

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/0327	<u>DATE:</u> 29/3/2021
PROPOSAL:	Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; and associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing(perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application affecting land within Neath Port Talbot and Powys County Council administrative boundaries) - see Powys CC Application ref. 21/0559/OUT)
LOCATION:	Land at and surrounding the Nant Helen Open Cast Coal Site, Powys, and Onllwyn Distribution Centre, Neath Port Talbot
APPLICANT:	The Welsh Ministers
TYPE:	Outline (with all matters reserved)
WARD:	Onllwyn (also affecting Seven Sisters)

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BACKGROUND INFORMATION

This proposal relates to a significant development site within the Dulais Valley which straddles the Neath Port Talbot and Powys administrative border and follows an earlier grant of planning permission by both Neath Port Talbot and Powys Councils (refs P2020/0362 (NPT) and 20/0738 (PCC)) for:

Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility).

The application site boundary includes all of the land forming part of the above application, which is largely within Powys with sections along the southern boundary within Neath Port Talbot. This application, however, also includes land at the current Onllwyn Washery and Distribution Centre, all of which lies within NPT.

Due to the cross-boundary nature of this application, an identical application has been made to Powys CC, which is to be reported to PCC's Planning, Taxi Licensing and Rights of Way Committee on 29th July 2021.

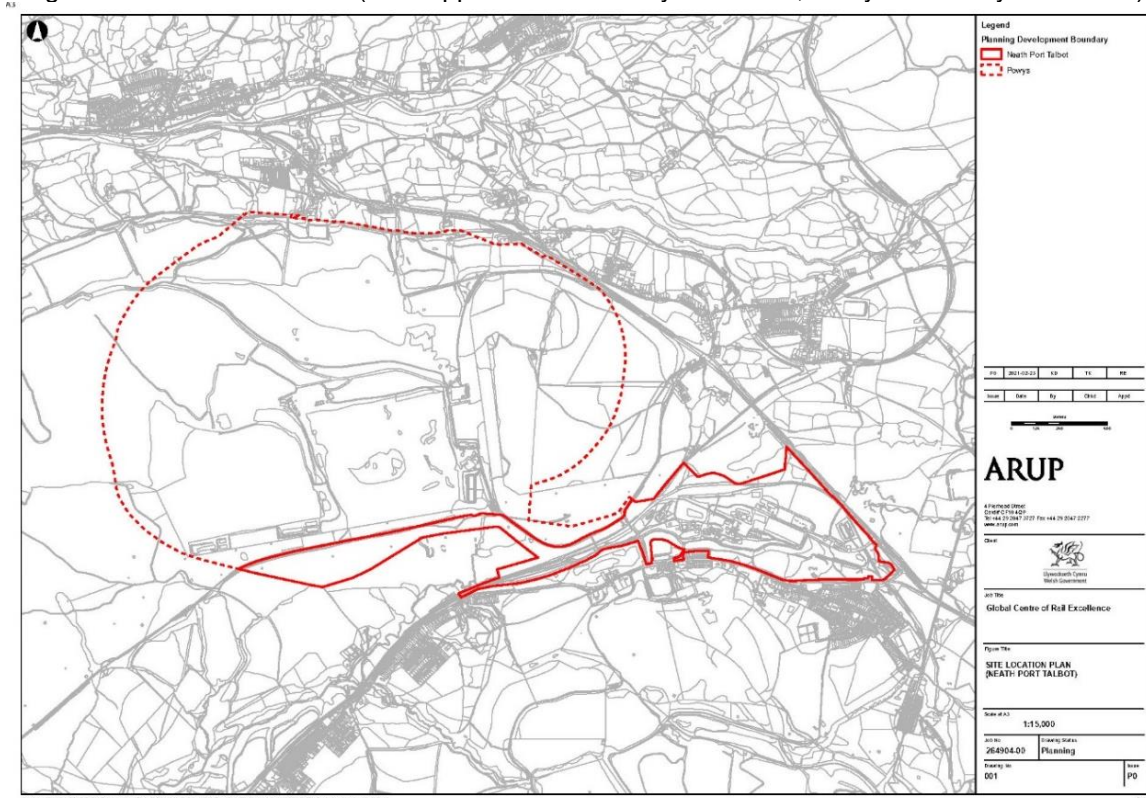
While this report largely seeks to address only those matters which affect the land within the administrative boundary of Neath Port Talbot, due to the size of the development and the complexities associated with such a cross-boundary application, notably the assessment of the 'planning balance', the report also inevitably incorporates overarching assessments of impact which relate to the whole development and thus to both NPT and Powys (and the Brecon Beacons National Park beyond).

SITE AND CONTEXT

The application site comprises land at and surrounding the existing Nant Helen Open Cast Coal Site (OCCS), Powys, including land at the Onllwyn Washery Distribution Centre, Neath Port Talbot. The plan at Figure 1 below identifies the extent of the overall site and that area of land lying within NPT (to which this application relates).

