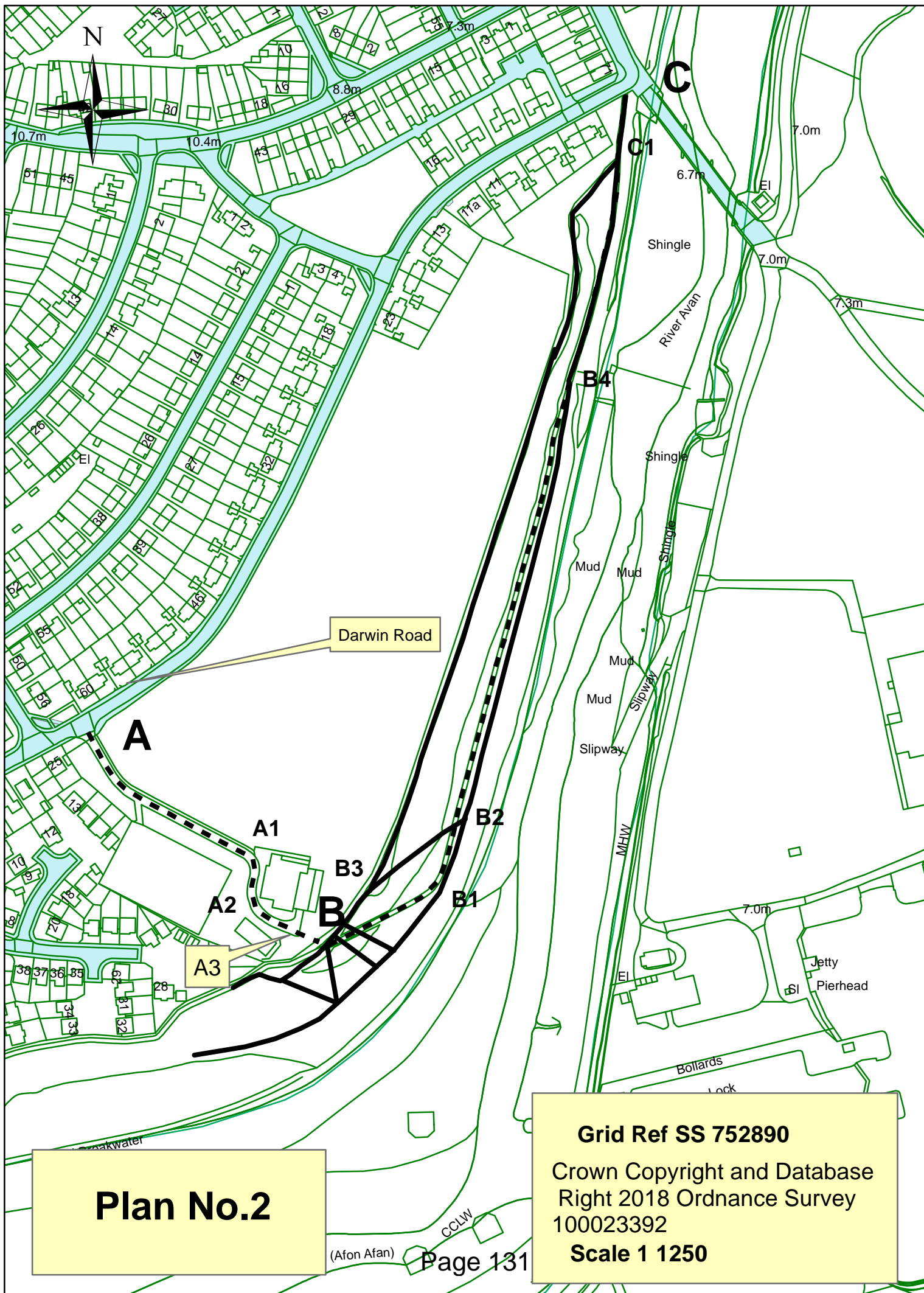




**Plan No.1**

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**Plan No.2**

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET  
BOARD**

**12<sup>th</sup> April 2019**

**REPORT OF THE HEAD OF LEGAL SERVICES –C GRIFFITHS**

**MATTER FOR DECISION**

**WARDS AFFECTED: BRYNCOCH NORTH**

**Application to upgrade footpaths no's 1 and 2 to a public bridleway,  
Community of Blaenhonddan**

**Purpose of the Report**

To determine the application that has been made to upgrade the public footpaths shown on Plan No. 1 to a public bridleway.

**Background**

- 1.1 The application being considered in this report is to upgrade footpath No's 1 and 2 to a public bridleway. This application submitted by a local resident was made in 2017 is supported by 11 people who claim to have ridden this route for an average of 30 years. These supporters are therefore referred to as "claimants" in the report. It is the second time such an application has been made, the first having been reported to this Council's predecessor Council, West Glamorgan County Council on the 26<sup>th</sup> October 1995.
- 1.2 The earlier application was rejected but the applicant successfully appealed against that Council's decision, which resulted in this Council being directed to make a Modification Order. As required, notice of that order was published and as a consequence, thirteen objections were made, which resulted in a public inquiry being held on 24th August 1999. On the 21<sup>st</sup> September 1999 the Inquiry's Inspector refused to confirm the order, thus agreeing with that Council's original conclusion.

- 1.3 There remains however, a continual duty on this Council under the Wildlife & Countryside Act 1981, to review the entries in the Definitive Map and Statement and to take account of any new evidence together with any considered previously. The relevant provisions of the Act are contained in Appendix 1. Therefore, this second application must be assessed in the light of the previous information submitted in respect of the first application and the reasons for the previous Inspector's decision in 1999.

### **The Twenty Year Relevant Period**

- 2.1 As the evidence in support of this application is based on long term use, the provisions of Section 31 of the Highways Act 1980 also apply in determining the application and these can be found in Appendix 2. Consequently, the applicant must either establish (a) there has been a minimum period of 20 years uninterrupted use counting retrospectively from the date the alleged existence of the public bridleway was called into question or (b) 20 years use retrospectively from the date of the application, but in either case whichever is the earlier.
- 2.2 In addition such a presumed dedication can only be inferred in the absence of any evidence that refutes the existence of such a right.
- 2.3 The date of the application is 2017, but the evidence from the previous conclusions reached by the Inspector was that the existence of the alleged public bridleway was challenged by a former occupier of one of the nearby properties, No. 3 Cwm Cottage in 1993, some 25 years previously.
- 2.4 The public inquiry was held in 1999 and so this earlier challenge and objection was sustained throughout this 6 year period (1993 – 1999). Consequently any use between these dates could not count toward the previous nor current application.
- 2.5 No statutory declaration denying the existence of a public bridleway has been received since 1999 from any of the owners or occupiers of the land containing footpath No's 1 and 2. Nonetheless the current five objectors who have a legal interest in the path would contend that no one has been able to ride along this path "uninterrupted nor as of right" from 1999.

