

PLANNING COMMITTEE

4TH FEBRUARY 2020

REPORT OF THE HEAD OF PLANNING & PUBLIC PROTECTION – C. MORRIS

Chair's Urgent Item

The following is an urgent item allowed at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

Reason for Urgent Item

The reason for the report being tabled as an Urgent Item is due to the need to issue a decision following the conclusion of legal discussions between the applicant and Authority (as landowner) in order to facilitate and control early works on the site.

APPLICATION NO: P2019/5543	DATE: 30.10.2019
PROPOSAL:	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.
LOCATION:	Parc Hadau, Land At Waun Sterw, Rhyd Y Fro, Pontardawe
APPLICANT:	Yr Hadau Ltd (on behalf of Sero Homes Ltd)
TYPE:	Full Plans
WARD:	Pontardawe

This application was recommended for approval at Planning Committee on the 17th December 2019, subject to the signing of a Legal Agreement to secure off site ecological mitigation. Refer to [original report and addendum sheet](#).

These matters are progressing, and it is hoped that the agreement will be completed within the next week to allow the decision to be issued.

The applicant has recently advised Officers that they wish upon issue of the permission to enter the site to undertake tree clearance prior to the start of the bird nesting season (1st March) and as such has put together a method statement for these works only.

Members will be aware that the conditions for the development include;

Condition 4	Construction Management Plan
Condition 6	Construction Environmental Management Plan
Condition 7	Habitat Management Plan

These three conditions (as currently drafted) require submission of these Plans before the commencement of development (including any site clearance), the reason being the need to ensure that suitable methodologies and controls are in place prior to any work commencing to protect matters including the retained habitats.

The methodology now provided, which is limited to the tree works only, addresses these concerns for that phase of the works only, and approval of such method statement will allow early works to commence without affecting the underlying purpose of the above conditions.

The requested early works to trees can be facilitated and controlled through a minor change to the wording of conditions 4, 6 and 7 to allow the tree works to be undertaken prior to the submission of the relevant Plans, whilst ensuring that no other works are carried out within the site. An additional condition can also require compliance with the approved method statement. This is considered to be acceptable in allowing such works to be undertaken before the bird nesting season, while maintaining control over all other works at the site before development commences.

Accordingly, it is recommended that an additional condition is added requiring compliance with the tree works method statement, and the initial wording of conditions 4, 6 and 7 are amended as follows: -

No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland management and cutting dated 31st January 2020), until ...

RECOMMENDATION

1. That an additional condition 26 is attached to the decision as follows: -

26. The tree removal shall be undertaken strictly in accordance with the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020.

Reason

In the interests of clarity and to accord with Policy EN7 of the Neath Port Talbot Local Development Plan.

2. That the wording of conditions 4, 6 & 7 are amended as follows: -

- 4 **No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020),** until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction method statement shall be in accordance with the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The approved Statement shall be adhered to throughout the construction phases. The Statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) Routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings;
 - d) storage of plant and materials used in constructing the development;
 - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) wheel washing facilities to prevent deposition of material onto any hard surface road;
 - g) measures to control the emission of dust and dirt during construction;
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - i) scheme for the erection of temporary/semi-temporary signage warning drivers of speed restrictions;
 - j) The frequency and size of vehicles used to transport the waste material arising from the demolition works;
 - k) Measures to prevent stacking of vehicles onto the public highway;
 - l) Identification of the significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures;
 - m) Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with

- 6 **No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020),** until a Construction Environmental Management Plan shall be submitted and approved in writing by the LPA. The CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" (including retained habitat areas, buffer areas including the 10-15m eastern buffer, ancient woodland, wildlife receptor sites).
- c) Details of pre-commencement checks for protected species.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for the conservation of reptiles and common Toads (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication and the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) A programme of updated surveys to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.

The approved strategic CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details, and the Ecological Clerk of Works appointed until completion of the construction phase of the development.

Reason

In the interests of biodiversity and the protection of habitats and the environment, and to accord with Policies BE1, EN6 and EN7 of the Neath Port Talbot Local Development Plan.

7 **No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020),** until such time as a Habitat Management Plan (HMP) has been submitted to and approved in writing by the LPA for all areas of retained/created habitat onsite, including wetland features. The content of the HMP shall include the following and shall deliver the measures set out in the Ecological Assessment and Parc Hadau-comments on ecology chapter (letter 3/12/2019):

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparations of a work schedule (including an annual work plan capable of being rolled forward over a minimum of a 25-year period).
- g) Details of the body or organisation responsible for the implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The HMP shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and /or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives or the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To secure appropriate means to manage and monitor biodiversity mitigation measures.