The application site is located approximately 1.1km east of Penrhos; 1km east of Cae'r-bont; 100m south of Caehopkin; 750m south of Abercrave; 150m south-west of Coelbren; 350m north-west of Onllwyn and 450m north of Seven Sisters. The Brecon Beacons National Park lies to the north, the closest point being some 90m from the application site. The Nant Llech SSSI lies within the National Park at approximately 115m to the north of the application site (Powys) boundary.

Figure 1: Site Location Plan (NPT application boundary in red line, Powys boundary dotted red)



The application site as a whole (i.e. PCC and NPT) covers an area of approximately 475 Hectares, 82.4Ha of which lies in NPT, and currently forms part of the Celtic Energy Ltd landholding at the Nant Helen Opencast Coal Mine and associated Onllwyn Washery Distribution Centre. A substantial area covering the western half of the application site has been subject to opencast coal working of the Middle Coal Measures west of the Pwllau Bach Fault, starting with the Abercrave/ Gwaunton site between 1963 and 1973. Opencast mining at the Nant Helen series of sites (south of Abercrave/Gwaunton), began in 1986 and has moved in a westerly direction up until the present day. In the period between 1972 and 1982 opencast mining was undertaken in the Lower Coal Measures (east of the Pwllau Bach Fault) at the Onllwyn site which is in the eastern half of the application site.

Celtic Energy Ltd currently operate the Nant Helen Remainder Opencast Coal site (OCCS) which covers the western end of the application site and further land to the west as well as the existing Onllwyn Washery distribution centre. The current opencast excavation void is located outside the application site, but the overburden storage mounds, the coal preparation plant, stocking area, offices and workshops are located within the application site (in Powys's administrative area).

The site is progressively being restored, with coal extraction operations anticipated to cease in August 2021, at which point Celtic Energy Ltd will be required to restore the land in accordance with the approved restoration scheme.

The area of NPT land covered by this application does not lie within the Nant Helen OCCS site, but does include the Washery, which is located at the site's south west corner. This area covers 58ha of the total site and is in use as a preparation and Washery facility for the coal mining operation. The washery site comprises several buildings (identified on [Drawing 004](#)), all of which will be demolished as part of this development.

The Washery site connects to an existing railway line, the Neath and Brecon Branch Line, which runs to the south of the site.

Access

The site is currently accessed by way of existing junctions off the A4109 Wembley Avenue with Onllwyn Road, the A4221 Celtic Energy – Nant Helen access road, and the A4221 which provides access specifically to the washery. In addition, there is an existing rail connection serving the site, located at the southern site boundary, which links to the Neath & Brecon branch line (which extends down the valley before joining the South Wales mainline railway near Neath). The existing line currently accommodates approximately 1 no. train movement a day and also includes several crossing points connecting settlements or private dwellings along the line.

The site has a number of designated and non-designated historic assets within or nearby, of which the asset of most significance in itself and due to the potential impacts, is '*The Tramroad at Ystradgynlais (Claypon's Extension) (CH001)*' which is a nationally important earthwork dating to the 1830s designated as a Scheduled Ancient Monument (SM), and located on the boundary between Powys and NPT.

The southern area of the site is crossed by high voltage overhead lines with associated towers running roughly parallel to each other, the northern line carries Western Power Distribution's (WPD) 132kV cables, the southern line carries National Grid's (NG) 400kV cables.

A total of 115.7 hectares (ha) within the development boundary is designated Common Land known as Mynydd-y-Drum, with a further area to the north of the site known as Land at Abercrave Station also designated Common Land.

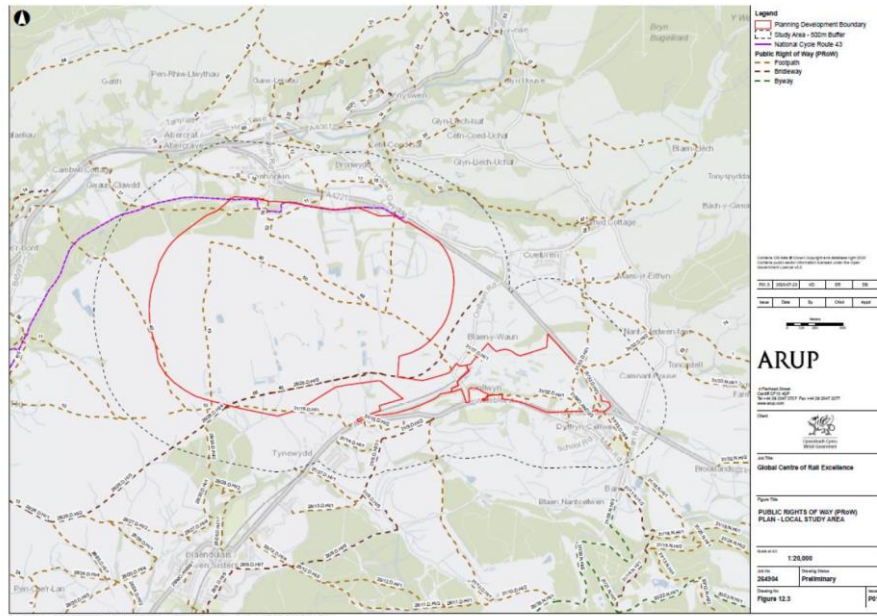
A part of the site (in Powys) also falls within the Mynydd-y-Drum Common over which Commoners rights are currently suspended. In addition, a number of Public Rights of Way cross the existing coaling site (albeit these are currently suspended due to the ongoing opencast coaling operation) as well as rights of way across the washery site.

