



PWYLLGOR CYNLLUNIO

2.00 PM - DYDD GWENER, 2 HYDREF 2020

O BELL TRWY TEAMS

RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR GYFER PARHAD Y CYFARFOD

Rhan 1

1. Datganiadau o fuddiannau
2. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 28*)
3. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

Adroddiad/Adroddiadau Pennaeth Cynllunio a Diogelu'r Cyhoedd

Adran A - Materion i'w Penderfynu

Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth

4. Cais Rhif. P2020/0294 - Glannau'r Harbwr (*Tudalennau 29 - 58*)
Adeiladu ffordd fynediad, gwaith lliniaru llifogydd, gwaith adfer halogi tir, gwella cynhwysedd llwyth y ddaear a gwaith cysylltiedig i hwyluso adfywio hen dir llwyd ar gyfer datblygiad masnachol yn y dyfodol ar Safle Cyflogaeth Strategol Glannau'r Harbwr, Glannau'r Harbwr, Port Talbot.
5. Cais Rhif. P2020/0505 - 2 Taillwyd Road, Mynachlog Nedd (*Tudalennau 59 - 64*)
Estyniad cefn un llawr yn 2 Taillwyd Road, Mynachlog Nedd, SA10 7DT.

Adran B - Materion Er Gwybodaeth

6. P2018/0493 - Cyrchfan Antur Cwm Afan - Diweddariad er gwybodaeth (*Tudalennau 65 - 78*)
Cais cynllunio amlinellol (gan gynnwys mynediad) ar gyfer cyrchfan antur yn cynnwys 600 o gabanau gwyliau/fflatiau, gwesty â 100 gwely a sba cysylltiedig, plaza canolog yn cynnwys bwytai, gweithgareddau hamdden a siopau, gweithgareddau antur ac adeiladau cysylltiedig (gan gynnwys chwaraeon eithafol, llethrau sgïo/alpaidd, gweithgareddau yn y goedwig a *Trax & Trail*), bwytai ac adeiladau gweinyddol a chynnal a chadw cysylltiedig a pharcio ar gyfer oddeutu 850 o geir, yn ogystal â gweithrediadau tirlunio, draenio a pheirianeg cysylltiedig gan gynnwys ailbroffilio tir, triniaeth ffin, adeileddau cynnal, goleuadau allanol a theledu cylch cyfyng, a dargyfeirio hawliau tramwy cyhoeddus. Gwybodaeth ychwanegol a diwygiedig a dderbyniwyd ar 25/01/2019 a 07/02/2019 dan Reoliad 24 mewn perthynas â bioamrywiaeth, tirwedd ac effaith weledol, effaith economaidd gymdeithasol a thrafnidiaeth ynghyd ag addasiadau i'r prif gynllun a chynllun paramedrau, ar dir ym Mhen-y-bryn, Croeserw, y Cymer, Port Talbot.
7. Eitemau brys
Unrhyw eitemau brys yn ôl disgrisiwn y Cadeirydd yn unol ag Adran 100B(4)(b) o Ddeddf Llywodraeth Leol 1972.

S.Phillips
Prif Weithredwr

Canolfan Ddinesig
Port Talbot

Dydd Llun, 28 Medi 2020

Aelodaeth Pwyllgor:

Cadeirydd: S.Paddison

Is-Gadeirydd: S.Pursey

Aelodau: Councillors C.J.Jones, D.Keogh, R.Mizen,
S.Bamsey, R.Davies, S.K.Hunt, A.N.Woolcock,
C.Williams, S.Renkes a/ac M.Protheroe

Aelod Cabinet: Councillor A.Wingrave

Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio

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

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

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

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

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

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

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

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

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

PWYLLGOR CYNLLUNIO

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

Aelodau'n bresennol:

Dydd Mawrth, 14 Ionawr 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, S.Bamsey,
S.K.Hunt, A.N.Woolcock, C.Williams a/ac
M.Protheroe

Aelodau Lleol: Aelod S.apDafydd

Swyddogion yn bresennol: C.Morris, S.Ball, M.Shaw, T.Davies a/ac
T.Davies

1. COFNODION Y CYFARFOD BLAENOROL

PENDERFYNWYD: Cymeradwyo cofnodion y cyfarfod blaenorol a gynhaliwyd ar 17 December, 2019.

2. GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

3. CAIS RHIF P2019/5606 - 1A STRYD BEVAN, ABERAVON

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (newid defnydd o Annedd C3 i dŷ amlfeddiannaeth C4 yn 1A Stryd Bevan, Aberafan SA12 6ND) fel y manylir yn yr adroddiad a ddosbarthwyd.

Roedd yr aelod ward lleol yn bresennol i gyflwyno ei sylwadau yn y cyfarfod.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2019/5606, yn unol ag argymhellion swyddogion, yn amodol ar yr amodau a fanylir yn yr adroddiad a ddosbarthwyd.

4. **PENDERFYNIADAU DIRPRWYEDIG - 9 RHAGFYR 2019 I 7 IONAWR 2020**

Derbyniodd aelodau restr o Geisiadau Cynllunio y penderfynwyd arnynt rhwng 9 Rhagfyr 2019 a 7 Ionawr 2020, fel y manylir yn yr adroddiad a ddosbarthwyd.

PENDERFYNWYD y byddai'r adroddiad yn cael ei nodi.

CADEIRYDD

PLANNING COMMITTEE

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

Members Present:

4 February 2020

Chairperson: Councillor S.Pursey

Councillors: C.J.Jones, D.Keogh, R.Mizen, R.Davies,
S.K.Hunt, A.N.Woolcock, S.Renkes and
M.Protheroe

UDP/LDP Member: Councillor A.Wingrave

Officers In Attendance: C.Morris, S.Ball, M.Shaw, J.Griffiths and
T.Davies

1. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED: That the minutes of the previous meeting held on 17 December, 2019 be approved.

2. **TO REQUEST SITE VISIT(S) FROM THE APPLICATIONS PRESENTED**

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

3. **APPLICATION NO. P2019/5679 - FORMER DWY Y FELIN LOWER COMPREHENSIVE SCHOOL**

Officers made a presentation to the Planning Committee on this Application (demolition of existing school and construction of new primary school, access, parking, landscaping and associated works. Former Dwr Y Felin Lower Comprehensive School, Heol Penlan, Neath) as detailed in the circulated report.

RESOLVED: That in accordance with Officers' recommendations, Application No.

P2019/5679 be approved, subject to the conditions detailed in the circulated report, as amended by the circulated amendment sheet – namely deletion of condition 6, renumbering of all subsequent conditions, and revised wording of condition 20.

4. **APPEALS DETERMINED - 8 JANUARY - 28 JANUARY 2020**

RESOLVED: That the following Planning Appeal determined be noted, as detailed in the circulated report.

Appeal Ref. A2019/5004

Change of Use from Public House (Class A3) to a Dwelling (Class C3) at Farmers Arms, Glynneath Road, Resolven, SA11 4DW.

Decision:

Appeal Allowed
Application for award of costs Dismissed

5. **APPEALS RECEIVED - 8 JANUARY - 28 JANUARY 2020**

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

Appeal Ref: A2020/0002

Retention of raised decking and change of use of land to residential curtilage at 62 Ffynnon Dawel, Aberdulais, Neath, SA10 8EQ.

Appeal Ref: A2020/0003

Dwelling (outline with all matters reserved) at land to rear of 39 Danygraig Road, Trebanos, Pontardawe, Swansea, SA8 4DS.

Without planning permission, the change of use of the land from a 'nil' use into garden land forming part of the residential curtilage and incorporating the construction of wooden steps and raised decking/platform(s) providing access to the land to the rear of the property at 20 Pearson Way, Neath, SA11 2EJ.

6. **DELEGATED DECISIONS - 8 JANUARY - 28 JANUARY 2020**

Members received a list of Planning Applications which had been determined between 8 January and 28 January 2020, as detailed within the circulated report.

RESOLVED: That the report be noted.

7. **URGENT ITEM**

Because of the need to deal now with the matter contained in minute number 8 below, the Chairperson agreed that this could be raised at today's meeting as an urgent item pursuant to Section 100B (4) (b) of the Local Government Act 1972.

Reason

Due to the need to issue a decision following the conclusion of legal discussions between the applicant and the Authority (as landowner) in order to facilitate and control early works on the site.

8. **APPLICATION NO. P2019/5543 - PARC HADAU, PONTARDAWE**

Officers made a presentation to the Planning Committee on this Application (full planning permission for the proposed development of 35 zero carbon homes plus community building along with associated works including landscaping, parking, access, engineering works and ecological mitigation at Parc Hadau, land at Waun Sterw, Rhyd Y Fro, Pontardawe) as detailed in the circulated report.

The application had previously been approved at Planning Committee on the 17 December 2019, subject to the signing of a Legal Agreement to secure off site ecological mitigation.

RESOLVED: That in accordance with Officers' recommendations, an additional condition be added requiring compliance with the tree works method statement, and the initial wording of conditions 4, 6 and 7 be amended as detailed in the circulated report.

CHAIRPERSON

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 26 Mai 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, S.K.Hunt,
A.N.Woolcock, S.Renkes a/ac M.Protheroe

Swyddogion yn bresennol: C.Griffiths, M.Shaw, S.Ball, T.Davies,
R.MacGregor, A.Manchip, C.Plowman,
S.Blewett a/ac T.Davies

Arsylwyr: Cynghorydd C.Edwards

1. **GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

2. **TAFLEN DDIWYGIO**

Sylwer: Dosbarthwyd taflen ddiwygio mewn perthynas â chais rhif P2014/0083 cyn y cyfarfod, yr oedd y Cadeirydd wedi caniatáu amser digonol i Aelodau ei darllen. O ran yr eitemau cais ar yr agenda a gyhoeddwyd, rhoddodd y Cadeirydd ganiatâd i'w dosbarthu/hystyried ar frys yng nghyfarfod heddiw, am y rhesymau a'r amgylchiadau penodol nad oedd am oedi unrhyw geisiadau, ac er mwyn sicrhau bod Aelodau'n ystyried yr holl wybodaeth berthnasol cyn gwneud unrhyw benderfyniad yn y cyfarfod.

3. **CAIS RHIF P2014/0083 - HEOL Y GADWYN, GLYN-NEDD**

Rhoddodd y Swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (datblygiad preswyl arfaethedig ar gyfer hyd at 50 o anheddau, mynediad i'w benderfynu (amlinelliad) ar dir yn Chain Road, Glyn-nedd) fel a nodwyd yn yr adroddiad a ddosbarthwyd.

Roedd aelodau'r ward lleol, ac Aelod y ward gyfagos, yn bresennol i gyflwyno'u sylwadau yn y cyfarfod.

PENDERFYNWYD:

1. Yn unol ag argymhellion y swyddogion, gymeradwyo Cais Rhif P2014/0083 yn amodol ar y prif delerau, Cytundeb S106 a'r amodau a nodwyd yn yr adroddiad a ddosbarthwyd.
2. Os nad yw'r Cytundeb S106 wedi'i lofnodi o fewn 3 mis i ddyddiad y penderfyniad hwn, gwrthodir y cais am y rheswm a nodwyd yn yr adroddiad a ddosbarthwyd.