## **Background to the Earlier Application**

- 3.1 In order to properly assess the current application it should be viewed within the context of those facts that were established from the previous public inquiry.
- 3.2 The relevant period was deemed to be 1973 – 1993 as a result of the challenge made by the previous owner of No. 3 Cwm Cottage who by then had acquired ownership of part of the land. The crossing points were either via the footbridge, or fording the stream, that is, either between points X and Y, or between points Z and Y, shown on Plan No. 3. The precise crossing points appeared to vary, but more significantly the river bank protection works undertaken at point X in 1985/1986 prevented riders from crossing between points X and Y from this date and so riders then resorted to the longer more diagonal route between points Z and Y. This route Z – Y followed a shingle pebble bank situated within the stream and still exists today.
- 3.3 The Inspector concluded, that from the user evidence, no 20 year period could be found, as use via points X – Y, fell between 1973 – 1985/86 and via points Z and Y, between 1985/86 – 1993. In addition that the obstruction in 1985/1986 could not count as a calling into question and therefore it was not possible to calculate a 20 year period counting retrospectively from this date. These were works to prevent the erosion of the river bank rather than an act to specifically challenge the use of the path by horse riders. The Inspector quoted case law on this point and therefore concluded the 20 year period between 1973–1993 was interrupted by these river bank protection works.
- 3.4 There was also additional evidence from some earlier residents, for example a previous resident of Pitt Cottage between 1954–1967 shown as P on plan no. 2. He recalled assisting a local authority employee in about 1961 to build a barrier across footpath no. 2 near the disused airshaft. That air shaft is located at point B1 on plan no.2 which blocked access for riders which according to this witness remained there for many years. This and the other accounts of these earlier periods were considered relevant as the Inspector took account of those witnesses comments on the likely use by horse riders from the 1960's into the 1970's.

## **Current Application**

- 4.1 The periods of use alleged by the claimants shown in Appendix 3. Whilst the user evidence forms were completed in 2016 and the periods of use appear to reflect use up until this date, the five who were interviewed plus another who submitted a more detailed written account show their use had ceased some years before this date. Therefore any use quoted in Appendix 3 to 2016 is by those who were not interviewed and simply a record of what was implied in the user evidence forms. In addition it is evident that none from this current application can show use from 1973 – 1993, and even then that would have needed to have been solely via the crossing between points Z and Y.
- 4.2 There has not been a period of 20 years since 1999 to find a statutory presumption of a dedication of this path counting retrospectively from 2016, even if access had been possible which is denied by the objectors. Consequently the application must fail for that reason alone.

## **Details of the claimed use for the current application**

- 4.3 Those 5 who were interviewed said they use the diagonal route Z-Y, given it was a shallower crossing than X-Y.
- 4.4 At the site inspection at the public inquiry in 1999 the Inspector noted “a post and rail fence about 1.5 metres high (point Y) preventing access to the river downstream immediately by the bridge”.
- 4.5 So whilst the claimed bridleway was called into question by 1993 access via fording the river at this location was prevented altogether by 1999. Furthermore given the objections remained outstanding until the public inquiry was held in 1999 any use between these two dates could not contribute to use “as of right.” Such use to be “as of right” would have to establish that the landowners acquiesced to that use, which clearly would not have been the case.
- 4.6 One of the current claimants (who was also in attendance at the public inquiry) has stated her use finished in 1999 due to the barrier at point Y. However, two other claimants from this present claim contest the 1999 date as they recall riding until 2005 and 2013 respectively. Both remember riding the paths at the time they moved house and said the barrier was not in being in May 2005.
- 4.7 The current owner of the land which contains this barrier and who was responsible for its installation stated that some riders were accessing his



land via the route shown approximately by the bold line Y-W by riding just to the south of the barrier as shown on plan no. 3. He then installed a wire fence along the boundary of his land and also placed two bollards across this route. However he disputes access was being enjoyed as late as the dates suggested.

- 4.8 Another person supporting the application, stated that the post and rail fence at point Y was lower when it was first installed and that it was possible for a horse to step over this fence. Also, that even when the fence was raised to its present height there was room between the fence and the bridge for a pony to pass through until the present fence was extended to abut the bridge. However whatever use was made as alleged, would have been for a limited period of time since 1999.
- 4.9 In any event any use after 1999, ( denied by the owners of the land) was not continuous as two of the present claimants themselves would say they could not continue to use the path for at least the last 5 or 13 years (i.e. from 2005 or 2013).
- 4.10 In contradiction to this, another claimant has said the post and rail fence appeared in about 1998 but given she only rode ponies, being smaller than horses, was able to use the footbridge. This ceased when the Council arranged to install a tubular steel barrier at either end of the bridge into a “chicane” type structure, to prevent riders using the bridge. This was done in 1999 once the previous Inspector’s decision was made given complaints had been received that it was dangerous for riders to cross the bridge.
- 4.11 The fifth claimant who was interviewed also considered that access via the river was prevented in about 1998 when the timber and post rail fence appeared at point Y.
- 4.12 The person referred to 4.8 above said that she was also able to ride on the northern side of the bridge (X1-Y1) until approximately 6-8 years ago, but when the riverbank on the eastern side (Y1) was collapsing the owner constructed a substantial concrete wall to support the bank and thereafter it was too steep to ride from east to west. She indicated the current tubular steel barrier was then placed on the bank (Y1) only 5 - 6 years ago to prevent any further riding. This person said that she had been frequently confronted by some of the residents of the immediate area who objected to her riding along the path. Whilst this account of the last date of being able to cross the river conflicts with the accounts

given below, the amount of time spent riding would be insufficient to reflect a dedication of the path.

- 4.13 All those interviewed stressed that if this footpath was opened to horse riders then it would avoid having to ride along the A474 to Bryncoch village before reaching the bridleways on Mynydd Drumau. Those in support ride predominantly from Fforest Goch and the riding school at Banwen farm. They have also stated that there have been incidents of riders and horses being injured. Plan No. 4 provides a location plan.
- 4.14 The desirability or convenience of a path is not a factor in determining the validity of the claim. (Similarly the disadvantages or inconvenience of recognising a path as a public one is also not a relevant factor)

### **Details of the objections**

- 5.0 In contrast to the above, accounts given by those who object are from five households who live in close proximity to the bridge and path, three of whom own part of the land containing the path and some of the adjacent land. The other two objectors make use of part of the path to access their properties.
- 5.1 The residents of the Bryncoch Farm provide a child minding service for many residents of Bryncoch, and have stated that since 1999 neither have seen a horse or rider on this path. They drive along this path between 3-4 times a day from Mondays to Fridays. In addition that up to 6 children aged up to 4 years old are taken along this path on scooters and small tricycles throughout the year.
- 5.2 A petition has been submitted and signed by 17 people, 15 of whom are parents of the children who they have taken to the Farm to use this child minding service. This petition reflects use of this service over a period of 15 years which states that none have seen a horse using the lane throughout this time. In addition two friends of the residents of Bryncoch Farm have also signed the form giving their periods of use to the Farm as 20 and 28 years stating the same.
- 5.3 The owner of the land immediately to the north of the bridge and who was responsible for installing the steel barrier at this point, contends the Inspector in 1999 concluded the path was never a bridleway and that the circumstances since the inquiry have not altered. Therefore there can be no legal justification to overrule that decision and that since the decision, there has been no horse riding along the route.