Figure 2: Extent of Common Land



The Sustrans National Cycle Route 43 Celtic Trail East follows the northern and western boundary of the site. Access to the site is gained from the A4221 at Coelbren, along a 1.2km access road which heads west before turning south towards the office/workshop area. There is also an internal haul road link which runs south from the office/workshop area before turning east towards Onllwyn Washery.

Figure 3: Public Rights of Way Network surrounding the site



In accordance with Planning Policy Wales and noting the relevant test on previously developed land, the restoration condition attached to the original mining consent means that the Nant Helen Surface mine site, through remediation would not be considered previously developed (as it would revert to a greenfield site). The Onllwyn Washery and Distribution Centre was not included as part of these previous applications and this area of the site is therefore considered to be previously developed / brownfield land.

DESCRIPTION OF DEVELOPMENT

Related Planning History / Background Information to this Application

Although outside of the NPT administrative area, it is of note that the Nant Helen OCCS amended restoration scheme was approved by Powys CC on 8th June 2020 (subject to a Section 106 Agreement).

The purpose of the subsequent planning applications (refs. P2020/0362 (NPT) and 20/0738 (PCC)), approved by NPT and PCC respectively in July 2020, was that in combination they would “create a flexible and adaptable landform that would be suitable for a variety of end uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/ business uses (potentially including a proposed rail testing, research and development and storage facility)”.

The intention at the time of that application was that the approved earthworks outside of the OCCS site would be undertaken concurrent with and immediately subsequent to the opencast restoration, although such approved works have not to date commenced (and still require approval of pre-commencement conditions to allow such

commencement). Moreover, it is now anticipated that such works would be undertaken immediately prior to implementation of phase one of this proposed development (as identified below).

The Proposed Development - Overview

The current application is made in outline (with all matters reserved) by The Welsh Ministers to develop a 'Global Centre of Rail Excellence' (known hereafter as GCRE) at the site, which would utilise the earthworks approved under the above applications.

The proposed GCRE aims to meet several objectives which would address the issues and needs of the UK rail industry, which in summary are to:

- Deliver a UK-based modern and comprehensive rail testing facility to provide the capacity and capabilities for rigorous testing of rolling stock, infrastructure and integrated systems from prototype to implementation.
- Act as a catalyst for the creation of a rail technology hub in Wales, providing a flexible, open-market platform for leading R&D activity that drives innovation.
- Provide opportunities to work with industry to support skills development through high-quality employment in fair, secure and sustainable jobs that contribute to reducing regional inequality and promoting regeneration in Wales.
- Develop and test rail sector principles, standards and specifications which improve the UK's competitive strengths as a world leader in achieving carbon neutrality, contributing to an overall decrease in carbon emissions across the rail industry.

The application submissions also emphasise that beyond the above industry objectives, there are other drivers of change or desirable outcomes that play directly into either the site or the local context, as follows:

- A transformational impact on the heads of valleys by regenerating the post-coal landscape and creating new socio-economic opportunities.
- To develop education and training opportunities in partnership with Universities and higher education institutions.
- Opportunities to enhance the interpretation and understanding of the historic environment around the site, and the transport heritage aspects of the mining context of the site and beyond.

The Proposed Development – Project Breakdown

The GCRE proposal would consist of the following works: -

- **Rolling Stock Test Track**

One loop of 6.9km length - has the primary function of performance testing of diesel, electric and hydrogen trains (with space for a second track should there be a future market demand, albeit this is not included as part of the outline application). An overhead 25kV AC traction power system, with scope for additional DC 3rd / 4th rail system inclusion if required at a later date.

Once operational, trains would be able to travel at speeds of up to 110mph.

- **High Tonnage infrastructure Test Track**

Comprising a single 4.5km loop with the primary function of testing rail infrastructure under high axle loads (e.g. a single heavily loaded freight train).

Once operational, the trains used for infrastructure testing would be able to travel at a line speed of 40mph.