CADEIRYDD

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 16 Mehefin 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, S.Bamsey,
R.Davies, S.K.Hunt, A.N.Woolcock, C.Williams
a/ac S.Renkes

Aelod CDU/CDLI: Aelod A.Wingrave

Swyddogion yn bresennol: C.Morris, S.Ball, M.Shaw, R.MacGregor,
Jenkins, A.Manchipp, C.Plowman a/ac T.Davies

1. **GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

2. **TAFLEN DDIWYGIO**

Sylwer: Dosbarthwyd taflen ddiwygio mewn perthynas â chais rhif: P2019/5574 cyn y cyfarfod, a rhoddodd y Cadeirydd amser digonol i'r aelodau ei darllen, mewn perthynas ag eitemau'r cais ar yr agenda a gyhoeddwyd, rhoddodd y Cadeirydd ganiatâd i'w dosbarthu/hystyried yn ystod y cyfarfod heddiw, oherwydd y rhesymau a'r sefyllfa benodol lle nad oedd am ohirio unrhyw geisiadau ac i sicrhau y gall aelodau ystyried yr holl wybodaeth berthnasol ychwanegol cyn gwneud unrhyw benderfyniad yn ystod y cyfarfod.

3. **CAIS RHIF. P2019/5574 - PENTREF TREFOL COED DARCY, LLANDARCY CASTELL-NEDD**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Cais dan Adran 106A Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd) i addasu cytundeb Adran 106 gan gynnwys, ond heb fod yn gyfyngedig i, ddarparu isadeiledd strategol gan gynnwys ffordd fynediad ddeheuol a ffordd gyswllt strategol, ysgolion a chyfleusterau cymunedol, tai fforddiadwy a gwelliannau i gyffordd yr M4 ym Mhentref Trefol Coed Darcy, Llandarcy, Castell-nedd), fel y nodir yn yr adroddiad a ddisbarthwyd.

Roedd asiant yr ymgeisydd yn bresennol i roi ei ddatganiadau yn ystod y cyfarfod.

PENDERFYNWYD: cymeradwyo'r newidiadau arfaethedig i'r egwyddorion yn y cytundeb Adran 106 fel y nodir yn yr adroddiad a ddisbarthwyd, a rhoi pwerau dirprwyedig i Bennaeth Cynllunio a Diogelu'r Cyhoedd am unrhyw fân ddiwygiadau i'r telerau hyn yn destun cytundeb yr ymgylgoreion perthnasol, ar yr amod nad yw'r diwygiadau'n tansilio'r egwyddorion/nodau a ddisgrifir o fewn yr adroddiad a ddisbarthwyd.

CADEIRYDD

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 7 Gorffennaf 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, R.Davies,
S.K.Hunt, A.N.Woolcock, C.Williams a/ac
S.Renkes

Aelodau Lleol: Aelod A.J.Taylor (Taibach)

Swyddogion yn bresennol: C.Morris, S.Ball, M.Shaw, R.MacGregor,
J.Griffiths, S.Blewett, A.Manchipp, N.Headon,
C.Plowman a/ac T.Davies

1. DATGANIADAU O FUDDIANNAU

Gwnaeth yr aelod canlynol ddatganiad o fudd ar ddechrau'r cyfarfod:-

Y Cynghorydd R.Davies - Adroddiad y Pennaeth Cynllunio a Diogelu'r Cyhoedd, Cais rhif P2020/0415, oherwydd ei bod yn llywodraethwr yn Ysgol Gyfun Ystalyfera. Ystyriodd y Cynghorydd Davies ei datganiad fel un rhagfarnol, felly gadawodd y cyfarfod am yr eitem hon, ac ni chymerodd rhan yn y drafodaeth na'r bleidlais ar ôl hynny.

2. GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

3. **CAIS RHIF. P2020/0415 - YSGOL YSTALYFERA**

(Ar y pwynt hwn yn y cyfarfod, ailddatganodd y Cynghorydd R.Davies ei budd yn yr eitem hon, a gadawodd y cyfarfod am y drafodaeth a'r bleidlais ar ôl hynny.)

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ynghylch y cais hwn (adeiladu adeilad deulawr ag ystafelloedd dosbarth a gwaith cysylltiedig ar dir Ysgol Gyfun Ystalyfera, Glan Yr Afon, Ystalyfera) fel y nodir yn yr adroddiad a ddosbarthwyd.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0415, yn unol ag argymhellion swyddogion, yn amodol ar yr amodau a fanylir yn yr adroddiad a ddosbarthwyd.

4. **TAFLEN DDIWYGIO**

Sylwer: Dosbarthwyd taflen ddiwygio mewn perthynas â chais rhif: P2020/0406 cyn y cyfarfod, a rhoddodd y Cadeirydd amser digonol i'r aelodau ei darllen, mewn perthynas ag eitem y cais ar yr agenda a gyhoeddwyd, rhoddodd y Cadeirydd ganiatâd i'w dosbarthu/hystyried yn ystod y cyfarfod heddiw, oherwydd y rhesymau a'r sefyllfa benodol lle nad oedd am ohirio unrhyw geisiadau ac i sicrhau y gall aelodau ystyried yr holl wybodaeth berthnasol ychwanegol cyn gwneud unrhyw benderfyniad yn ystod y cyfarfod.

5. **CAIS RHIF. P2020/0406 - 50 COMMERCIAL ROAD, TAI-BACH**

(Dychwelodd y Cynghorydd R.Davies i'r cyfarfod.)

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio am y cais hwn (cynnig i newid defnydd siop yn rhannol (defnydd dosbarth A1) a fflat llawr cyntaf (defnydd dosbarth C3) i Dŷ Amlfeddiannaeth i bum person (HMO) (defnydd dosbarth C4), ynghyd â newidiadau i ffenestriad y prif adeilad a'r tŷ allan yn 50 Commercial Road, Tai-bach, Port Talbot SA13 1LG) fel y nodir yn yr adroddiad a ddosbarthwyd.

Roedd aelod y ward lleol hefyd yno i roi ei datganiadau yn y cyfarfod.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0406, yn unol ag argymhellion swyddogion, yn amodol ar yr

amodau a fanylir yn yr adroddiad a
ddosbarthwyd, fel y diweddarwyd yn y daflen
ddiwygio a ddosbarthwyd.

CADEIRYDD

Mae'r dudalen hon yn fwriadol wag

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 28 Gorffennaf 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: D.Keogh, R.Mizen, R.Davies, S.K.Hunt,
A.N.Woolcock, S.Renkes a/ac M.Protheroe

Swyddogion yn bresennol: C.Morris, S.Ball, R.MacGregor, J.Griffiths,
H.Bowen, S.Blewett, C.Plowman a/ac T.Davies

1. DATGANIADAU O FUDDIANNAU

Gwnaeth yr Aelod canlynol ddatganiad personol o fuddiant:

Y Cynghorydd S K Hunt, Cais Rhif P2020/0362 – Nant Helen a'r tir o'i hamgylch, gan ei fod wedi eistedd ar Bwyllgor Cyswllt safle Nant Helen.

2. GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

3. TAFLEN DDIWYGIADAU

Sylwer: Dosbarthwyd taflen ddiwygiadau mewn perthynas â'r rhifau cais: Dosbarthwyd P2020/0362 a P2020/0486 cyn y cyfarfod, yr oedd y Cadeirydd wedi caniatáu digon o amser i'r Aelodau ei darllen, mewn perthynas â'r eitemau cais ar yr agenda gyhoeddedig. Roedd y Cadeirydd wedi caniatáu iddi gael ei dosbarthu/hystyried ar frys yn y cyfarfod heddiw, am y rheswm a'r amgylchiadau penodol nad oedd yn dymuno gohirio unrhyw geisiadau ac er mwyn sicrhau bod

Aelodau yn ystyried yr holl wybodaeth berthnasol ychwanegol cyn dod i unrhyw benderfyniad yn y cyfarfod.

4. **CAIS RHIF. P2020/0362 - NANT HELEN A'R TIR AMGYLCHYNOL**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Gwaith cloddio adferol ategol i greu 2 lwyfan tirffurf dolennog (rhan ohono mewn cloddiad a rhan ohono ar lethr) gydag isadeiledd draenio cysylltiedig ac ardaloedd wedi'u tirlunio a chreu cynefinoedd i greu ardal o dir hyblyg ac addasadwy y gellid ei ddefnyddio ar gyfer amrywiaeth o ddefnyddiau gan gynnwys amaethyddiaeth, cadwraeth natur, hamdden, twristiaeth a defnydd diwydiannol, ymchwil a datblygu/busnes (o bosib yn cynnwys cyfleuster profi rheilffordd, ymchwil a datblygu a storio arfaethedig). (Cais traws-ffiniol - gweler cyfeirnod cais Cyngor Sir Powys sef 20/0738/FUL) ar dir ar safle glo brig Nant Helen, Powys, ac o'i gwmpas, a chanolfan ddosbarthu Onllwyn, Castell-nedd Port Talbot) fel y nodwyd yn yr adroddiad a ddosbarthwyd.

Yn unol â'r Protocol Siarad Cyhoeddus a gymeradwywyd gan y cyngor, anerchodd yr asiant y Pwyllgor Cynllunio.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0362, yn unol ag argymhellion swyddogion, gan ystyried y sylwadau ar y daflen ddiwygiadau, ac yn amodol ar yr amodau (gan gynnwys amod Grampian) y manylir arnynt yn yr adroddiad a ddosbarthwyd.

5. **CAIS RHIF. P2020/0486 – CANOL TREF CASTELL-NEDD**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (canolfan hamdden, yn cynnwys pwll nofio, ystafell iechyd a champfa gyda chaffi ategol, 6 uned fasnachol (defnydd A1 a D1) a llyfrgell gyhoeddus ar y llawr cyntaf. Ynghyd â'r iard wasanaethu, y tir cyhoeddus a'r gwelliannau tirlunio cysylltiedig ar dir yn Stryd y Dŵr, Castell-nedd) fel y nodwyd yn yr adroddiad a ddosbarthwyd.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0486, yn unol ag argymhellion swyddogion, gan ystyried y sylwadau ar y daflen ddiwygiadau, ac yn amodol ar yr amodau y manylwyd arnynt yn yr adroddiad a ddosbarthwyd.

6. **CAIS RHIF. P2020/0538 - CANOLFAN TECHNIUM**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (adeiladu canolfan dechnoleg, parcio, tirlunio a gwaith cysylltiedig ar dir gerllaw Canolfan Technium, Central Avenue, Parc Ynni Bae Baglan, SA12 7AX) fel y nodwyd yn yr adroddiad a ddsbarthwyd.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0538, yn unol ag argymhellion swyddogion, yn amodol ar yr amodau y manylwyd arnynt yn yr adroddiad a ddsbarthwyd.

CADEIRYDD

Mae'r dudalen hon yn fwriadol wag

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 18 Awst 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, S.Bamsey,
S.K.Hunt, A.N.Woolcock, C.Williams, S.Renkes
a/ac M.Protheroe

Aelodau Lleol: Aelod S.Rahaman (Port Talbot) a/ac
S.E.Freeguard (Port Talbot)

Swyddogion yn bresennol: C.Morris, N.Lake, T.Davies, R.MacGregor,
S.Blewett a/ac T.Davies

1. **GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau mewn perthynas â'r ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

2. **CAIS RHIF P2020/0470 - NEUADD EFENGYLU, YNYS STREET, PORT TALBOT**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Newid defnydd o Neuadd yr Efengyl (defnydd dosbarth D1) i garej/storfa/weithdy at ddefnydd anfasnachol (defnydd Sui Generis), a hefyd gosod drws pren i'r blaenlun a gosod croesfan llwybr troed a cherbydau newydd wrth Neuadd yr Efengyl, Ynys Street, Port Talbot) fel y nodwyd yn yr adroddiad a ddisbarthwyd.