- 5.4 That the river protection work on his land (Y1) which was undertaken slightly upstream of the bridge was done to protect the integrity of the bridge as it was in danger of being undermined. (This was at a different location to the works referred to earlier undertaken in 1985/86 at point X). These works were done either by the River Authority or possibly this Council, between 2001 and 2003. There is a record of a meeting being held with that landowner with an officer of this Council to discuss his concerns. The steel barrier was then erected by this owner shortly after to mitigate any liability he may have incurred, should anyone have wandered close to the bank, given the works had increased the height of the drop into the river from his land.
- 5.5 On the odd occasion this owner saw a rider coming from the direction of the Dyffryn Arms he stated he would turn them back.
- 5.6 Another point made by this owner, is that the path forms part of the roadway to several properties, its width is restricted with no passing points and so it would be impossible for a vehicle and horse to pass each other safely. In addition that the path is popular with dog walkers and horses and dogs may react adversely in confined spaces.
- 5.7 All five households have raised similar concerns regarding the threat posed to the safety of those wishing to use the path whether this be small children, pedestrians or those in vehicles. One resident of the last 12 years has provided examples including the incoming and outgoing vehicles not just for the 6 properties, but also as an entrance and exit for those accessing the Farm, as well as those making use of the child minding service. In addition the path is used by tractors and also large vehicles which empty the septic tanks. Furthermore vehicular traffic uses the eastern end of the path to park at the Duffryn Arms Public House at point A.
- 5.8 Whilst these are legitimate concerns, the issue when determining an application, is whether such a right exists, (in this case if it can be shown there has been a minimum period of 20 years uninterrupted use,) as opposed to consider the beneficial or adverse consequences of the path being upgraded.
- 5.9 Another objector wished to point out that there is a pedestrian gate located near to point G, shown on plan no.2 which is too narrow for some horses and so some riders are deviating slightly to the west into the adjacent Bryncoch Rugby ground. If this were the case any deviation

to the route would undermine the validity of the claim. However this section of the path is registered as a public bridleway and so any horse rider would have the right to deviate as much as is necessary in order to proceed. The resolution of this would involve replacing the gate with a more suitable structure.

## **Conclusion**

- 6.1 Only one of the current supporters who also supported the earlier application, can show use from at least 1973, but has stated she did not use the diagonal route from 1973, but crossed via X-Y and then changed her route once the works in 1985/1986 prevented her from using the X-Y crossing.
- 6.2 All the other current supporters would say they have only used the route Z-Y, but none can show use extending as far back as 1973.

## **Common Law Dedication**

- 6.3 Under common law there is no specific requirement to show a minimum period of 20 years, but it is necessary to establish the owners of the land wished to dedicate the way. This clearly would not apply due to the works undertaken in the about 1961 which obstructed the path for an undetermined period, and the works in 1985/1986 which had the effect of preventing the crossing X-Y. Objections and actions by the owners of the land from 1993 until 1999 and lastly of course the objections now made to this current application. Appendix 4 explains more fully the basis upon which common law dedication could be inferred.
- 6.4 **Recommendation** that no modification order be made as stated in paragraph 4.2 and the application therefore be refused.

## 6.5 **Reasons for the Proposed Decision**

- (a) At the previous public inquiry held in 1999 the appointed Inspector concluded there had been no dedication of a public bridleway by that date.
- (b) None of the evidence submitted in support of the current and outstanding 2017 application has established otherwise.
- (c) There has been no 20 years uninterrupted use since 1999 to satisfy the provisions of section 31 of the Highways Act 1980.
- (d) No dedication under common law can be shown to have occurred since 1999

## **Consultation**

The item has been subject to extensive consultation.

## **Appendices**

Plan No's 1- 4  
Appendices 1- 4

## **List of Background papers**

M08/70

## **Officer Contact**

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E mail: [m.shaw@npt.gov.uk](mailto:m.shaw@npt.gov.uk)

## APPENDIX 1

### WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every Definitive Map and Statement, the Surveying Authority shall:
  - (a) as soon as reasonably practical after commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in Sub-Section 3; and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in Sub-Section 2 are as follows:
  - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period rises a presumption that the way has been dedicated as a public path or restricted byway;
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to Section 54A a byway open to all traffic;

- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- (iii) that there is no public right of way over land shown in the map and statement as a highway of any description or any other particulars contained in the map and statement require modification.

## APPENDIX 2

### HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large



### APPENDIX 3

A	1960 – 1985 and 1985 – 1999
B	Early 1970's – 2016
C	1989 – 1998 (used bridge until narrowed by this Council)
D	2001 – 2016
E	1993 – 2013
F	2001 – 2016
G	1978 – 1998
H	2001 – 2016
I	1990 - 2014
J	1984 – 2014 (wooden fence appeared 2005)
K	1996 – 2016

## **APPENDIX 4**

### **DEDICATION UNDER COMMON LAW**

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had dedicated the route. User of right, is not of itself necessarily sufficient, nor mere acquiescence by the owner. Under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence that the landowner (or owners) for whatever period is being considered, not only acquiesced to that use but either directly or indirectly took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public.