- **Overhead Line Electrification (OLE) System**

Both test tracks would be supported by an OLE system comprising a series of cantilever structures at approximately 40m intervals around each test track

- **2 no. platforms and associated station building**

The test track includes a dual platform station environment, typical of the UK rail network, for the testing of train – platform interfaces. The platforms will have sufficient length to serve 230m trains

- **New junction to existing branch line**

Both test tracks will connect to the existing branch line and washery area via a bi-directional delta junction. It is anticipated most rolling stock would access the facility via the Neath & Brecon Branch Line and Swansea Burrows Sidings beyond, although some trains may be transported to site via road.

Washery

- **Multi- Storey Signalling Control Centre Building**

The 2-storey control building would manage all the testing activities

- **Temporary Staff Facilities**

Staff facilities (Phase 1) would be temporary in nature and would be one storey, modular style buildings.

- **Permanent Multi-storey Staff Block with mess and overnight stay facilities**

At Phase 2, temporary staff facilities would be replaced with permanent lay-down and mess facilities which would include overnight accommodation provision for ten staff (including those using the testing facilities).

- **Infrastructure Testing Research and Development Facility**

During Phase 1, the research and development centre would provide opportunities for research and development, conferencing, exhibition space, teaching and general staff facilities. During Phase 2 this building is to be relocated.

The final building to be constructed during Phase 3 would be upgraded, resulting in a larger scale building which would continue to provide research and development facilities. Staff parking would be provided at this location at a quantum which would meet local parking requirements.

- **4 no. Rolling-Stock Maintenance Sheds**

4-road rolling stock maintenance shed for trains undergoing testing at the facility. The two storey sheds would be divided into two 'roads' with mirrored facilities. The 250m-long roads would allow for the servicing and maintenance of most rolling stock currently operating on the UK Rail Network and would include:

- Facility for changing wheelsets/underframe components

- Multiple 23m raised access gantries to provide full roof access
 - Vehicle weighing facilities, software testing facilities, fire testing and emissions testing all within static testing area
 - Rolling stock decommissioning siding to be accessible by a static crane, together with a 1 car shed for covered cleaning
 - Maintenance facility for trains undergoing testing at the facility.
- **Decommissioning Facility**
A decommissioning shed used for contaminant and asbestos removal of old train carriages once basic internal furniture has been removed.
 - **Warm and Cold Storage Sidings**
These would be sets of uncovered storage roads for the medium long term storage of train fleets and would have a storage capacity for approximately 400 vehicles. These would include: 2.5km of bollard lighting or floodlights (assumed bollard spacing of 8m). The development of the warm and cold storage sidings would be spread across all 3 phases of development.
 - **Carriage Wash Facility and Plant Room**
The carriage wash facility would be available for use for the cleaning of all rolling stock. It would be one storey and able to service trains up to 400m.
The plant room would be up to 20m x 4m with water heated for cleaning
Associated Infrastructure
 - **Primary Site Access**
Access to the external highway network is proposed to be taken from existing junctions off the A4109 Wembley Avenue with Onllwyn Road, the A4221 Celtic Energy – Nant Helen access road, and the A4221 Washery and Distribution centre access which will be used by HGVs only.
 - **Internal access roads**
A network of new internal access roads would be provided at locations shown on the Illustrative Masterplan. These include a maintenance track around the perimeter of each of the rail testing loops.
 - **Maintenance Tracks**
Gravel vehicle maintenance tracks would be provided running in parallel with each rail track
 - **Substations**
A total of 5 no. substations would be provided within the Washery (at locations to be confirmed at detailed design stage as part of Reserved Matters).
 - **Shunters Cabin (temporary)**
During phase 1, all movements would be controlled remotely from a shunters cabin (a portacabin with basic amenities) from which the shunter will move around the facility opening/ closing hand points to enable train movements.
 - **Security Measures**
Security measures would include CCTV and 7,200m of 2.1m palisade fencing, approximately 2m away from track, to be located around the perimeter of the outer track and maintenance track.

- **Civils Works (associated with drainage)**

Drainage ditches, ponds and culverts, retaining walls in the south of the site, 3 no. bridge crossings and 2 no. underpasses

- **Landscaping**

Landscaping would be incorporated to enhance amenity and visual screening, with final landscaping strategy and design to be confirmed at RM stage

- **Lighting**

In addition to the above security measures the proposed development would also include a comprehensive lighting scheme designed to protect environmentally sensitive areas of note (e.g. Dark Skies reserve). The full lighting strategy would be submitted at RM stage.