Rhoddodd ddau Aelod Ward Lleol eu sylwadau ar yr eitem hon.

Nododd yr aelodau fod gwall argraffu yn Amod 7, lle'r oedd y gair 'any' wedi'i adael allan. Mae'r gwall wedi'i gywiro isod, ac wedi'i amlygu mewn ***llythrennau bras ac italig***.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0470, yn unol ag argymhellion swyddogion, gan ystyried y diwygiad i Amod 7, fel y manylir isod, ac yn amodol ar yr amodau a fanylir yn yr adroddiad a ddosbarthwyd.

- Amod 7: Bydd y gair 'cerbyd' yn cymryd lle'r gair 'car' fel isod:

Cyfyngir y garej a gymeradwyir (defnydd Sui Generis) i weithgareddau anfasnachol, gan gynnwys storio/cadw uchafswm o ddau gerbyd modur a dau feic modur, a chaniatáu i uchafswm o dri cherbyd modur (ac eithrio beiciau modur) ar unrhyw adeg, ynghyd â storio eitemau domestig ac eitemau cysylltiedig eraill, ac ni chaniateir defnyddio'r eiddo ar gyfer unrhyw weithgaredd masnachol ar ***unrhyw*** adeg, gan gynnwys chwistrellu ceir .

Rheswm:

Er lles amwynder gweledol a phreswyl, diogelwch priffyrdd a cherddwyr ac i gydymffurfio â Pholisïau BE1.

3. **CAIS RHIF P2020/0627 - 4 WOODLANDS TERRACE, RESOLFEN**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Dymchwel yr ystafell aml-bwrpas bresennol a rhoi estyniad unllawr i'r ochr/cefn yn ei lle, ynghyd â chadw a chwblhau gasebo pren i'r ystlyslun yn 4 Woodlands Terrace, Resolfen, Castell-nedd SA11 4NG) fel y manylir yn yr adroddiad a ddosbarthwyd.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0627, yn unol ag argymhellion swyddogion, yn amodol ar yr amodau a fanylir yn yr adroddiad a ddosbarthwyd.

CADEIRYDD

Mae'r dudalen hon yn fwriadol wag

PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 8 Medi 2020

Cadeirydd: Aelod S.Paddison

Is-gadeirydd: Aelod S.Pursey

Cynghorydd: C.J.Jones, D.Keogh, R.Mizen, S.Bamsey,
R.Davies, S.K.Hunt, A.N.Woolcock, C.Williams,
S.Renkes a/ac M.Protheroe

Aelodau Lleol: Aelod C.Galsworthy (Bryn and Cwmavon),
S.A.Knoyle (Glynneath) a/ac J.D.Morgan
(Glynneath)

Swyddogion yn bresennol: C.Morris, S.Ball, M.Shaw, T.Davies,
R.MacGregor, R.Borthwick, N.Lake,
M.Mohammed, N.Headon, J.Woodman-Ralph,
S.Blewett a/ac T.Davies

1. **GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

PENDERFYNWYD: Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

2. **TAFLEN DDIWYGIADAU**

Sylwer: Dosbarthwyd taflen ddiwygiadau mewn perthynas â'r rhifau cais: P2020/0195 a P2020/0556 cyn y cyfarfod, yr oedd y Cadeirydd wedi caniatáu digon o amser i'r Aelodau ei darllen, mewn perthynas â'r eitemau cais ar yr agenda gyhoeddedig. Roedd y Cadeirydd wedi caniatáu iddi gael ei dosbarthu/hystyried ar frys yn y cyfarfod heddiw, am y rheswm a'r amgylchiadau penodol nad oedd yn dymuno gohirio unrhyw geisiadau ac er mwyn sicrhau bod Aelodau yn ystyried yr holl wybodaeth berthnasol ychwanegol cyn dod i unrhyw benderfyniad yn y cyfarfod.

3. **CAIS RHIF. P2020/0195 - HEOL Y GLYN, GLYN-NEDD**

Gwnaeth swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y Cais hwn (Datblygiad Preswyl - Amrywio amodau 2 (Deunyddiau Allanol), 11 (Darparu Ynys Ffug) a 17 (Rhaglen Waith Fesul Cam ar gyfer Adeiladu'r Ffordd Fynediad) a diwygiadau i gynllun y safle a manylion peirianyddol cais P2010/0562 (a oedd yn amrywio caniatâd P2003/1330) ar dir i'r de o Heol y Glyn, Glyn-nedd) fel y nodir yn yr adroddiad a ddosbarthwyd.

Yn unol â Phrotocol Siarad Cyhoeddus cymeradwy'r cyngor, anerchodd siaradwr cofrestredig y Pwyllgor Cynllunio ac arferodd yr asiant ei hawl i ymateb. Rhoddodd Aelodau Ward Lleol eu sylwadau hefyd.

PENDERFYNWYD: Cymeradwyo Cais Rhif P2020/0195, yn unol ag argymhellion swyddogion, yn amodol ar y diwygiad i amod 1 ar y daflen ddiwygio, ond bod amodau 2 a 30 yn cael eu cadw yn unol â geiriad yr adroddiad gwreiddiol (er mwyn sicrhau y rhoddir ystyriaeth bellach i gadw coed ar ffiniau'r safle).

4. **CAIS RHIF. P2020/0556 - 3 CLOS DEWI SANT, BRYN**

Gwnaeth swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (garej ddwbl ar wahân a chamau mynediad cysylltiedig yn 3 Clos Dewi Sant (Ilain 22), Bryn, SA13 2RZ) fel y nodir yn yr adroddiad a ddosbarthwyd.

Nododd yr Aelodau fod teitl yr adroddiad gwreiddiol a ddosbarthwyd yn anghywir - 'Ceisiadau Cynllunio a Argymhellir i'w Cymeradwyo'. Dylai'r pennawd fod wedi darllen 'Ceisiadau Cynllunio a Argymhellir i'w gwrthod'.

Rhoddodd Aelodau Ward Lleol eu sylwadau.

PENDERFYNWYD: GWRTHOD Cais Rhif P2020/0556, yn unol ag argymhellion swyddogion.

CADEIRYDD

Tudalen28

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2020/0294	<u>DATE:</u> 15/04/2020
PROPOSAL:	Construction of an access road, flood mitigation works, land contamination remediation works, improving the load capacity of the ground and associated works to facilitate the regeneration of a former brownfield land for future commercial development.
LOCATION:	Harbourside Strategic Employment Site, Harbourside Road, Port Talbot
APPLICANT:	NPTCBC Engineering & Transport
TYPE:	Regulation 3 – Council development
WARD:	Margam

BACKGROUND

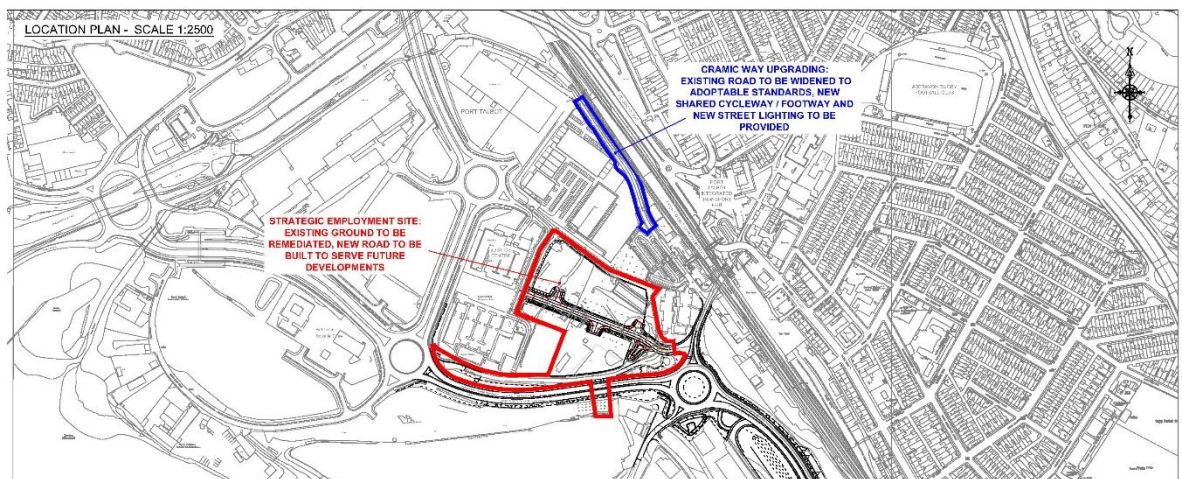
The application is brought before Members as a Council development on a site which forms part of the Harbourside Strategic Regeneration Area.

SITE AND CONTEXT

The application site is located on land off the A4241 Harbour Way, and forms part of the wider Harbourside Strategic Regeneration Area, an extensive area of brownfield former dockland close to Port Talbot town centre.

The application site is an irregular parcel of brownfield land which is predominately flat in profile. The site is a lower level to that on the Western Boundary which has recently been redeveloped and raised in level. It measures approximately 3.6 hectares in area and was previously used for a number of industrial uses over the years. However, the site is currently vacant.

The site is located to the East of the new Port Talbot Justice Centre and Harbour Side Business Park. The Peripheral Distributor Road (PDR) Harbour Way is located to the South and Southern boundaries, Oakwood Road is to the East along with the old Magistrates Court building (which is a grade ii listed building). To the North is the Railway station, its carpark and Cramic Way. There are no residential properties in close proximity to the site.



DESCRIPTION OF DEVELOPMENT

The overall objective of the project is to put infrastructure in place to provide plots that are ready for future development as part of the Local Authority's wider Harbourside Strategic Regeneration Plan. This will increase employment opportunities within Port Talbot and surrounding areas through enabling infrastructure investments which will result in the full potential of the Harbourside Strategic Employment Site being realised.

The investment will provide new road infrastructure to serve key development sites, flood mitigation measures and remediation of land contamination issues which will result in the creation of attractive sites for new business development in a sustainable location on the edge of Port Talbot town centre. The development of these sites will then result in the creation of additional employment opportunities for people in the surrounding communities and beyond.

The proposed development involves the construction of new road infrastructure and associated drainage works and the upgrading of substandard roads. This will also include the remediation of the site to remove contamination, providing flood mitigation works which in part involves the raising of the ground level to 7.5mAOD and a new drainage path allowing flood water to directly flow into the docks.

Part of the preparation works for the site will involve a small section of an existing water main that dog legs into part of the site being diverted. This will free up more space for future development as the current pipe has an easement.

The old dock road and hard surfaced areas within the site will be broken up and reused as fill where appropriate within the application. Part of the site will also be enhanced with biodiversity features such as a butterfly hibernacula and also include a wetland area and swales. Enhanced biodiversity planting will also be provided on and off site.

It should be noted that some of the documents submitted with this application show improvement works that are proposed to be undertaken at Cramic Way which is just to the North of the site. Whilst these works form part of the wider improvements that the Local Authority are undertaking within the area, these works do not form part of this application as they are considered to be permitted development. However it was considered to be beneficial to show them as they are relevant to the level of improvement/enabling works the Local Authority are proposing to undertake in this area.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has no recent relevant planning history in itself however there is a planning history associated with numerous developments that surround the application site, such as Harbour Way (PDR), The Justice Centre, the Magistrates Court and Harbourside Business Park.