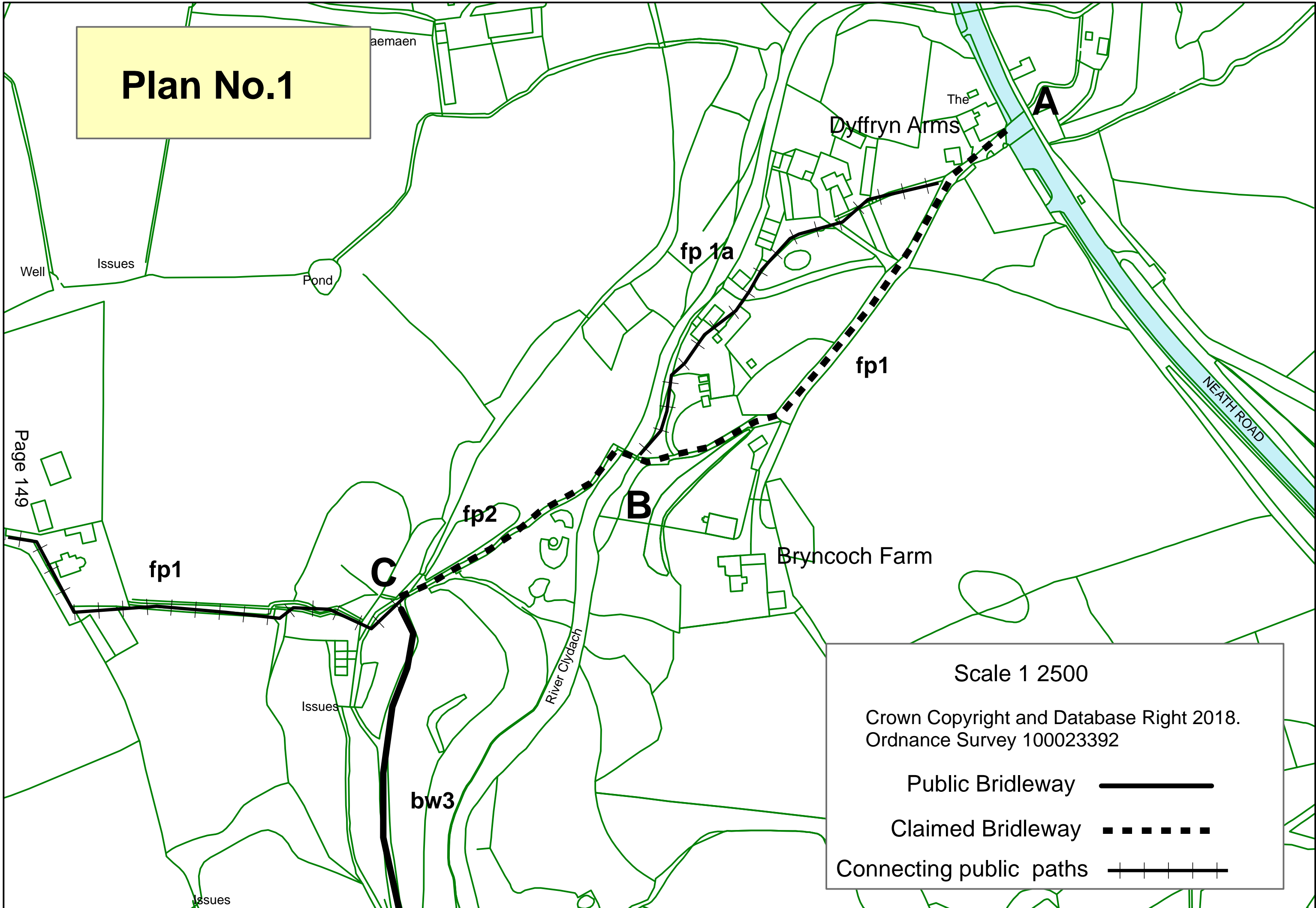
For the right of way to be established, it needs to be shown that it has been used openly as of right and for so long a time that it must have come to the knowledge of the owners that the public were so using it as of right. Public user is no more than evidence which has to be considered in the light of all available evidence.

As a matter of proof at common law, the greater the length of user that can be demonstrated the stronger the inference of dedication will usually be.




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# Plan No.1




Scale 1 2500

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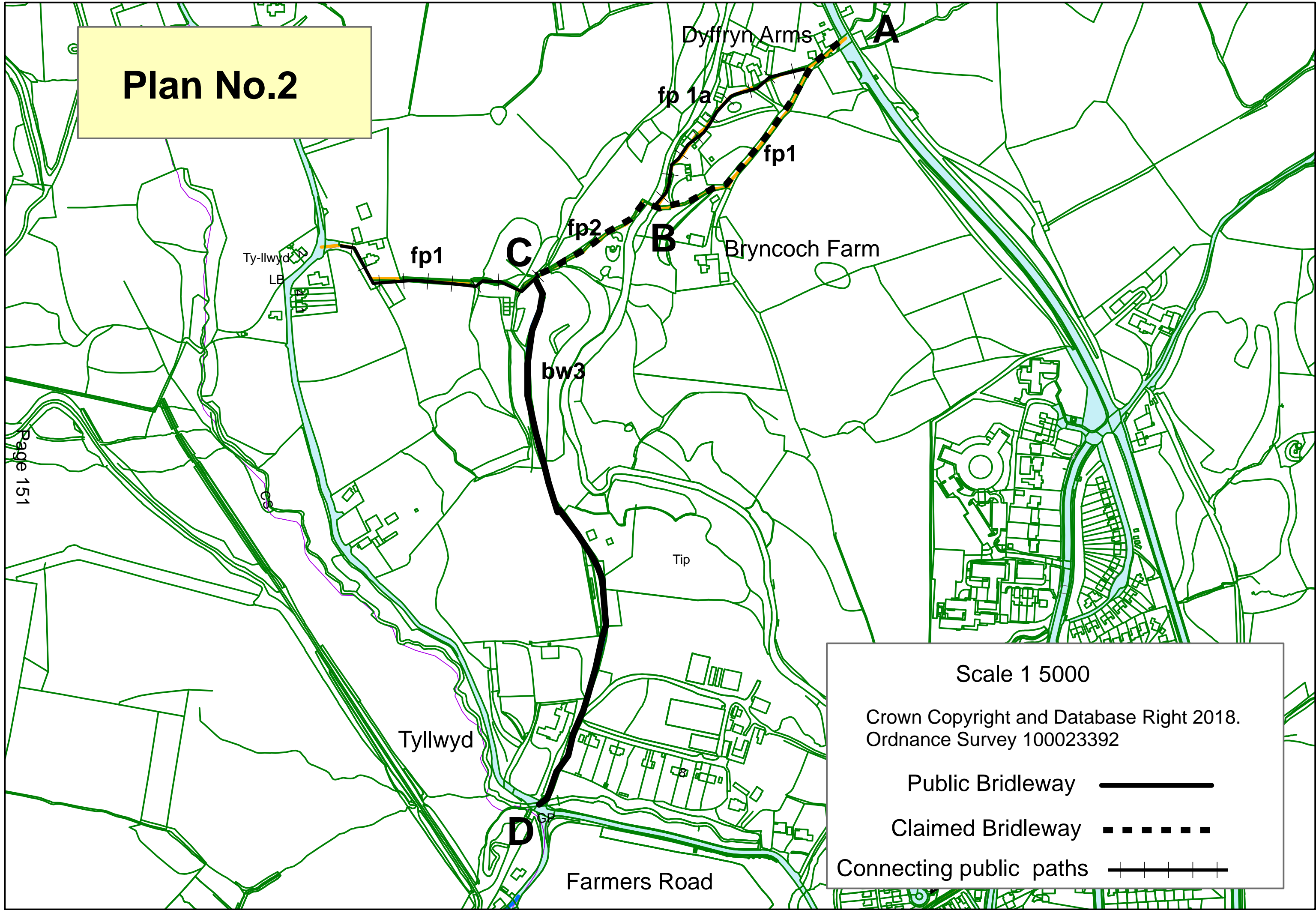
Public Bridleway 