Phasing of Development

The works to create the GCRE are expected to be undertaken in the following three phases (although delivery may not necessarily be in this order): -

Phase	Overview	Elements of Proposed Development
1	The opening of the 4.5km test track, largely for testing infrastructure and some stabling facilities, in 2023.	<ul style="list-style-type: none"> • High tonnage infrastructure – 4.5km test track with 25kV overhead line electrification. • 2 no. platforms and station building to south of infrastructure test track. • 12 full length stabling roads. • 1 shunters cabin. • Temporary staff facilities (to be upgraded at phase 2).
2	The addition of the 6.9km test track primarily for testing rolling stock in 2024.	<ul style="list-style-type: none"> • 6.9km rolling stock test track with 25kV overhead line electrification. • 12 full length stabling roads. • Rolling stock maintenance sheds and access roads. • Carriage wash. • Permanent staff facilities including overnight accommodation • Upgrade of all points to electric points. • Central control building– (panel from which all train movements are controlled. Points are changed electronically). • Infrastructure testing R&D facility.
3	The addition of expanded stabling facilities and research facilities in 2025.	<ul style="list-style-type: none"> • Rolling stock R&D / education facility • Stationary testing facilities and associated laboratories • Rolling stock maintenance facility • 10 ‘through’ sidings.

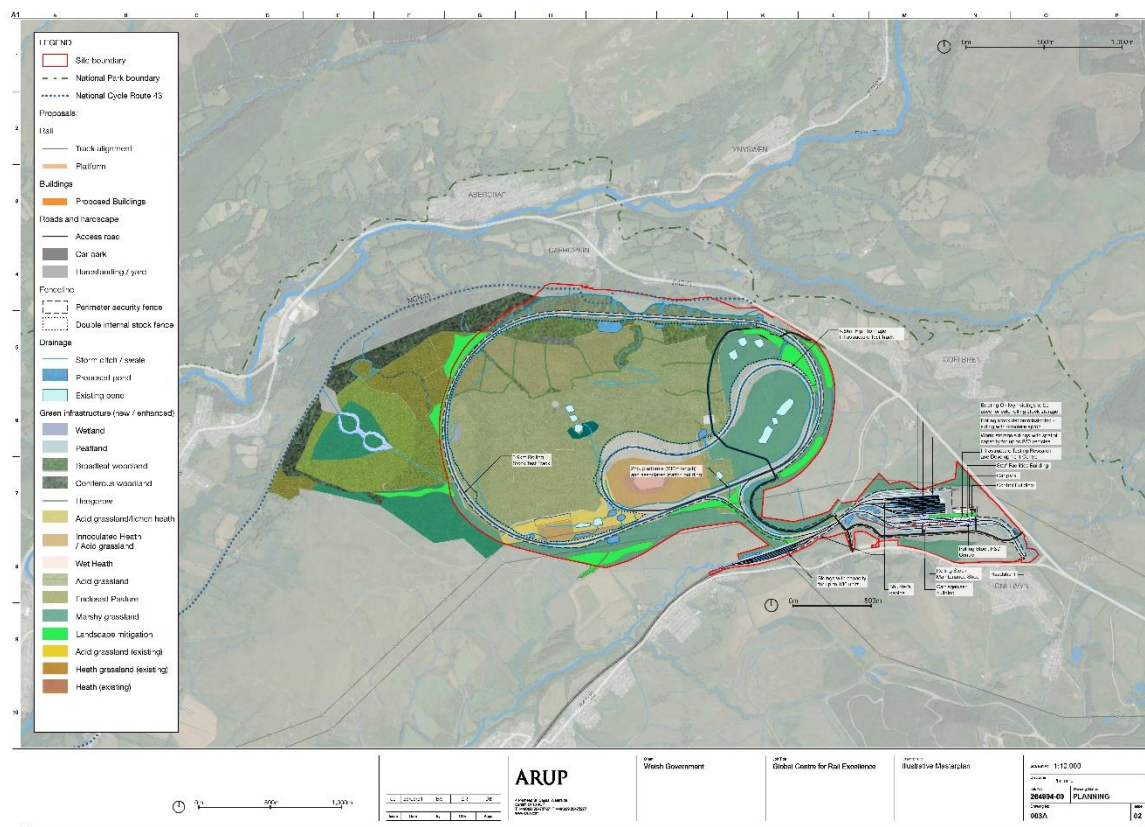
Masterplan and Parameters

The above development works are identified on the Masterplan below (and on Figure 1.3 (site layout) and the Figure 1.6 (Illustrative Masterplan). The indicative masterplan at figure 4 below illustrates the different elements of development associated with GCRE and their indicative layout.

In addition, as required by the Development Management Procedure (Wales) Order a Parameters Plan has been submitted showing the minimum / maximum parameters for both proposed infrastructure and buildings. These parameters have formed the basis of the environmental assessment of the proposed scheme.

In summary, based on the scheme's constituent parts, the overall development quantum required is for up to 20,000 sq.m. of rail related buildings. In terms of height, the maintenance shed would be the tallest building requiring up to 15.0 metres to ridge above final ordnance datum level. The smallest buildings would be the two shunters' cabins at 3.0m in height above final ordnance datum level.

Figure 4: Indicative Masterplan



The maximum and minimum parameters of each element of GCRE are presented in Table 1 below and shown on [Drawing 002 \(Parameters plan\)](#) submitted as part of the outline application.