CONSULTATIONS

Head of Engineering and Transport (Highways): No objection subject to condition

Head of Engineering and Transport (Drainage): no objection subject to condition.

Ecology: no objection subject to conditions

Natural Resources Wales: Concerns have been raised, conditions are required

Environmental Health (Contaminated Land): Concerns have been raised, conditions are required

Environmental Health (Air Quality): No objection subject to conditions

Environmental Health (Noise): No objection subject to a condition

Cadw: No objection

Glamorgan Gwent Archaeological Trust (GGAT): No objection

Wales and West Utilities: Have advised a fee would be required for them to respond to this application, as such no comment made.

Dwr Cymru Welsh Water: No objection subject to conditions

Sustainable transport: No objection to the proposal

Rights of Way Officer: No objection, have advised that no public rights of way are affected.

REPRESENTATIONS

The neighbouring properties were consulted on 15th April 2020 with a site notice also displayed on 16th April and 10th August 2020. The application was also advertised in the press on 21st April 2020.

In response, to date 1 no. representations have been received, summarised as follows: -

- Tata Steel UK Limited welcome the positive implications of remediating the site and installing a new access off Oakwood Road. Regeneration in this area of Port Talbot is welcome. Their key interest is in relation to highways capacity, safety and parking considerations. It will be important that these matters are very carefully considered in future application(s).

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the

needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

The Wales Spatial Plan (WSP): People, Places, Futures sets the strategic framework to guide future development and policy interventions in Wales, beyond the scope of formal land use planning control. The Plan identifies six spatial or regional areas in Wales that require distinctive approaches to delivering the national vision. Neath Port Talbot lies within the Swansea Bay Waterfront and Western Valleys area. Six Key priorities are identified for the area. Harbourside will help deliver one of these priorities by providing additional employment space the works will help in “*Reducing economic inactivity and developing an integrated skills strategy.*”

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

The following guidance is of particular relevance in the assessment of this planning application:

Chapter 5 of PPW 10 Introduces Productive and Enterprising places. These places promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. It emphasises that these places should be designed and sited to promote healthy lifestyles and tackle climate change. This is done by making them: easy to walk and cycle to and around; accessible by public transport; minimising the use of non-renewable resources; and using renewable and low carbon energy sources.

A Prosperous Wales can be achieved through increased economic activity across all sectors and at all scales. PPW 10 emphasis that one way this can be achieved is through the availability of employment land. One of the key issues identified within PPW 10 is for local Authorities to ensure that there is sufficient employment land to meet the needs and requirements of a range of future employment scenarios.

Para 5.4.3 states that *“Planning authorities should support the provision of sufficient land to meet the needs of the employment market at both a strategic and local level. Development plans should identify employment land requirements, allocate an appropriate mix of sites to meet need and provide a framework for the protection of existing employment sites.”*

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 5 Nature Conservation
- TAN 11 Noise
- TAN 12 Design
- TAN 15 Development and Flood risk
- TAN 18 Transport
- TAN 24 The Historic Environment

Local Planning Policies

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

Strategic Policies

- Policy SP1 Climate Change
- Policy SP2 Health
- Policy SP3 Sustainable communities
- Policy SP4 Infrastructure
- Policy SP5 Development in the Coastal Corridor Strategy Area
- Policy SP7 Housing Requirements
- Policy SP11 Employment Growth
- Policy SP15 Biodiversity and Geodiversity
- Policy SP12 Retail
- Policy SP16 Environmental Protection

- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage
- Policy SRA2 Harbourside Strategic Regeneration Area

Topic Based Policies

- Policy SC1 Settlement limits
- Policy I1 Infrastructure Requirements
- Policy H1/17 Housing allocations/Harbourside
- Policy EC1/4 Employment Allocations
- Policy EN6 Important Biodiversity and Geodiversity Sites
- Policy EN8 Pollution and Land Stability
- Policy TR1 Transport Proposals
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy R1/3 Out of Centre Retail proposal

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Baglan Energy Park Development Framework](#) (October 2016)
- [Pollution](#) (October 2016)
- [Design](#) (July 2017)
- [Landscape & Seascape \(May 2018\)](#)
- [Biodiversity and Geodiversity \(May 2018\)](#)
- [The Historic Environment](#) (April 2019) (incl. [Schedule of Buildings of Local Importance](#) and [SPG: Schedule of Designated Canal Structures](#))

EIA and AA Screening

The application site exceeds does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application detailed screening opinion is not required.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, amenities of neighbouring residents, highway safety, biodiversity, land contamination and flooding.

Principle of Development

The application site is designated under Policy SRA2 in the Neath Port Talbot Local Development Plan as a Strategic Regeneration Area (SRA) which aims to provide a mixed use development that consists of employment, residential and retail (A1) bulky goods.

The Harbourside Strategic Regeneration Area is an extensive area of brownfield former dockland close to Port Talbot town centre. It provides an important opportunity for comprehensive mixed use development in a sustainable central location and the redevelopment project is being promoted by the Local Authority in conjunction with private sector developers. The project includes the following elements:

- The construction of Harbour Way (Peripheral Distributor Road);
- The continued operation of the docks and tidal harbour;
- A range of mixed residential, leisure and retail development opportunities;
- Potential for high quality business and commercial development for small scale industrial and office uses maximising the advantage of proximity to the town centre; and
- The environmental regeneration of the area.

Infrastructure projects and regeneration projects such as this will transform the area by redeveloping previously used, unsightly former industrial land. The applicant considers that this application is an anchor for growth, fundamental to delivering economic success in this area by delivering high quality employment sites that can support emerging business and employment needs, which will attract high-tech industries and widen the skill pool for prospective employers.

This application relates to enabling works to facilitate the regeneration of a former brownfield land for future commercial development which, having regard to its allocation in the Local Development Plan, are wholly acceptable in principle and in accordance with the objectives of Policy SRA2.

The following sections of the report therefore assess the specific impacts arising from the development.

Impact on Visual Amenity

By virtue of the fact that the proposed development is to provide road infrastructure and flood and land contamination mitigation to allow future development, the main visual change to the site would be the introduction of a road and pavements through the site and the increase in levels (which range between approximately 1.29m in the west of the site to tie in with the ground level of the new magistrates court and redevelopment in that area, to 1.2m in the East. Level changes at the edges will be graded with an embankment down to existing levels. The raising of the site is similar to previous developments in the area and is required in relation to flooding issues.

The site will also have areas of informal landscaping and biodiversity mitigation which will also provide visual interest. The main site will have a butterfly hibernacula which is a bund that runs along the south of the site. This will be planted in wildflower mix. (As part of this application an area off site will also be planted and landscaped to compensate for the loss of SINC on this site). A wetland will also be provided near the entrance to the site and swales will be provided around the new roads.

It is considered that the raising the level of the entire site would not cause any unacceptable harm to the surrounding area.

In terms of future development, any building located on this site would have a higher slab level to the old magistrates building which is a listed building located to the East, however it is considered that the site is large enough to accommodate a suitably designed development that forms an acceptable relationship to all surrounding developments.

As such it is considered that the overall proposal and landscaped areas would be considered to be a vast improvement upon its current form and condition of the site given its current derelict status. Eventually the area will be regenerated as a result of this development, bringing new business into the area which will further enhance the character of the area turning this once derelict brownfield site into a vibrant and attractive employment area.

Impact on Residential Amenity

It is noted that there are no residential properties in close proximity to the application site. Furthermore this application relates to infrastructure to allow future development. It is therefore considered that proposal would not create any unacceptable impacts and would therefore be acceptable in terms of residential amenity

Noise

The application has been assessed by the Local Authority's Environmental Health Officer (Noise) who has raised no objections, however they have noted there is a potential for nuisance and detriment to be caused to the surrounding occupiers, particularly the office buildings, during the construction phase of the development. As such to minimise any nuisance they have requested a Construction Environmental Management Plan (CEMP), which will detail construction methods, site management, nuisance controls, traffic management and hours of operation. This can be imposed via a suitably worded condition.

Air Quality

The Local Authority's Air Quality Officer has advised that the site falls outside of the Air Quality Management Area (AQMA), furthermore the Authority monitored PM₁₀ at the docks for a few years which showed that levels were low. However there could be issues with dust during the construction phase, and as such he has recommended a Dust Management Plan is submitted. This can be imposed via a suitably worded condition and will ensure that suitable dust mitigation measures are in place during the construction process

Parking and Access Requirements and Impact on Highway Safety

Highway works consist of the creation of a new road (7.3m wide) through the site creating 3 development access points to allow for the site to be developed in the future. The Northern side of the road will have a 2m wide pavement with a 3m wide shared pavement for pedestrians and cyclist on the southern side. The road will come off the junction near Oakwood Roundabout to the East of the site and connect to Harbourside Road to the West.

The application has been fully assessed by the Head of Engineering and Transport (Highways), who has no objection to the proposal subject to a

stage 2 Road Safety Audit being conducted prior to works commencing, which would then be followed by a stage 3 and 4 audit at the appropriate times. This can be imposed via a suitably worded condition.

They have also advised that no surface water from the remediated areas of land shall connect directly or indirectly into the highway drainage system. A condition can be imposed to this effect.

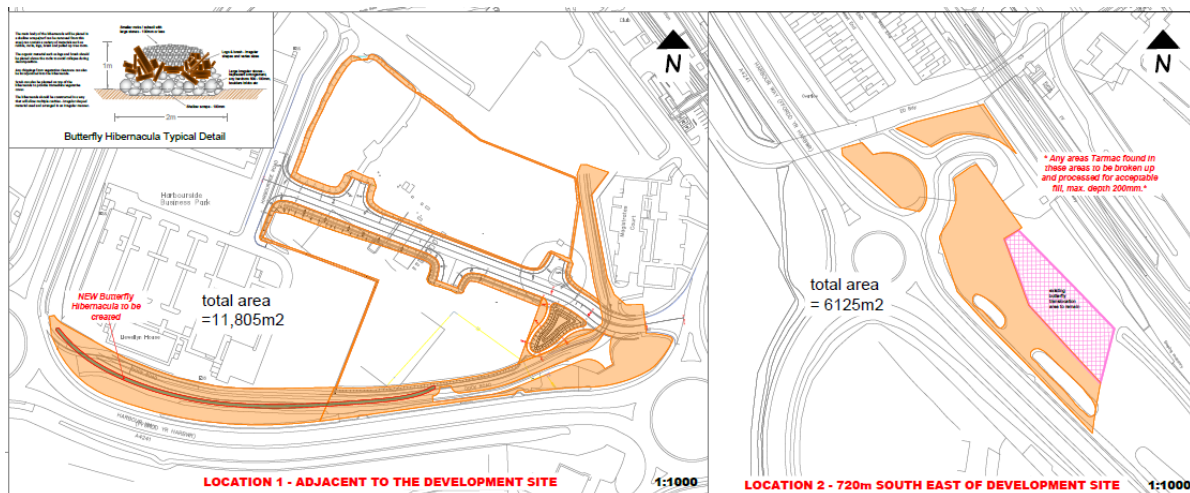
In light of the above it is considered that the development is acceptable in terms of highway and pedestrian safety.