Claimed Bridleway 

Connecting public paths 

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# Plan No.2



Scale 1 5000

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Public Bridleway —————

Claimed Bridleway - - - - -

Connecting public paths + + + + +

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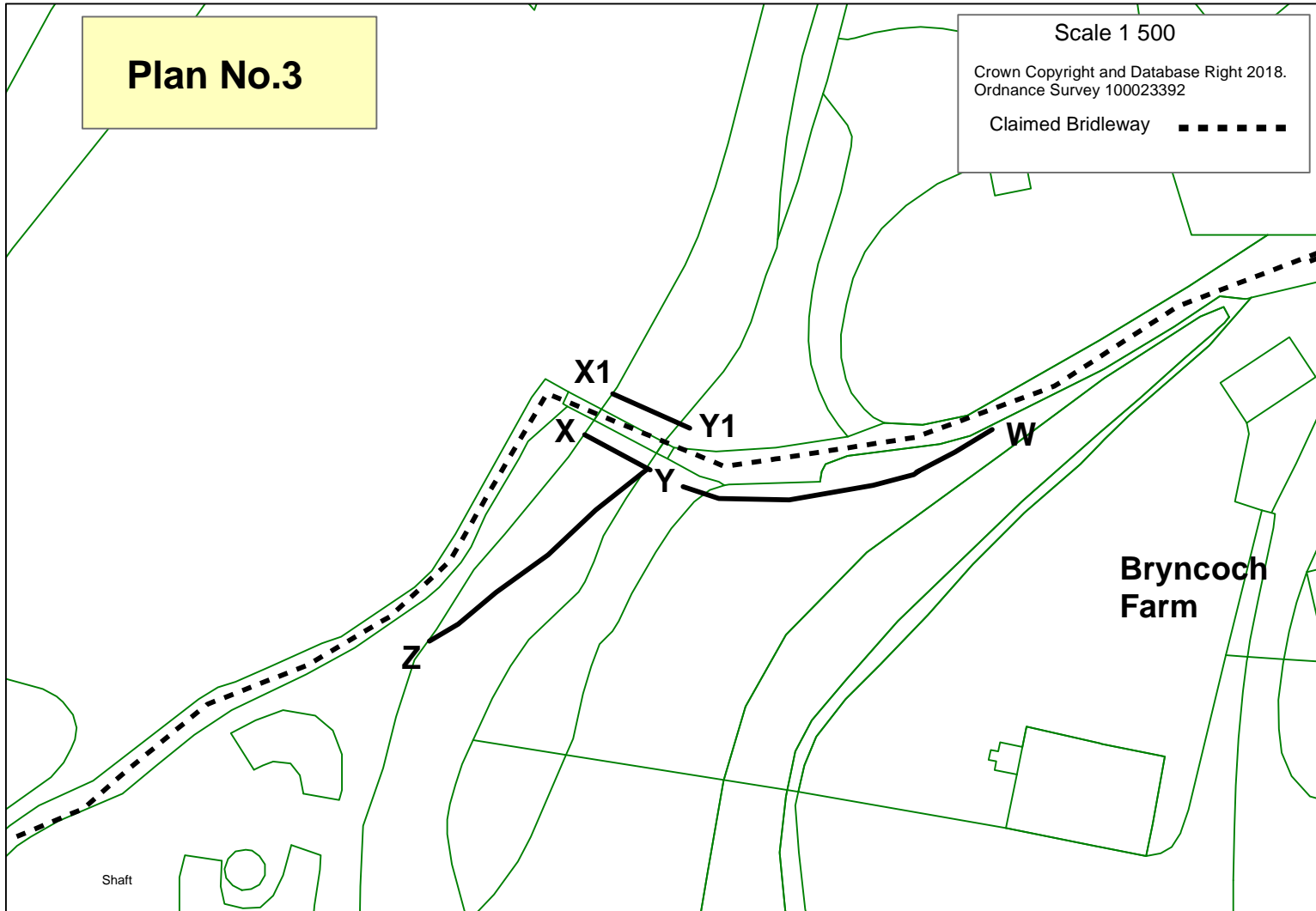


**Plan No.3**

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Claimed Bridleway 




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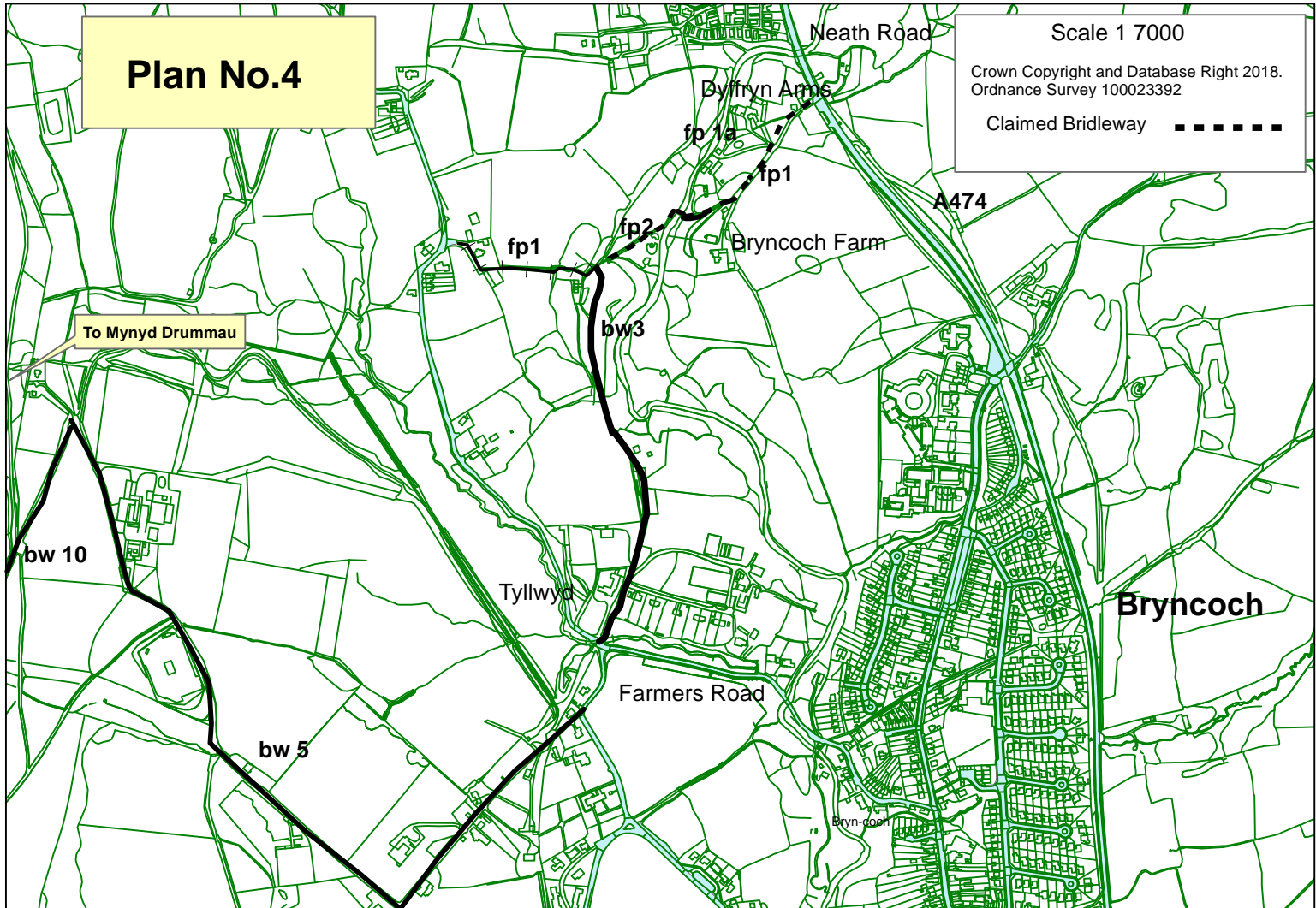