Table 1: Proposed Development Parameters – Buildings and Structures

Building/ Structure	Floorspace (m2)		Length (m)		Width (m)		Height (m)		Storeys (Max no.)
	Min	Max	Min	Max	Min	Max	Min	Max	
Control Building	300	600	10	10	30	30	5	10	2
Staff Facilities Building (Phase 1 temporary)	75	120	15	20	5	6	5	15	1
Staff Facilities Building (permanent)	600	900	30	30	10	10	10	15	3
Infrastructure Testing R&D Centre (Phase 1)	240	480	20	20	12	12	5	10	2
Rolling Stock R&D Centre (Phase 3)	250	1000	25	50	10	10	5	10	2
Rolling Stock Maintenance Shed (& rail roads of 250m length)	500	15000	250 (2 roads only)	400 (2 roads) 250 (2 roads)	20	40	12	12	2 (office and storage on upper storey)
Decommissioning facility	250	350	25	35	10	10	12	12	1
Carriage Wash	300	350	30	35	10	10	12	12	1
Shunters Cabin (2 no.)	60	60 (30 per cabin)	10	10	3	3	3	3	1
Overhead Line Equipment (OLE)	n/a	n/a	n/a	n/a	n/a	n/a	3	9	n/a
Station building	100	400	10	10	10	20	5	10	2
Bridges	n/a	n/a	45	95	6	12	8	12	n/a
Underpasses	n/a	n/a	35	95	5	12	5	12	n/a

Scale and Form

The buildings required for rail storage and maintenance would naturally be more 'industrial' with 'form following function' in its scale, building typology and character. These elements of development would represent the 'operational hub' of GCRE with buildings akin to an industrial park, with large units, with clear internal spans.

Whilst these facilities will largely be 'operational rail' buildings, the stated intention is that these buildings will be modern facilities, primarily accommodating clean, electric trains and maintained to the highest standards. Notwithstanding the function, the submissions also indicate that there are opportunities to introduce variation in roof form, materials, colours and other façade treatments to bring variety to this part of the site and aid legibility.



Figure 5: Indicative Images of Rail / Storage Maintenance Building



The 'business focussed' part of the development will comprise the Research & Development and staff facilities, which offer the opportunity to introduce a building typology more akin to that of an academic campus or business park, with buildings that have more façade variation through the use of different materials and breaking up of building mass with glazing to a greater extent than those that have a storage or maintenance role. Variation in roof form, materials, colours and other façade treatments would bring variety to this part of the site, whilst creating a defined character area and the gateway to the wider facility. A mix of hard and soft landscaping will soften this area, provide sustainable drainage (SuDS) and add to the quality and sense of place of this part of the development.

Figure 6: Indicative Images of Research & Development Facilities



Proposed Institute for High Speed Rail and System Integration (IHSRSI), Gateway 45, Lee



Royal Holloway Innovation Centre

Access

As an outline application (with all matters reserved including access) the detailed access design has not yet been developed and would be confirmed at RM stage. In broad terms, it is proposed to utilise existing access from the external highway network at three locations around the site as follows:

- The existing junction of the A4109 Wembley Avenue with Onllwyn Road.
- The existing A4221 Celtic Energy – Nant Helen access road, and
- The existing A4221 Washery and Distribution centre access.

These access points would also be utilised during construction of the proposed development as well as operation.

The location and size of car parking facilities within the site will be determined at application stage, although indicative locations are identified on the Masterplan.

Sidings

On the rail approach to the Washery from the south west, prior to the proposed GCRE track connecting point, additional sidings are proposed.

Train Frequency

There may be a requirement to upgrade level crossings to allow for increased branch line usage but this will only be required if more trains than existing utilise the branch line. It is anticipated that there would be no increase on current frequency of train movements, with it likely that there would be 1 train movement per day into the site from the branch line. Should the level of usage increase in the future, the level crossings would need to be upgraded in line with Network Rail requirements.

Acoustic Barriers

As part of noise mitigation, acoustic barriers (2-3m above the test track rail level) would be installed on the northern, eastern and southern sides of the track, except in those areas where the earthworks are high enough to provide equivalent noise shielding. NB: The communities to the west are further from the track and hence acoustic barriers are not required.

Acoustics barriers will also be provided along the southern perimeter of the washery, and to the south of the new railway sidings, to minimise noise from activities and train movements within the facility.

Lighting

Lighting will be required for site safety, operational and security requirements and general orientation, as well as facilitating winter and any working outside of daylight hours. A detailed lighting design scheme has not yet been prepared and would be developed and submitted at RM stage, once the final layout and end uses at the site are known and confirmed.

SUPPORTING INFORMATION

The application has been identified as an EIA application as defined by the [Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#), ('the EIA Regulations') and an Environmental Statement (ES) has been provided. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these are clearly identified.