Biodiversity / Ecology

The extended phase 1 habitat survey undertaken confirmed the presence of Local Biodiversity Action Plan habitat which also meets the criteria as a Site of Importance for Nature Conservation (SINC) and as a habitat listed under (S7 Environment Act 2016 formerly S42 NERC). The survey also noted Small Blue, a protected butterfly species, which is a primary indicator for SINC status. The site is also the subject of a Reptile survey (where a small population of Slow Worm was recorded) and has been assessed in relation to suitability for other species, and particularly noted potential for invertebrates such as Shril Carder Bee.

The scheme will involve the short-term loss of SINC habitat, and accordingly the loss of the SINC/Local Biodiversity Action Plan habitat on site and habitat supporting protected and priority species is considered to be the main likely impact from the scheme, requiring consideration under Policies SP15 and EN6.

As such the application is accompanied by an Ecological statement and supporting plans detailing mitigation for habitat loss by the creation of two biodiversity mitigation areas which will consist of an area of 11,805m² on site, and 6,125m² off site (on land in Council ownership – see plan below). These areas will be planted with a suitable wildflower seed mix which includes invertebrate-friendly species with the addition of the specific species that are particularly attractive to Small Blue Butterfly and Shril Carder.



In addition to the planting, a butterfly Hibernacula is proposed to be created along the southern boundary of the site (roughly where the old dock road is currently situated), a wetlands feature near the entrance into the site and swales along the new road (these are also SUDS components which will form part of the SAB application)

The local Authority's Ecologist has assessed the submission and while raising no objection, has provided comments including noting that while the Extent of Site drawing (C2014B/LOC/0001 A) states that there will be a translocation of turf/seed rich substrate, this is not possible due to the contamination on site.

The Local Authority's Ecologist has also advised that the Biodiversity Mitigation Areas drawing (C2014B/EW/0602) shows reptile hibernacula to be provided to the south of the site. They have advised that, as the recommendation is to manipulate the habitat to push any remaining reptiles to the north this area will be isolated and therefore not suitable for reptiles. As such they have recommended this is changed to a butterfly habitat area which can be the same as the reptile hibernacula but without the soil on top. The applicant was advised of this and subsequently amended the plans to show the mitigation areas will now be planted as wildflower areas instead of translocating turf/seed rich substrate and changed the reptile hibernacula at the south of the site being changed into a butterfly habitat area. It is considered that a condition can be imposed to ensure the mitigation works are provided and a clear timescale set for their implementation

The biodiversity section have also advised that a management plan is required outlining how the development platform and all mitigation areas will be maintained and should include management of the site prior to

any development taking place. They have advised that without regular checking and maintenance the platform is likely to revert back to good quality brownfield habitat, which would require mitigation when a development proposal is put forward. The applicant was also advised of this and confirmed that they will be happy to work with the biodiversity section to establish a maintenance regime to cut any new vegetation to prevent it from becoming established. This requirement can be imposed via a suitably worded condition.

Given the range of mitigation measures proposed, including habitat replacement, subject to the implementation (and subsequent monitoring) of the mitigation and enhancement proposals – to be controlled through conditions - it is considered that while there will be a short-term loss of SINC habitat, the mitigation measures proposed will bring an improvement in the quality and ecological connectivity in the long-term. Accordingly, it is concluded that the development subject to the above conditions would be acceptable in terms of biodiversity and ecological interest and compliance with Policies SP15 and EN6.

Flood Risk

The application site is predominately located in Zone C1 as identified by the Natural Resources Wales Development Advice Maps as defined in Technical Advice Note (TAN) 15. Apart from an element of the western extent it is considered to be at risk of flooding beyond the limits prescribed within TAN15. As such mitigation has been proposed in the form of land raising to an elevation of 7.5m AOD (above ordnance datum) where the proposed buildings and access road will be sited, along with a new flood drainage path that will take flood waters in a southerly direction underneath the A4241 via culverts and drain into the docks.

There are many urban developments in Wales that have been undertaken within flood zones. Despite the overall aim to avoid development in flood risk areas, it is considered that it is unavoidable in all instances and that some development would fall within zone C. As such there is scope within TAN 15 to be flexible to allow the risks of flooding to be addressed whilst also recognising that precluding investment in existing urban areas could have negative economic and social consequences, especially where it relates to the reuse of previously developed land. In these cases TAN15 advises Local Authority's that a balanced judgement is required.

Section 6 of TAN 15 requires the Local Planning Authority to determine whether the development at this location is justified, notably the tests set out in Section 6.2. If the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a FCA that the potential consequences of flooding can be managed to an acceptable level.

The Tests set out within para 6.2 of TAN 15 states that “Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; **or**,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; **and**,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In terms of tests (i) and (ii), the development seeks to provide infrastructure, land contamination remediation and flood alleviation to regenerate this brown field site. As stated earlier in this report the application site is designated under Policy SRA2 in the Neath Port Talbot Local Development Plan as a strategic regeneration area(SRA) with an aim to provide a mixed use development that consist of employment, residential and retail (A1) bulky goods.

The Harbourside SRA is an extensive area of brownfield former dockland close to Port Talbot town centre. It provides an important opportunity for comprehensive mixed use development in a sustainable central location and the redevelopment project is being promoted by the Local Authority in conjunction with private sector developers. As such it is considered that a development at this location would meet tests set out in criteria (i) to (iii) and would also meet test (iii) as a sustainable development of previously developed land.

As such the applicant has submitted a Flood Consequences Assessment (FCA) to assess if the potential consequences of flooding can be managed to an acceptable level.

NRW have reviewed the Flood Consequences Assessment (FCA) undertaken by JBA Consulting (Harbourside Flood Consequence Assessment dated May 2018) based on the current hydraulic modelling, in support of the application. They have advised that the FCA has demonstrated the proposed mitigation will reduce the wider flood risk to much of the surrounding area as well as the development locations of the application site itself. It is also noted that within the areas identified as 'danger to some' and 'danger to all' as per the flood hazard matrix there will be no intention for future development.

NRW have advised that whilst the areas of the site allocated for development are shown to comply with TAN15 guidance the proposals do not fully mitigate against the impact to third parties. The Flood Consequences Assessment highlights there will be areas subject to increased flood risk of up to 15mm, which is beyond the accepted hydraulic modelling tolerances and would be regarded as increased flooding elsewhere according to TAN15.

The Flood Consequences Assessment has accepted that this remaining increased flood risk cannot be removed by physical mitigation measures and therefore it is advised that all affected landowners should be made aware of the effect on their property and agreement sought in order to demonstrate all potential measures have been taken to mitigate against the inability to achieve full compliance with TAN15 requirements. This will allow the local planning authority to make a fully informed and balanced decision on the impacts of the development in terms of the stated reductions and increases in flood risk elsewhere.

In light of these comments the applicant wrote to all the land owners affected (6 in total two of these being NPT Council and Welsh Government) advising them of the flood issues and that in the post-scheme development proposals, the theoretical levels rises by between 5mm and 15mm in the 1 in-1000 year event. The letter requested the land owner(s) that if they had any comments to make them in writing. To date no comments in relation to these letters have been received.

Taking into consideration all of the flooding issues, the information submitted as part of the application and the above into account, it is considered that the benefits of providing the infrastructure and

remediation would allow this strategically important brown field site to attract potential high quality business and commercial development for small scale industrial and office uses maximising the advantage of proximity to the town centre and would also contribute towards the environmental regeneration of the area. As such this benefit of this development is considered to outweigh the minimal detrimental impact to 3rd party land.

Drainage

All new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB). As the development site is over 100m² a SAB approval will be required prior to any work commencing. A note can be attached to ensure the applicant is aware of this.

The application has been assessed by the Head of Engineering and Transport (Drainage) who has advised that they have no objection to the proposal subject to the applicant obtaining SAB approval.

Natural Resources Wales have advised that as there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins. As such NRW have suggested a condition that no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. This can be imposed via a suitably worded condition.

Welsh Water originally advised that a 1200mm diameter public water main crosses this development site. They stated that in order to perform their statutory duty, they have rights of access to their apparatus at all times. They advised it appears that the position of their asset will restrict the development to such an extent as to render it impractical and as such raised an objection to the proposal. As a result of this the applicant liaised with Welsh Water's engineers and provided additional information to try address some of the concerns raised. As a result of this Welsh Water were re-consulted with the revised information who responded that they now have no objection to the proposal, however have recommended that

two conditions are imposed. The first is in relation to no surface water or land drainage be allowed to connect to the public sewerage network, and the second relates to a method statement and risk assessment for the protection of the structural condition of the water main assets crossing the site. It is considered that both these recommendations can be imposed which will ensure that Welsh waters assets are protected.

Welsh water has also recommended a note relating to Sustainable drainage, connections to a public sewer and un-recorded drains, these notes can be added as an informative note to advise the applicant.

In addition to the above the applicant also proposes to divert an existing Tata water main that dog legs into the southern part of the site. It is considered that given the comments raised by Welsh Water in relation to their apparatus which is in the same area as this pipe that a condition can be imposed to ensure the diversion proposed does not adversely affect Welsh Water's apparatus.

Contaminated Land

The site has several former industrial uses, was originally part of the steel works and later the site of a chemical works. In addition a gas holder was once located on this site, as such there are several land contamination issues being flagged for the site. Part of the application is to remediate the site to such a degree to allow future development. As such the application is accompanied by a desk study report, ground investigations, gas report, generic quantitative risk assessment, controlled waters detailed quantitative risk assessment, factual report product investigation report and earthwork specifications.

All the information submitted has been thoroughly assessed and discussed with both the Local Authority's Land Contamination Officer and Natural Resources Wales (NRW). However they have both raised concerns with the proposed testing and remediation as submitted, and have advised that further testing and information would be required.

One of the main issues is the lack of site Investigation work and in particular in and around the gas holder area. This is of particular concern as typically gas holders on brownfield sites have the potential to act as a source of pollution which could impact the wider site and off-site. NRW have also advised that they have found it difficult to replicate results for areas where there may be a source. From recent bail down sampling the thickness of the hydrocarbons was not consistent. As such Both the Land

Contaminating Officer and NRW have recommended further site investigations are carried out in particular in and around the location of the gas holder.

They have both strongly advised that they would not recommend remediation based on results that cannot be replicated or upon partial site investigations, and advised that that remediation should be re considered once the whole of the site had been sampled.

The Local Authority's Land Contamination officer have also raised a concern with the Habitat Mitigation Area which is currently planned to be off-site from the main site. Any work to establish a Habitat Mitigation Area on or off-site such as ground works etc. would need to be included in the Desk Study and initial Conceptual Site Model and incorporated into the Site Investigation Works.

It is considered that to address the above concerns a raft of suitably worded conditions can be imposed to address the impact of the development upon Human Health and Controlled Waters. NRW and the Authority's Land contamination section have advised that their concerns would be alleviated with appropriate conditions in place. The applicant has been advised of the issues raised above and are happy to deal with these requirements as pre commencement conditions.

Due to the risks and environmental implications associated with this site NRW have also recommended that a construction Environmental management plan is provided prior to any works being undertaken, suggesting a list of topics it should cover. This can be imposed via a suitably worded condition

Listed Buildings and Archaeology

While the specific impacts on the nearby listed building would be considered under a future application, having regard to the duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have *special regard* to the setting of listed buildings, it is considered that the enabling works proposed under this application would have no unacceptable impacts on its setting.

