

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

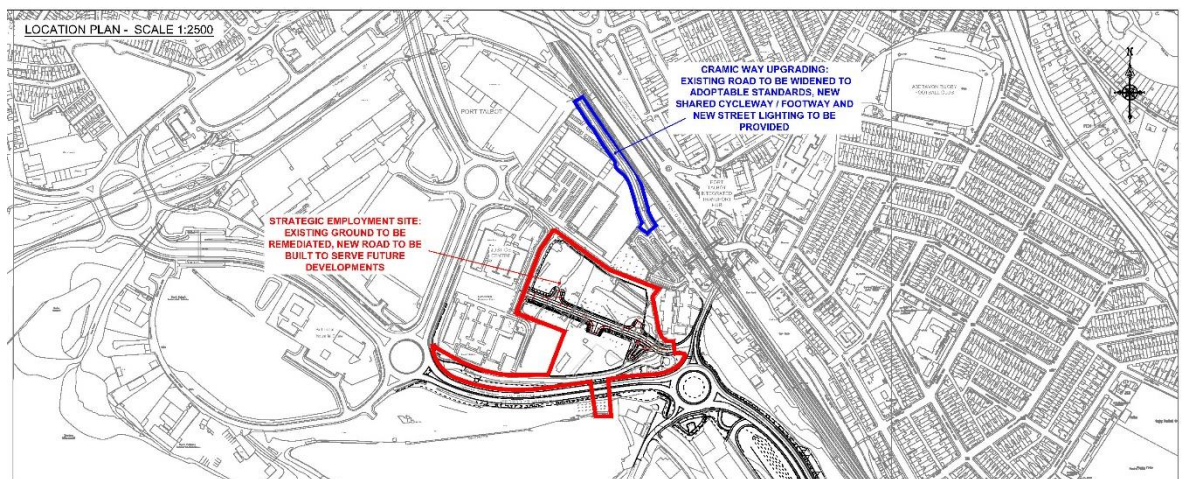
The application is brought before Members as a Council development on a site which forms part of the Harbourside Strategic Regeneration Area.

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 document 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.

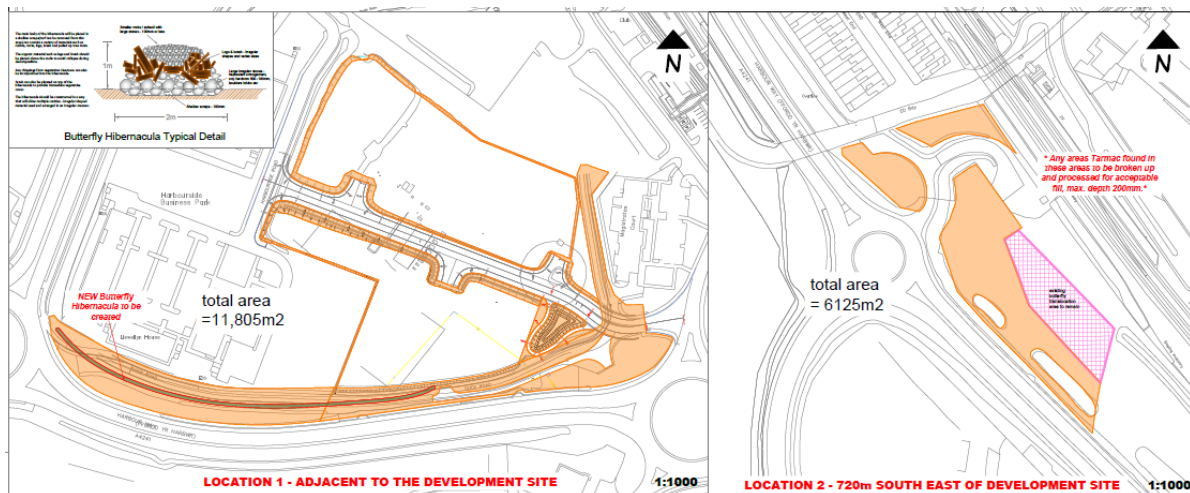
In light of the above it is considered that the development is acceptable in terms of highway and pedestrian safety.

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 Gulley Types and Gulley 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.