The submitted Environmental Statement (comprising non-technical summary, main text and technical appendices) has identified 'the baseline conditions', and assessed the potential effects of the development, in relation to:

- Traffic and Transport
- Ground Conditions
- Biodiversity
- Cultural Heritage
- Landscape and Visual Impact
- Noise and Vibration
- Water Resources
- Socio-Economics
- Health and Wellbeing
- Air Quality
- Climate Change

The ES and all other supporting information is available to view on the [Council's Online register](#), with notable information available to view via the following direct links: -

- [Environmental Statement Non-Technical Summary](#)
- [Environmental Statement Volume I Text](#)
- [Drawing 001 Site Location Plan](#)
- [Drawing 002 Parameters Plan](#)
- [Drawing 003A Indicative Masterplan](#)
- [Drawing 003B Indicative Masterplan - Washery Proposals](#)
- [Drawing 004 Demolition Plan](#)
- [Drawing 005 Typical Sections and Key Plan \(for information only\)](#)

The assessment below has had regard to all environmental information submitted within the ES along with the comments of statutory consultees on the information supplied, and the comments, observations and representations provided by members of the public have been taken into consideration in the recommendation.

Related Earthworks Application Drawings

While the earthworks to facilitate the proposed GCRE have already been approved in full, Figure 7 below is included to remind Members of the extent of the approved earthworks (cuttings and embankments) which will facilitate / support the proposed tracks under this application.

It is also emphasised that the creation of the proposed landform under the earlier approvals, while facilitating the necessary landform for such a proposal, was not and

is not considered to have prejudged determination of this planning application, which is to be considered on its merits.

In addition, the following links are provided to provide background information relating to the nature of the approved engineering works etc: -

- P2020/0362 – Link to all documents on [Council's Online register](#).
- [Finished Levels 1](#)
- [Finished Levels 2](#)
- [Finished levels 3](#)
- [Finished Levels 4](#)
- [Track embankment and cutting typical sections](#)

Figure 7: Extent of Approved Cuttings and Embankments



Common Land / Rights of Way

A part of the site also falls within the Mynydd-y-Drum Common over which Commoners' rights are currently suspended. In addition, a number of Public Rights of Way cross the site but these are currently suspended due to the ongoing opencast coaling operation. It is intended to restore the common land (a separate legal process will need to be undertaken to seek common land consent for these works) and to reinstate the Public Rights of Way (with possible diversions where appropriate).

NEGOTIATIONS

Discussions in respect of the site in connection with the previous 'earthworks' application and this application for a rail testing facility have been ongoing for some time with Celtic Energy as landowner, and as part of a Joint venture between NPT, Powys CC and Welsh Government.

As part of these discussions, a decision was made by the landowner (Celtic Energy) to submit the earlier planning application for the 'earthworks' which sought to gain approval of the necessary platform. That planning permission was granted in July 2020 and has undoubtedly added significantly to the 'business case' for bringing forward this application for the rail testing facility at the site, and the funding decisions that have been announced by Welsh and UK Governments.

Detailed discussions have also been ongoing concerning the required survey information and assessments to be incorporated within the Environmental Statement.

PLANNING HISTORY

The 'Proposed GCRE Site'

Planning application refs. P/2020/0362 (Neath Port Talbot) and 20/0738/FUL (Powys) were approved by each respective LPA in July 2020 for the following: -

- Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility).

In addition, a Joint Scoping Opinion for the proposed Global Centre of Rail Excellence (GCRE) was issued in November 2019 (NPT ref. [P2019/5455](#) ; Powys CC App. No: [19/1619/SC](#)).

Onllwyn Washery Distribution Centre

The washery site has the following relevant planning history: -

- P/98/0019 - New 250 tonne/hour combined dense medium coal processing plant. Approved 24/2/1998.
- P/00/0480 - Erection of 3 No. security cameras. Approved 18/5/2000.
- P/01/1369 - Application to vary Condition 12 of P.P. P/98/0019 to allow coal stocking as part of site previously occupied by former washery and landscaping of site under Condition 12 and 7 of same. Approved 5/3/02.
- P/2005/0318 - Construction of Froth Flotation Plant Linked to Existing Coal Processing Plant. Approved 17/05/2005

Nant Helen OCCS

The Nant Helen OCCS has a detailed planning history, primarily (but not wholly) relating to land in the Powys administrative boundary, dating back to 1996, including (but not limited to) the following: -

- N1996/0112 (NPT) Extract coal by open cast methods incl. Washing of coal bearing material (access only in Neath b.cl. Area). Approved 01.01.1997