**Plan No.4**

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Claimed Bridleway 



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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### REPORT OF THE HEAD OF LEGAL SERVICES

#### REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET BOARD

12<sup>th</sup> April 2019

#### MATTER FOR DECISION

**WARDS AFFECTED: GLYNEATH**

#### **ALLEGED PUBLIC FOOTPATH FROM EARLSFIELD CLOSE TO GLYNEATH LIBRARY ( A-B) COMMUNITY OF GLYNEATH**

#### **Purpose of report**

- 1.1 To decide this Council's position in respect of the modification order which has been made to recognise the path A-B as a public right of way on foot shown on the plan attached to this report.

#### **Background**

- 2.1 On the 22<sup>nd</sup> June 2018 the Regeneration and Sustainable Development Cabinet Board rejected an application that was made to register this footpath as a public right of way .( A copy of that report is also appended at the end of this report ).
- 2.2 The applicant was served notice on this decision on the 27<sup>th</sup> June 2018 and exercised his right to appeal to the Welsh Ministers against this Council.
- 2.3 The appointed Inspector determined that appeal on the 4<sup>th</sup> March 2018 and allowed the appeal.
- 2.4 The Inspector considered the evidence and concluded a modification order could be justified on the basis that it is reasonable to allege the claimed route is a public footpath.

- 2.5 The Inspector did not conclude that a public path exists but that there was sufficient evidence to justify making a modification order. Once an order is made it is open to those who do not agree that a public path exists to object to the modification order. In the event that objections are raised the evidence can be tested at a public inquiry. The applicant and objectors with their respective supporters can then provide their written and verbal submissions at that Inquiry.
- 2.6 In January 2019 the Planning Inspectorate produced their own updated guidance on procedures for considering objections to modification orders under Advice Note No.1. The Inspectorate acknowledged that some orders will be made by Local Authorities that they do not support and that in such circumstances they may object or take a neutral or supportive position.

Consequently this Council needs to decide whether in the light of this appeal it wishes to either:-

- (a) Support the Modification Order
  - (b) Object to the Order
  - (c) Take a neutral position
- (a) To support the Order  
To now support the order would contradict the Council's earlier decision. It will require the Council to actively promote the Order by compiling signed statements, encourage the authors of those statements to act as witnesses at any future inquiry and produce the necessary bundle of evidence. Ultimately this Council would be responsible for trying to establish such a public footpath exists.
- (b) To object to the Modification Order  
To do so would also require compiling signed statements from any person who may wish to support an objection which is likely to be from the owner of no.8 Earlsfield who had objected to the application prior to the claim being reported to this Board. Again the Council would be responsible for providing a bundle of evidence to show the path could not have been subject to the presumed dedication as claimed.
- (c) To take a neutral position  
If the Council decided it did not wish to object or promote the order it would result in the applicant and objector/s making

their own representations. The Council would assist the Inspector at any public inquiry by providing the venue, advertising the date of the inquiry, make available all the documents which were considered when the matter was determined by the Board and provide any other facilities as necessary.

- 2.7 The Council made its decision and has no obligation to alter its position. It has already acted in a quasi-judicial manner by considering the evidence, including the comments made by the opposing parties to that evidence.

### **Conclusion**

- 2.9 The Council having determined the application on the 22<sup>nd</sup> June 2018, and therefore fulfilled its statutory obligation has no obligation to be actively involved in either promoting or objecting to the Modification Order it has now been told to make by the Planning Inspectorate. It is therefore recommended that the Council take a neutral stance but assists the Inspector in facilitating an Inquiry in the event an objection is made to the order.

### **Recommendation**

This Council informs the Planning Inspectorate it wishes to take a neutral stance in any subsequent Public Inquiry.

### **Reasons for the Decision**

It is noted that the appeal was allowed and that the Authority have been directed to make a modification order. If there are objections to this order, it is reasonable and consistent with its previous decision, that this Authority take no further proactive part and only assist the Inspector at any subsequent public inquiry.

### **Implementation**

This decision is for immediate implementation.

### **Consultation**

The appeal decision was forwarded to all the local members and affected landowners.

## **Appendices**

Plan

## **List of Background Papers**

M08/64

## **Officer Contact**

Mr Mike Shaw – Principal Solicitor – Litigation  
Tel No. 01639 763260 Email:m.shaw@npt.gov.uk



**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
REGENERATION AND SUSTAINABLE DEVELOPMENT CABINET  
BOARD**

**Date: 22 June 2018**

**REPORT OF THE HEAD OF LEGAL SERVICES – C.GRIFFITHS**

**MATTER FOR DECISION**

**WARD AFFECTED: GLYNNEATH**

**ALLEGED PUBLIC FOOTPATH ALONG THE PATH TO THE REAR  
OF HOUSE NO'S 11 TO 22 PARK AVENUE AND NO. 8 EARLSFIELD  
CLOSE - COMMUNITY OF GLYNNEATH**

**Purpose of the Report**

- 1.1 To determine an application which alleges a public footpath to the rear of Park Avenue as shown on the plan between points A-B-C.