Cadw have assessed the proposal and have advised they have no objections as there is no unacceptable impact upon any listed building

Glamorgan Gwent Archaeological Trust has advised that the majority of the proposed development area is largely comprised of either hardstanding surfaces, topsoil or compacted made ground, with further underlying deposits of made ground, ranging in depths from 1m to 3.40m below ground level. Therefore, it is considered that the previous industrial use and subsequent demolition and landscaping have extensively disturbed the area, and consequently, it is our opinion that it is unlikely that any archaeological remains would be encountered or disturbed during the course of the current proposals.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently GGAT have no objections to the positive determination of this application.

Section 106 Planning Obligations

Local Development Plan Policy SP 4 (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

Policy I1 (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to a planning application for infrastructure to open up land for employment, as such it is considered that the proposal would not be required to provide any s106 provision.

CONCLUSION

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

It is considered that the proposal development would help bring this designated strategic regeneration area to fulfilment with an aim to provide a mixed use development that will increase employment opportunities within Port Talbot and surrounding areas. The proposal therefore represents an appropriate form of development that would have no unacceptable impact on visual amenity and the character of the area as a whole. Highway and pedestrian safety, residential amenity, pollution, flooding and biodiversity. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3 SP4, SP5, SP7, SP11, SP12, SP15, SP16, SP20, SP21, SRA2, SC1, I1, H1/17, EC1/4, EN6, EN8, TR1, BE1 and R1/3 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Approve with conditions

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

C2014B-LOC-001-P	Location Plan (Rev B)
C2014B-CR-0001-P	Contractor Routes
C2014B-GA-0101-P	General Arrangement- Access Road
C2014B-GA-0104-P	General Arrangement Standard Details
C2014B-SC-0201-P	Site Clearance main development site and carpark extension
C2014B-F-0301-P	Accommodation Works
C2014B-DR-0501-P	Drainage Main Development
C2014B-DR-0504-P	Drainage Long section and Control Camber Details
C2014B-DR-0505-P	Drainage Construction Details and Typical sections
C2014B-DR-0506-P	Drainage Standard Details
C2014B-DR-0507-P	Drainage Gully Types and Gully Connections
C2014B-EW-0601-P	Earthworks
C2014B-EW-0602-P	Biodiversity Mitigation Areas (Rev A)
C2014B-RP-0701-P	Road Pavements
C2014B-K-1101-P	Kerbs Footways and paved Areas
C2014B-RM-1201-P	Traffic Signs and Road Markings
C2014B-PL-1301-P	Lighting Design
C2014B-PL-1302-P	Lighting Standard Detail
C2014B-CU-1701-P	Flood mitigation Culvert General Arrangement 1 of 2
C2014B-CU-1702-P	Flood mitigation Culvert general arrangement 2 of 2
C2014B-SU-2701-P	Existing Services
C2014B-SP-0101-P	Swept Path Analysis
C2014B-XS- 0001	Cross section location
C2014B-XS- 0002	Cross section 1 of 2

C2014B-XS- 0003 Cross section 2 of 2
C2014B-DR-WW-0001 Drainage main Development
C2014B-SU-AWM-D-001 Afan water Main

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to any development commencing on site, the developer must do the following:-

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 4 No development shall commence on site, including site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information: -

(a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development and details, waste and contaminated land.

(b) General Site Management: details of the construction programme including timetable; details of site clearance; construction drainage, site setup plan detailing sensitive receptors, buffer zones and relevant protection measure maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.

(c) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; A dust management plan (in accordance with the IAQM guidance on demolition and construction) and measures to control light spill.

(d) Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; The erection and maintenance of security hoarding; A scheme for recycling/disposing of waste resulting from demolition and construction works and a scoping route for all deliveries to and from the development.

(e) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.

(f) Biodiversity Management: tree and hedgerow protection, invasive species management (to include Himalayan balsam and Japanese knotweed), species/habitats protection and mitigation measures.

(g) Water Framework Directive (WFD) Assessment: details of the proposal to be assessed against the Water Framework Directive's objectives.

(h) Soil management: topsoil stripping, storage and amelioration for re-use.

(i) CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.

(j) Resource Management: fuel and chemical storage, waste management, water consumption and energy consumption.

(k) Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan and site drainage plan.

(l) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason:

In order to ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, biodiversity, controlled waters, human health and to accord with Policies BE1, EN7, EN8 and TR2 of the Local Development Plan.

- 5 Notwithstanding the submitted information, No Development shall commence until a scheme which shall include the following components to deal with the risks associated with contamination of the site is undertaken by competent persons in accordance with the following document:-Development of Land Affected by Contamination: A Guide for Developers (WLGA & EAW, 2012) and shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment of the application site and the biodiversity mitigation area 2 shown on drawing C2014B / EW / 0602 which has identified:

- a) all previous uses
- b) potential contaminants associated with those uses
- c) a conceptual model of the site indicating sources, pathways and receptors
- d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to surface water and being situated on a Secondary A aquifer. Contamination is known/strongly suspected at site due to historical contaminative uses, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 6 Notwithstanding the submitted information, no development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation is submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 7 No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the water main assets crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan

- 8 Notwithstanding the submitted information, no development shall commence until a scheme is submitted to and approved in writing by the Local Planning Authority detailing the Tata pipe diversion having regard to Welsh Waters apparatus which is in the vicinity. The pipe shall be diverted in accordance with the agreed details

Reason

To ensure the Tata water pipe diversion does not have any unacceptable impact upon Welsh waters apparatus and public health and safety and ensure the development complies with Policy SP15 and BE1 of the Neath Port Talbot Local Development Plan

- 9 Notwithstanding the submitted information, no development shall commence until a scheme has been submitted to and approved in writing by the Location Planning Authority detailing landscaping and biodiversity mitigation measures on both the application site and the

biodiversity mitigation areas identified on Dwg. C2014B/EW/0602 Rev A, along with a timescale for their implementation and completion. The mitigation shall be implemented in accordance with the agreed timescale and maintained as such thereafter.

Reason:

In the interest of biodiversity enhancement and mitigation and visual amenity, and to ensure the development complies with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

- 10 Notwithstanding the submitted information, prior to the commencement of development, a landscape management plan, including management responsibilities and maintenance, for all landscaped and biodiversity mitigation areas (as identified on Dwg. C2014B/EW/0602 Rev A), to also include how the site will be managed post construction, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas that lie outside of the curtilage of individual properties, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Development of Land Affected by Contamination: A Guide for Developers (WLGA & EAW, 2012). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reasons

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

to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 12 All works shall be subject to Road Safety Audits, stages 2, 3 and 4 in accordance with the Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. Stage 2 shall be submitted prior to the first beneficial use of the development; Stage 3 shall be submitted upon completion of the development, and stage 4 shall be submitted 1 year after the completion of the development. All issues highlighted at each stage shall be addressed to the written approval of the Local Planning Authority within 3 months of approval of that stage of the Road Safety Audit.

Reason

In the interest of highway and pedestrian safety and to ensure accordance with Policies TR1, TR2 and BE1

Regulatory Conditions

- 13 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and/or the highway drainage network

Reason:

To prevent hydraulic overloading of the public sewerage system and highway drainage network, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

Mae'r dudalen hon yn fwriadol wag

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2020/0505	<u>DATE:</u> 09/07/2020
PROPOSAL:	Single storey rear extension.
LOCATION:	2 Taillywd Road, Neath Abbey SA10 7DT
APPLICANT:	Mr Tim Burden
TYPE:	Full Plans
WARD:	Dyffyn

BACKGROUND

This application is brought to Planning Committee in accordance with the Council's delegated arrangements because the applicant Mrs Julie Burden is an employee of the Authority's Highway Section and is involved in the development management process.

SITE AND CONTEXT

The application property comprises a detached dwelling located at 2 Taillywd Road, Neath Abbey. The dwelling is sited within a long linear plot located adjacent to the railway line. The side elevation of the dwelling runs parallel with Taillywd Road and the principal elevation is located to the side of the property when viewed from the highway. The property is at a lower level than the adjoining highway and has a brick wall running along its boundary on Taillywd Road. The property is bounded by undeveloped land, the railway line and railway bridge.

The property already benefits from a two storey flat roofed side extension located adjacent to the highway and a single storey rear extension. Vehicular access is under the railway bridge to the rear of the property. There is an outbuilding and hard surfaced vehicular car parking area to the rear of the property.

DESCRIPTION OF DEVELOPMENT

This application proposes the construction of a single storey flat roofed kitchen/diner extension to the rear elevation. The submitted plans indicate that the existing single storey flat roofed extension is to be removed and a larger single storey flat roofed extension constructed.

The proposed extension will project 5 metres from the rear and side wings of the property for a width of 9.6 metres. It will have a flat roof of a maximum height of 3.2 metres. The extension will benefit from bi-fold doors and a window to the rear elevation as well as another window to the side elevation. The extension will be finished in spar dash on a render plinth to match the existing dwelling.

PLANNING HISTORY

The site has the following relevant planning history: -

- 1989/0738 – Creation of new access – Approved 2.12.89
- 1979/0236 - New access – Refused 24.7.79

CONSULTATIONS

Dyffryn Community Council – No reply therefore considered to be no objections.

A site notice was displayed on 31.7.20. To date no responses have been received.

REPORT

Planning Policies

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

- **Policy BE1** Design
- **Policy TR2** Design and Access of New Development

Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Impact on Visual Amenity

The proposed extension will be at the rear of the dwelling, however as the property is sited with its side elevation running parallel to the highway the extension will be visible from the highway. However, as the

dwelling is at a lower level than the adjoining highway the majority of the extension will be screened by the existing brick boundary wall. The extension will also be viewed against the existing two storey side extension, as a result it is considered that the proposal will not undermine the overall appearance, design, proportions and finishes of the existing property.

The siting of the extension below the level of the highway results in the majority of it being screened by the boundary wall. This difference in ground levels will ensure the proposed extension will not impact upon the character and appearance of the street scene. Whilst, it is acknowledged that there would be a partial view of the extension from neighbouring properties on the opposite side of the street, its limited size and finish will ensure that it will not adversely impact upon the visual amenity of the surrounding area.

It is therefore considered that the proposed development will not impact detrimentally upon the host dwelling nor will it detract from the character and appearance of the street scene and surrounding area in accordance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Impact on Residential Amenity

Due to the siting of the property there are no immediate neighbours, the nearest neighbouring properties are located on the opposite side of Taillwyd Road some 10 metres away. The extension is limited in height and as such is not considered to have an adverse impact with regard to overbearing or overshadowing impacts.

The bi-fold doors, window to the rear elevation as well as the window to the side elevation will all overlook the garden of the application property. As there are no immediate neighbours it is not considered to have an adverse impact from overlooking issues to the neighbouring properties.

Therefore, it is considered that the amenities of the neighbouring residents will be safeguarded and the proposal complies with the Household Extension Design Guide and would be in accordance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

The property benefits from a large hard surfaced parking area which is accessed via the vehicular access under the nearby railway bridge. The addition of a kitchen/dining room extension is not considered to have an adverse impact on highway and pedestrian safety.

As such, the development is in accordance with Policy TR2 of the Neath Port Talbot Local Development Plan.

Other

Due to the history of the land within the area a condition is attached regarding unexpected land contamination.

A note is also added as the property is located within a low risk coal mining area.

A small area of the curtilage is within a Natural Resources Flood Zone (C2 and B1), however this area does not cover the dwelling or the proposed extension.

CONCLUSION

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies BE1 (Design) and TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Approve with conditions

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

Location Plan- received 27.7.20

Block Plan - received 27.7.20

General Plan - Drawing no. Burden/01/02 - received 14.9.20

Reason:

In the interests of clarity.

Action Conditions

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

Reason:

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

to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

SECTION B – MATTERS FOR INFORMATIONAFAN VALLEY ADVENTURE RESORT - UPDATE REPORT

<u>APPLICATION NO:</u> P2018/0493	<u>DATE:</u> 25/07/2018
PROPOSAL:	Outline planning application (including access) for a proposed adventure resort comprising 600 no. lodges/apartments, 100-bed hotel with associated spa, central plaza containing restaurants, leisure activities and shops, adventure activities and associated buildings (including X-sports, alpine/ski, forest activities and Trax & Trail), restaurants and associated administration and maintenance buildings and parking for approx. 850 cars, plus associated landscaping, drainage and engineering operations including re-profiling of land, boundary treatment, retaining structures, external lighting and CCTV, and diversion of public rights of way. Additional and amended information received on 25/01/2019 and 07/02/2019 under Regulation 24 with regard to biodiversity, landscape and visual impact, social economic impact and transport together with modifications to the masterplan and parameters plan.
LOCATION:	Land At Pen Y Bryn, Croeserw Cymmer, Port Talbot
APPLICANT:	Afan Valley Limited
TYPE:	Outline
WARD:	Cymmer

BACKGROUND*Original Committee Resolution*

On 19th March 2019 Officers brought the above planning application for the proposed 'Afan Valley Adventure Resort' before the Planning Committee, at which time Members resolved as follows:

1. That following the site visit prior to today's meeting on 19 March, 2019, and in accordance with Officers' recommendations, Application No.P2018/0493 be approved, subject to the conditions detailed in the circulated report (as revised in the circulated amendment sheet), and subject to the applicant entering into a

Section 106 Agreement with the broad Heads of Terms detailed in the circulated report: -

- Inclusion of a Legal Framework to address provision of Solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach
 - Contribution towards / provision of access to and improvements to National Cycle Network Route 885
 - Implementation (as far as practicable having regard to site works) of advanced structural landscaping.
2. That if the required section 106 agreement is not completed within six months of the date of this resolution (unless the LPA has otherwise agreed to an extension of this time limit in writing), that delegated authority is given to refuse planning permission on the basis that in the absence of the required legal agreement, the identified environmental impacts of the development, notably on biodiversity / habitat, would not be mitigated, precise reasons to be agreed in consultation with the Chair of Planning.
3. That delegated authority is given to the Head of Planning & Public Protection and Development Manager – Planning, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and outline consent issued.

Links are provided below to the Committee documentation from 19th March 2019: -

- [Officer's report](#)
- [Amendment Sheet](#)
- [Minutes](#)

Actions Subsequent to Committee Resolution

Following the original Committee resolution, little initial progress was made with the developer or its appointed agent towards resolving such legal issues. In addition, and as outlined in the [Update report](#) presented to Members on September 24th 2019, significant matters of concern were raised in the National press and on television concerning the alleged serious financial issues and irregularities concerning Northern

Powerhouse Developments (NPD) and its Director Gavin Woodhouse, the company and person behind the applicant, Afan Valley Limited.

Most pertinently for this Authority, these allegations of financial impropriety raised concerns relating to the information that was contained in the Business Plan submitted by the applicants on 7th February 2019, and which formed a significant part of the officer's appraisal of the application in question.

The 24th September 2019 Update report to members identified that, subsequent to reporting of financial allegations relating to Northern Powerhouse Developments, ongoing discussions have been led by Peter Moore who, despite stepping down from his role with NPD, has emphasised in writing and through recent actions that he remains committed to driving the project forward in conjunction with the appointed interim managers / administrators Duff & Phelps. It is also emphasised that Mr Moore was not the subject of or linked with any financial impropriety.

The further report put before Members on September 24th 2019 also provided an update with regards to the signing of the S106 Agreement and notably considered the updated business/ financial case which had been put forward and was required to be re-assessed against Policy TO1 of the LDP. At this meeting, and based upon that updated business / financial case, it was resolved that Members reaffirm their support for the development on the following basis:

1. That planning permission be GRANTED for the development subject to the conditions detailed below, and subject to signing of a legal agreement under section 106 based on the following broad Heads of Terms:
 - Inclusion of a Legal Framework to address provision of Solar farm site and another off-site compensation site/s and associated Habitat Management Plans in accordance with a sequential approach
 - Contribution towards / provision of access to and improvements to National Cycle Network Route 885
 - Implementation (as far as practicable having regard to site works) of advanced structural landscaping.
2. That if the required section 106 agreement is not completed by 31st March 2020, that delegated authority is given to refuse

planning permission on the basis that in the absence of the required legal agreement, the identified environmental impacts of the development, notably on biodiversity / habitat, would not be mitigated, precise reasons to be agreed in consultation with the Chair of Planning.

3. That delegated authority is given to the Head of Planning & Public Protection and Development Manager – Planning, to make changes to the conditions and/or Heads of Terms of the required legal agreement, subject to consultation with the Chair of Planning, up to the point where the legal agreement is signed and outline consent issued.

Since that date, positive discussions have been ongoing with Peter Moore and the appointed agents in respect of finalising the required section 106 legal agreement. In this respect, although the original 31st March 2020 'deadline' has passed, officers have continued with such negotiations/ discussions having regard to the potential strategic significance of the development and the inevitable impact on timescales during the ongoing Covid-19 pandemic.

Notably, these discussions have included the Council being kept informed of ongoing progress by Peter Moore to secure the development finance necessary to implement his overarching vision put before Members at previous meetings.

Matters have, however, recently stalled with it becoming increasingly clear that the site owners / administrators are looking first and foremost to achieve a planning permission for the development (presumably to maximise land value). While understanding the economic case for such a stance, there is significant concern that this will put at risk delivery of the vision put before the Council by Peter Moore and his partners. Accordingly, Officers are concerned that the overall deliverability of the vision, and ultimately compliance with Policy TO1, is at risk.

PURPOSE OF REPORT

Within the above context, the purpose of this report is to update Members of recent correspondence which has been sent to the applicants and the potential implications for this development and the resolution of Members to grant planning permission for the development.

Recent Correspondence

On 12th June 2020, the Director of Environment and Regeneration wrote to the applicant (owner/administrator) emphasising the positive ongoing progress and continued support of the Council for the project. A copy of the letter is provided in full at Appendix A.

The letter emphasised Officers' view of the important role of Peter Moore in the project 'vision' as follows: -

I think it is fair to say that we have been very impressed with Mr. Moore's passion for and dedication to this project, his history in delivering national tourism projects elsewhere in the country, his continuing relationships with key partners (such as Landal Green Parks, Bear Grylls, Neuman Aqua and SnowFlex), and more recently his ability to secure the interest of substantial investors who are key to delivering this scheme beyond the outline planning stage. For this reason, Mr. Moore's role in this project appears to be critical to ensure that it delivers on its vision and continues to remain in compliance with Policy TO1 of the Neath Port Talbot Local Development Plan which requires the developer to demonstrate deliverability.

Moreover, the letter noted the economic uncertainties surrounding Covid-19 and the importance of such a project being truly deliverable, as follows: -

The events of recent months have, however, brought firmly into focus the importance of planning as part of the economic recovery post Covid-19 for Wales as a whole and for NPT in particular. Indeed, this message is coming across very clearly from the Welsh Government. In this wider economic context, and having regard to the history of undelivered development on this site, together with other failed large-scale strategic projects elsewhere in Wales, the Council is understandably keen to ensure that any planning decision on such a significant development has the best prospects of being delivered. Issuing a planning permission would, on the face of it be a dramatic statement of intent for this part of Wales, and one which will be greeted with huge enthusiasm locally, but if it were to once again fail to deliver on its vision would undeniably represent a failure on the part of the Planning Authority to ensure such a project was truly deliverable and worthy of the unstinting support it has been given.

Officers thus sought assurances from the applicant to offer comfort by confirming what measures are in place to deliver this project in terms of creative vision, option agreements and /or securing finance.

Although discussions with the agent continued, the applicant failed to respond to the questions raised in the letter and progress has recently stalled, with no further response received to the section 106 agreement negotiations. Accordingly, on 11th September 2020 the Chief Executive

wrote to the agent expressing disappointment that we had not received a response to the earlier letter.

His letter (Appendix B) also expressed the view that *“the only way forward for this site is for [the applicant] to engage with Mr. Moore to deliver on his vision, with his partners. Without this, I feel it is unlikely that Members will be satisfied that the proposal is indeed deliverable in compliance with Policy T01 ... and I anticipate that Members may not look favourably in terms of its positive determination”*.

The letter has also given the applicant a deadline of **31st October 2020** for them to provide to the Council confirmation that there is a funded proposal which is deliverable.

Advising them that this report will be provided to members (with their opportunity to attend Committee and address members should they so wish) the letter also emphasises that *“without tangible evidence that funding agreements are in place to secure delivery of the project in accordance with the vision set out in the application submissions, then I feel it is very likely that the goodwill and support offered to date by this Authority can no longer be sustained, and a recommendation is likely to be made that the scheme no longer meets the required policy tests”*.

Realistically, this means confirmation that they have reached agreement with Peter Moore which will ensure that he remains as the driving force for delivery of the project, along with his partners.

This does not mean that Officers do not support the delivery of the Afan Valley Adventure Resort scheme – indeed quite the contrary. However it must be acknowledged that a number of leisure developments have been proposed for this site dating back decades, none of which have progressed beyond the planning stage. In contrast the currently proposed scheme, due to its vision, the experience of the parties involved and the funding that they are in the process of securing, suggests that there is a reasonable chance that a scheme will now be implemented. This is however reliant upon the continued involvement of experienced leisure operators including Mr Peter Moore, who has been instrumental in progressing this application to this stage in addition to securing the interest of major investors. In the absence of the continued involvement of these operators, it is not possible to confirm with any confidence the deliverability of this scheme in accordance with planning policy requirements. In other words, we can no longer support the grant of planning permission without any certainty of delivery, since to do so would risk granting a consent which would promise much but deliver

little, similar to the position experienced in relation to the previous proposals for this site.

During any time, offering such hope without delivery would be devastating for the community, but in the current economic times, and with an eye on the need to deliver post-Covid prosperity for NPT and the wider South Wales region, this would undeniably represent a failure on the part of the Planning Authority to ensure such a project was truly deliverable and worthy of the unstinting support it has been given.

It is emphasised that the appointed agent, Nineteen 47, and their specialist consultants have been in regular dialogue with Officers to progress this application since the amended resolution was made on 24th September 2019. They have also confirmed that Peter Moore is at a very advanced stage with a potential funder to deliver this project.

In this regard, it is sincerely hoped that the next six weeks will lead to constructive discussions between Peter Moore and the applicants/administrators which will give the required degree of confidence that legal mechanisms are in place to secure delivery of the vision brought before members, enable section 106 matters to be finalised, and for a planning permission to be issued.

Members are further advised that, provided a positive response is received, the further report will seek to address the outstanding matters raised by the s106 discussions, including a review of the 'planning balance' to reflect a biodiversity 'back-stop' financial contribution, together with changes to conditions, all to enable a decision to be issued shortly thereafter.

However, should the matters raised above not lead to a satisfactory response, then the further report will seek to re-assess the proposal to determine whether it remains in accordance with Policy TO1 in respect of the concerns over deliverability of the submitted scheme.