**Background**

- 2.1 On the 15<sup>th</sup> February 2016 an application was made under the provisions of the Wildlife & Countryside Act 1981 (Appendix 1) to recognise the path shown A-B-C as referred to above.
- 2.2 The application was supported by 11 people. Subsequently of these one of these people withdrew their support. Interviews were conducted with the other supporters but only 6 were able to give their periods of use.
- 2.3 Subsequently, a further 4 people came forward and were interviewed, but only 2 of these were able to specify their periods of use.
- 2.4 The other 3 people were asked to provide further information but did not respond. In total therefore, of the 10 people interviewed, 8 allege an average of 27 years use of the path.
- 2.4 The path is situated to the rear of house numbers 11-21 Park Avenue, shown at points C-B and the remaining section A-B lies between the two houses of 8 Earlsfield Close and 22 Park Avenue and the perimeter

fence of the tennis court. The path is obstructed by a shed and fence at point B and a double gate at point A, the length A-B having been incorporated as a garden into No. 8 Earlsfield Close. Point A joins the adopted Earlsfield Close and point C connects to a public footpath which was the subject of modification order 1/15 and confirmed in 2015.

### **The Twenty Year Relevant Period**

- 3.1 The burden of proof is on the applicant to establish such a right exists and in this particular claim, that there has been a minimum period of 20 years uninterrupted use enjoyed by the public at large. This is calculated by counting retrospectively from the point in time the path's alleged public status was brought into question. There is evidence the path was closed by the installation of gates and fences. Section 31 of the Highways Act 1980 (Appendix 2) deals with this aspect of the law.
- 3.2 Accounts as to when the path was first obstructed vary between those asserting the right of way as well as the date given by the objector and a different date given by another independent witness.
- 3.3 The applicant initially said the path first became blocked in the late 1990's by a fence at point B, but subsequently revised that estimate to 1992 after having spoken to other residents.
- 3.4 One supporter considered the path first became blocked in the early 1980's. Another stated 2007, but said prior to that date it had become increasingly difficult to use. The local Member stated the path has been inaccessible for around 30 years.
- 3.5 Another supporter first became aware the path was blocked in 1984 when he returned to the U.K. from living abroad, but his last regular use appears to have been closer to 1974.

All of the people referred to above were part of the 8 people interviewed

### **The Objector**

- 4.1 The sole objector who lives at 8 Earlsfield Close has been granted possessory title of the path A-B, although she purchased No.8 Earlsfield in 1976 before moving into that house in 1977. It is not known who owned the land A-B prior to this date as no proof of title has been produced. (Paragraph 8.2 refers to a document produced by the

applicant, which asserts the land has been under the ownership of the Welfare Trust since 1927).

- 4.2 The objector has stated there was a locked gate at point B on her arrival in 1976 and the path overgrown. There is an undated photograph of the lane purported to be of 1979 showing the clearance work and what appears to be a timber boarded fence at point B.
- 4.3 A set of gates is shown on a photograph at the western end of the path at point A taken in 1984 which it is said were in situ by 1980. In the photograph the path is shown as tarmacked and fenced.
- 4.4 By 1996 the tarmac is said to have been removed and replaced with red bricks set into the ground with a new set of gates at point A.
- 4.5 A photograph which is said to be taken in 2001 shows a private social gathering taking place in what has become a small area of garden. Further extensive planting of shrubs, flowers with hanging baskets and a brushwood fence attached to the tennis court fence is shown in a photograph presumed to have been taken after 2001.
- 4.6 In summary the objector contends this path was already obstructed in 1976 and has maintained and developed a private garden area ever since.

#### **Evidence from an Independent Witness**

- 5.1 A resident of Earlsfield Close has provided an account of her use of the path when it was first closed in 1972. According to this witness a chain and lock had been placed across a kissing gate which was in position at point A. This was done by the previous owners and occupiers of 8 Earlsfield Close, as this witness attempted to confront one of the owners. The date is considered accurate by this person as that summer she was no longer able to take her children to school on account of a job offer. Her relatives continued to take the children via a different route until 1978, thus corroborating the account of the present owner's contention that the path was already closed by 1976.
- 5.2 The applicant contends the kissing gate was at point B, as the then occupier of 8 Earlsfield Close had consent from the Welfare Trustees to drive their car along the claimed path to access the garage, which according to the applicant was positioned at point B. (A site visit has revealed the remains of an old metal railings at this point.) When this

lock and chain was placed on the kissing gate, the occupier of No. 8 at that time, was told by a member of the Committee of the Welfare Trust to remove the padlock. This contradicts the account in paragraph 5.1 above that there was no access via the path after 1972. It also does not explain why, if the Welfare Trust were the owners at that time, no claim to record their title has been made to the Land Registry.

- 5.3 Even if use of the path had resumed by the early 1980's as suggested by two supporters, it is the first occasion the public use of the path is brought into question is what determines the relevant period for the purposes of calculating whether there has been a statutory dedication. Therefore the relevant period is 1952-1972 and it is within this span, that continuous uninterrupted use would have to be established in order to justify recognising the path as a public one. The periods of use given by those who were interviewed is set out in Appendix 3. There are only two people who claim to have started walking this path by 1952. (Person B and E).

#### **The Earlsfield Housing Development (Western End of the Path point A).**

- 6.1 Accounts provided by 3 people would suggest the land containing houses 1-8 Earlsfield Close was cleared in or around 1962, with house numbers 5-8 first being built in 1963 (according to two people) and the last to be built being number 2 which was allegedly completed and occupied by May 1964. This account given by the independent witness has also said that when the houses were under construction for a period of 18 months, it would not have been possible to walk from point A to Park Avenue. Two claimants however disagree when asked if this would have been the case.
- 6.2 A public path must reflect a single and clearly identifiable route. It should therefore not vary and should remain the same throughout the 20 year period, given there is no right to wander over land.
- 6.3 The claimed public path did not link to another public highway at point A until Earlsfield Close was not only built, but adopted. However it is clear that the basis of claiming the path A-B-C is based on continuing to Park Avenue. Until Earlsfield Close was built by the mid-1960's, access would have been via a different route. Three people have stated access from point A to Park Avenue before Earlsfield Close was built was, different, one said via a more diagonal line.

- 6.4 On the 1962 edition of the Ordnance Survey Map the current houses at Earlsfield Close are absent. The Map shows a path following the southern boundary of the tennis court and bowling green before joining Park Avenue at point F. This path is shown on the attached plan F-A by a bold line.
- 6.5 According to two people the area immediately adjacent and to the south of this path F-A was grass and bounded by a hedge where it was adjacent to Addoldy Road and Park Avenue. However another person considers the hedge may have been a wall although all agree there was a gate at point F. The applicant stated there was a grass tennis court on this area of ground bounded by a 1'6" wall on the park side and the wall topped by a Hawthorne hedge alongside Park Avenue.
- 6.6 So the path in use within the relevant period 1952 – 1972 did alter and possibly was even inaccessible for some of the 18 month period the houses were being built. The path available to the public was from point D-F from 1952 until approximately 1963 and thereafter via Earlsfield Close to point A and then on to Park Avenue. Therefore there was no uninterrupted access of one single route.