RECOMMENDATION

That Members note the above for information only.

APPENDIX A



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Dyddiad/ Date	12 th June 2020
Rhif Ffôn/ Direct Line	01639 686727
Ebost/ Email	s.ball@npt.gov.uk
Cyswllt/ Contact	Steve Ball
Eich cyf / Your ref	
Ein cyf/ Our ref	P2018/0493

Mr. Jamie Pyper
Nineteen47 Ltd
106 Micklegate
York
YO1 6JX

BY EMAIL ONLY

Dear Mr. Pyper,

Proposal: Outline Planning Application (including access) for a Proposed Adventure Resort comprising 600 no. lodges/ apartments, 100-bed hotel with associated spa, central plaza containing restaurants, leisure activities and shops, adventure activities and associated buildings (including X-Sports, Alpine / Ski, Forest Activities and Trax & Trail), restaurants and associated administration and maintenance buildings and parking for approx. 850 cars, plus associated landscaping, drainage and engineering operations including re-profiling of land, boundary treatment, retaining structures, external lighting and CCTV, and diversion of public rights of way.

Location: Land At Pen Y Bryn Croeserw Croeserw Cymmer, Port Talbot

Applicant: Afan Valley Ltd, C/O Agent

Ref: P2018/0493

I am writing to you further to our ongoing and productive discussions in respect of the above application.

As you are aware, my officers have been assisting me in progressing this important project through the planning system, with ongoing discussions being both positive and productive. Indeed, since a resolution to grant outline planning permission was agreed by Members, we have been in discussion with NRW and our Estates section to secure an acceptable off site strategic biodiversity site which aims to address the biodiversity impact of this development, and to address all outstanding matters relating to sustainable transport and the finer details of conditions.

Amgylchedd ac Adfywio

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG
Ffôn 01639 686868

Environment and Regeneration

Ceri Morris Head of Planning and Public Protection
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG
Phone 01639 686868

www.npt.gov.uk

Whilst these discussions have been positive to date, the additional compensation site has yet to be secured and therefore this has led the Authority to take a wholly proactive stance in developing appropriate clauses in the legal agreement to secure a sequential approach to the provision of such mitigation, along with an agreed 'financial backstop' contribution towards the implementation of biodiversity mitigation in the event such a site cannot be secured. Once we have finalised the finer details within the agreement, and sought ratification through Committee, this approach will help us achieve all of our objectives of bringing forward a potentially transformational development project to the Afan Valley. Which brings me to the issue in hand.

As you and your clients are aware, this site and its tourism potential has for over 20 years been the subject of much anticipation. A number of developers have come and gone over the years with promises of delivering a scheme which would positively benefit the fragile economy and natural environment of the Afan Valley and beyond. For various reasons, and despite positive progress in relation to the regulatory system, none of the developments has progressed beyond the outline planning stage. The local Community has had its hopes dashed previously, and yet welcomes this development with open arms.

For this reason, and given the very strict planning policies in place with regard to developments within the open countryside, we took a very cautious approach before reporting this application to committee back in September 2019, whereby we sought letters of intent from the partners involved in the scheme. Whilst this approach was not positively received at the time by Mr. Woodhouse, I think you will agree that the approach was the right one to take given the position which subsequently unfolded.

Since that time, the former applicant Mr. Gavin Woodhouse has been removed from the project and there remain various interested parties including Mr. Mishon as site owner, the administrators on behalf of Afan Valley Ltd (the applicant, now excluding Mr. Woodhouse) and Mr. Peter Moore who has been leading on the vision and more recently the funding associated with this project.

I think it is fair to say that we have been very impressed with Mr. Moore's passion for and dedication to this project, his history in delivering national tourism projects elsewhere in the country, his continuing relationships with key partners (such as Landal Green Parks, Bear Grylls, Neuman Aqua and SnowFlex), and more recently his ability to secure the interest of substantial investors who are key to delivering this scheme beyond the outline planning stage. For this reason, Mr. Moore's role in this project appears to be critical to ensure that it delivers on its vision and continues to remain in compliance with Policy TO1 of the Neath Port Talbot Local Development Plan which requires the developer to demonstrate deliverability.

The events of recent months have, however, brought firmly into focus the importance of planning as part of the economic recovery post Covid-19 for Wales as a whole and for NPT in particular. Indeed, this message is coming across very clearly from the Welsh Government. In this wider economic context, and having regard to the history of undelivered development on this site, together with other failed large-scale strategic projects elsewhere in Wales, the Council is understandably keen to ensure that any planning decision on such a significant development has the best prospects of being delivered. Issuing a planning permission would, on the face of it be a dramatic statement of intent for this part of Wales, and one which will be greeted with huge enthusiasm locally, but if it were to once again fail to deliver on its vision would undeniably

represent a failure on the part of the Planning Authority to ensure such a project was truly deliverable and worthy of the unstinting support it has been given.

With this in mind, and having regard to the importance of Peter Moore to the project, I am especially mindful that, to our knowledge, Mr. Moore does not currently have a 'legal interest' in this project despite being critical to its delivery. Indeed I understand any option agreements that may exist on the land do so only with Afan Valley Ltd. which Mr. Moore is not part of (due to the recent issues with Mr. Woodhouse). Accordingly at this stage he would not be a signatory to the legal agreement. I have therefore been in discussion with our legal service to establish how we can secure legal comfort which would address this concern.

Such discussions have included the potential to secure the submission of a delivery agreement prior to the submission of reserved matters, thus maximising deliverability of this scheme and reducing the potential for our communities to be let down again. However, of course, it is quite possible that the owner and administrators will have sought themselves to introduce appropriate measures to secure and retain Mr. Moore's involvement, given his importance to the project. Nevertheless, we would be grateful if you could respond to offer us some comfort in this regard by confirming what measures you have put in place to deliver this project in terms of creative vision, option agreements and /or securing finance I look forward to receiving your thoughts on this.

Whilst I am waiting for our legal advice to be finalised, I considered it important to advise you that it is not my intention to report this application to Members of the Planning Committee until I have received that advice and have an agreed way forward with the applicant which enables me to confirm that this scheme remains fully in compliance with Policy TO1.

Please note, however, that the above should not place in any doubt that the Authority remains wholly committed to delivering this potentially Regionally-significant project through to outline planning permission as soon as possible, and beyond to delivery. In this respect, I would reiterate the firm view of my officers and I that Mr. Moore and his team of companies, consultants and potential funders gives this project the best, and probably only, chance of progressing swiftly to delivery. Moreover, I trust that you will understand that the underlying economic issues identified above require us all to work together to ensure planning permission is ultimately issued for a deliverable development.

I therefore trust that we can all work to pull together the various strands of the legal agreement, project team and funding in the very near future so that we can then look positively towards the next stages of the planning process together.

I trust that this sufficiently updates you on my position and look forward to hearing from you.

Yours sincerely,



Nicola Pearce
Director of Environment & Regeneration

Mr. Jamie Pyper
 Nineteen47 Ltd
 106 Micklegate
 York
 YO1 6JX

BY EMAIL ONLY

Dear Mr. Pyper,

Proposal: Outline Planning Application (including access) for a Proposed Adventure Resort comprising 600 no. lodges/ apartments, 100-bed hotel with associated spa, central plaza containing restaurants, leisure activities and shops, adventure activities and associated buildings (including X-Sports, Alpine / Ski, Forest Activities and Trax & Trail), restaurants and associated administration and maintenance buildings and parking for approx. 850 cars, plus associated landscaping, drainage and engineering operations including re-profiling of land, boundary treatment, retaining structures, external lighting and CCTV, and diversion of public rights of way.

Location: Land At Pen Y Bryn Croeserw Croeserw Cymmer, Port Talbot

Applicant: Afan Valley Ltd, C/O Agent

Ref: P2018/0493

I am writing to you further to Nicola Pearce's letter dated 12th June 2020, and our ongoing and productive discussions in respect of the above.

While I am aware that there have been some discussions following our letter with my Development Manager – Planning, Steve Ball, to date we have not received a formal response from the applicant / administrator. I find this very disappointing given the important content of that correspondence.

Chief Executive's Office
Swyddfa'r Prif Weithredwr

Steven Phillips
 Chief Executive
 Civic Centre, Port Talbot. SA13 1PJ
 Tel 01639 763306

Steven Phillips
 Prif Weithredwr
 Y Ganolfan Ddinesig, Port Talbot. SA13 1PJ
 Ffôn 01639 763306

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In particular, I would wish to again reiterate the importance that the Council places on the role of Mr. Peter Moore in seeking to deliver on the vision for the site and, most pertinently, in ensuring that the development continues to remain in compliance with Policy TO1 of the Neath Port Talbot Local Development Plan which requires the developer to demonstrate deliverability. Indeed, I would now go so far as to say that I consider the only way forward for this site is for you to engage with Mr. Moore to deliver on his vision, with his partners. Without this, I feel it is unlikely that Members will be satisfied that the proposal is indeed deliverable in compliance with Policy TO1 as referred to above, and I anticipate that Members may not look favourably in terms of its positive determination.

In this context, Nicola's letter requested a response to provide the council with comfort by confirming what measures you have put in place to deliver this project in terms of creative vision, option agreements and /or securing finance. I am led to understand that Mr. Moore has been very busy behind the scenes in securing funding and so I would assume that discussions are ongoing between all parties to secure appropriate option agreements, and thereby secure a fully funded and deliverable proposal. Despite this we have failed to receive a response to that letter.

I must therefore advise that not only do we require an urgent response to this letter, but we also now seek **by no later than 31st October 2020** confirmation that there is a funded proposal which is deliverable.

Please also note that we will be taking a report to our Planning Committee on or around the 29th September to update Members of the above, and a further report in early November following the passing of the above deadline. You or your clients will be able to attend either or both (remote) Committee meetings should you/they wish and to address Members. However, I would advise that without tangible evidence that funding agreements are in place to secure delivery of the project in accordance with the vision set out in the application submissions, then I feel it is very likely that the goodwill and support offered to date by this Authority can no longer be sustained, and a recommendation is likely to be made that the scheme no longer meets the required policy tests.

As previously advised, issuing a planning permission would on the face of it be a dramatic statement of intent for this part of Wales, and one which will be greeted with huge enthusiasm locally, but if it were to once again fail to deliver on its vision would undeniably represent a failure on the part of the Planning Authority to ensure such a project was truly deliverable and worthy of the unstinting support it has been given. We will not, therefore, support a proposal at the site other than that which has been brought before members in recent years.

I therefore sincerely hope that you will be able to make appropriate progress in the next six weeks to provide the Council with the required confirmation that will then allow a final report to come before Members for a resolution and for the section 106 agreement to be

Chief Executive's Office
Swyddfa'r Prif Weithredwr

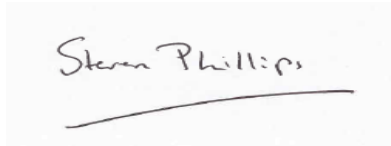
Steven Phillips
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Steven Phillips
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Y Ganolfan Ddinesig, Port Talbot. SA13 1PJ
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finalised and permission granted. And moreover, that this potentially transformational scheme can become reality in the next few years.

I trust that this sufficiently updates you on my position and look forward to hearing from you shortly.

Yours sincerely,



Steve Phillips
Chief Executive

Chief Executive's Office
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The Council welcomes correspondence in English or Welsh

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Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saene

Mae'r dudalen hon yn fwriadol wag