#### **Access east of the path from point C- G, C- H, C- I, C- J**

- 7.1 In 1962 the path leading from Park Avenue north to Gelliceibryn (G-H) was not registered as a public right of way. The evidence that was considered which lead to its recognition, resulted in the confirmation of a modification order in 2015.
- 7.2 The relevant date for the determination of this modification order in 2015 was 1984-2004. So under the statutory presumption that there was a dedication of the path G-H to the public, the evidence did not show such a public path existed prior to 1984. There was evidence of some 43-44 years average use of the path counting retrospectively from 2004, which would take their commencement date back to 1964. Also a few people did indicate they had used the path as earlier. Nonetheless it is not clear whether that evidence would have been sufficient to show the path was dedicated under common law nor how many of those earlier users could now be relied upon. Common law dedication is the alternative means by which it is possible to presume a landowner could dedicate such a right to the public. Appendix 4 summarises the criteria which would have to be satisfied in order to draw such a conclusion.

- 7.3 It is also clear that those who are still in support of the present application in the period 1952-1972 were using the path A-B-C as a means of accessing the former Welfare Hall and the football ground neither of which are on public highways. In addition use was also claimed as continuing from point C to reach the schools either via Robert Street C-J or via a path C- I, also shown on the attached plan.
- 7.4 It is therefore not known whether point C was joining a public highway during 1952-1972. Whilst the applicant contents the track/road G-C-H has been a road wide enough for two vehicles, it was not adopted as a carriageway during the relevant period nor is it adopted at the present time. So this track or road was not recorded as a public highway by 1952. Given there is no evidence it was a public highway at this earlier time the route/s taken by the claimants would have to specify points other of termination. This would be necessary to consider if one single route east of point C would satisfy one of the conditions that the claimed public path should terminate on another public highway. In the case that would be to either of the points G, H, (that is Gelliceibryn), I or J.
- 7.5 It is possible for a public path to terminate at a point at a place of public resort but there is no clear evidence as to where that place was by 1972. Accounts vary as to whether people were making their way to the former Welfare Hall, the football ground, the park or to the schools further east. Secondly none of these places were specified in the application.
- 7.6 Appendix 3 shows that there are only 6 people who can show some use within this relevant period 1952-1972, although one of these used the path to visit his grandfather in Park Avenue and also to access the football ground. One of the 5 did not start using the path until 1970. Also there is only one person who can show use throughout the full period of 20 years. As such this is a very low number of people to reflect use by the public at large.

#### **Other Evidence Submitted by the Applicant**

- 8.1 The applicant has suggested that the notation F.P. written alongside the claimed public path on the 1962 edition of the ordnance survey implies the way is public. The ordnance survey were tasked with recording all topographic features including buildings, but were not authorised nor did they attempt to establish the status of the tracks. The only plan that is authorised to identify the known position of public highways is the Definitive Map and a Council's adoption records known as the list of streets. Consequently this ordnance survey from 1962 is simply

recording the position of a footpath and should only be interpreted as confirming a path was in existence by that date.

- 8.2 It is also contended by the applicant that the objector and owner of No. 8 Earlsfield has no title to the land containing the length of path A-B as it is under the ownership of the Aberpergwm Estate and therefore cannot obstruct or prevent the use of the path. However the objector has possessory title to this strip of land and the Aberpergwm Estate have stated in their letter dated the 4<sup>th</sup> April 2018 that they are unaffected by this application. In addition, case law has established it is not necessary for the owner to call into question the existence of an alleged public path.

Consequently the current and previous occupiers of 8 Earlsfield Close were entitled to close the path and challenge those wishing to assert their rights of passage.

- 8.3 The applicant contends the installation of gates and fences is a breach of a covenant set out in a conveyance of the 28<sup>th</sup> February 1927 to the Glynneath and District Miner's Welfare Association. A headed sheet produced by the applicant suggest the land was subsequently conveyed to the Neath Higher Parish Council in 1952 although there are no plans or copies of the deed. Also submitted is a schedule listing the history of the exchange of some of the land in this vicinity, showing the conveyance to that Council was for the purpose of building the swimming baths, which was situated to the east of the path near point I on the plan, ( but no longer in existence).

According to the plan attached to the restrictive covenant the land includes the path A-B-C and provides "no building or erection of any kind shall without the previous consent of the vendor or his successors in title be set up upon the land hereby conveyed." The Aberpergwm Estate have confirmed that the land in question does form part of a restrictive covenant.

- 8.4 It is unclear whether the burden of this restrictive covenant falls to the current owner nor who has the benefit of this restrictive covenant. Nonetheless there is no obligation on this Council to enforce this covenant. There is case law which has established adverse possession of land cannot succeed by enclosing a public highway. However the path A-B-C is not registered as a public highway and its status is evidently in dispute.

## **Recommendation**

That no modification order be made for this claimed public path.

## **Reasons for the Proposed Decision**

That the current application be refused given:-

- (a) The path between point A and point F (Park Avenue) during the relevant period varied and so the same route was not in use to satisfy the minimum period of 20 years uninterrupted use.
- (b) There is no evidence that point C joined a public highway throughout the relevant period and so the claimed public path did not terminate on a public highway during the relevant period.
- (c) Also the application does not specify any other point east of point C as a place of public resort nor is there any consensus as to whether that point may have been during the relevant period.
- (d) The amount of people supporting this application within the relevant period is too low to be able to conclude that this can represent the public at large.

## **Consultation**

The item has been subject to extensive consultation.

## **Appendices**

Plan and Appendix 1-4

## **List of Background Papers**

M08/64

## **Officer Contact**

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**APPENDIX 1**  
**WILDLIFE AND COUNTRYSIDE ACT, 1981**

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
- (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
- (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
    - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
    - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.

**APPENDIX 2**  
**HIGHWAYS ACT, 1980**

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it. For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

### **APPENDIX 3**

<b>Person</b>	<b>Period</b>	<b>Length of Use</b>
A	1956 – 1974	18
B	Late 1940's – 1958	10
C	1953 – 1968	15 (D-E-A)
D	1970 – 1975	5
E	1945 – 1992	47
F	Early 1960's – 1974	3
G	1974 – 1983	9
H	1983 – 2007	34

**APPENDIX 4**  
**DEDICATION UNDER COMMON LAW**

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had dedicated the route. User of right is not of itself necessarily sufficient, nor mere acquiescence by the owner. Under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence that the landowner (or owners) for whatever period is being considered, not only acquiesced to that use but either directly or indirectly took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public. For the right of way to be established, it needs to be shown that it has been used openly as of right and for so long a time that it must have come to the knowledge of the owners that the public were so using it as of right. Public user is no more than evidence which has to be considered in the light of all available evidence.

As a matter of proof at common law, the greater the length of user that can be demonstrated the stronger the inference of dedication will usually be.



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of the Local Government Act 1972.

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