- P2001/0405 (NPT) Vary condition 1 of previous planning application P96/0112 - to extend the period in which the development is begun until 31st July 2003
- P/2011/0217 (PCC) Western extension to Nant Helen surface mine for the purposes of coal extraction along with completion of coaling at existing site and associated ancillary development including restoration and subsequent aftercare of the full development site - Planning Permission Granted subject to S106 Agreement – 9th March 2012
- PP 106-98-005/PP 106-12-001 (PCC) Nant Helen Extension – Planning permission Granted at Appeal – 21st July 1998
- 18/1070/REM (PCC) Section 73 application to vary condition 2 of P/2011/0217 to allow an extension to time to allow extraction of all the coal and completion of restoration. Approved 29th August 2019
- 19/1899/REM (PCC) Variation of condition 45 of planning approval 18/1070/REM to allow for a revised restoration scheme. Planning Permission Granted subject to a Section 106 Agreement – 8th June 2020

REPORT

National Policy

The Well-being of Future Generations (Wales) Act 2015 (WFG) imposes a duty on public bodies to carry out 'sustainable development' in accordance with the 'sustainable development principle'.

"Sustainable development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

'Sustainable development principle' means that Local Authorities must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

In order to achieve this principle the Act introduces five ways of working to support decision making which ensures public bodies take account of:

- a. Long-term thinking – balancing the need to take action to address current issues with the need to the meet long term needs of Wales.
- b. An integrated approach – considering how a body's objectives may impact upon the social, economic, environmental and cultural well-being and considering how an individual body's objectives impact upon other public bodies' objectives.
- c. Engagement – involving the people and communities with an interest in the wellbeing objectives, engaging them in finding sustainable solutions.

- d. Collaboration – acting collaboratively with other bodies, or different parts of a body acting together in a co-productive way, to assist in the achievement of the body's objectives.
- e. Preventative action – deploying resources to undertake action now in order to prevent problems occurring or getting worse.

Well-being goals identified in the Act are:

- A Prosperous Wales
- A Resilient Wales
- A Healthier Wales
- A More Equal Wales
- A Wales of Cohesive Communities
- A Wales of Vibrant Culture and thriving Welsh Language
- A Globally Responsible Wales

The Environment (Wales) Act 2016 has been designed to complement the WFG Act. It imposes a duty to require all public authorities, when carrying out their functions in Wales, to seek to “maintain and enhance biodiversity” where it is within the proper exercise of their functions. In doing so, public authorities must also seek to “promote the resilience of ecosystems”.

Building Better Places: The Planning System Delivering Resilient and Brighter Futures.

On 16th July 2020 the Welsh Government published [*Building Better Places: The Planning System Delivering Resilient and Brighter Futures*](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19.

The guidance is to be read in conjunction with PPW, which contains the principles and policies needed for Wales to recover from Covid-19 in a positive manner, putting placemaking at the heart of future development.

It also empathises the importance of planning (and Planners) in the implementation of policies to aid in the recovery period, identifying opportunities, and bringing people together, thinking systemically and working strategically to shape the vision for better places and lead positive change.

The guidance includes a WG commitment to follow through on infrastructure obligations which will go a long way in ensuring that the developments envisioned are delivered and the wider public benefits are maximised.

It also emphasises that development management decisions should focus on creating healthy, thriving active places with a focus on a positive, sustainable future for our communities. The planning system has an important role in supporting healthier lifestyles and reducing inequalities. This includes both direct and indirect opportunities such as the allocation of land for health facilities, ensuring good design and barrier free development, jobs and skills, improving air quality, soundscapes and protecting and improving access to recreation and natural green spaces. These can provide both physical and mental health benefits, improve well-being and help to reduce inequality.

WG will thus play its role in supporting the vibrancy of places and helping this people-focussed and placemaking-led recovery.

Socio-Economic Duty

The Socio-Economic Duty which came into force on 31st March 2021, aims to deliver better outcomes for those who experience socio-economic disadvantage. The duty requires relevant public bodies when taking strategic decisions, for example associated with strategic policy development and development plans, to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage.

UK Government Policy and Rail-Sector Specific Strategies

The applicant has also drawn attention to the following UK and Welsh Government Policy and rail-sector specific strategies: -

National Infrastructure Strategy

The National Infrastructure Strategy was published by the UK Government in November 2020. It sets out the government's ambition to deliver an infrastructure revolution and rooted in the National Infrastructure Commission's advice. The strategy sets out how the UK government will:

- Boost growth and productivity across the whole of the UK, levelling up and strengthening the Union: through investment in rural areas, towns and cities, from major national projects to local priorities.
- Put the UK on the path to meeting its net zero emissions target by 2050: continuing to decarbonise the UK's power, heat and transport networks – which together account for over two-thirds of UK emissions - and take steps to adapt to the risks posed by climate change;
- Support private investment through this Strategy, and the Energy White Paper, which are aimed at providing investors with clarity over the government's plans, so they can look to the UK with confidence and help deliver the upgrades and projects needed across the country; and Accelerate and improve delivery, 'project speed', by transforming the way infrastructure projects are delivered in the UK.

This will be achieved through wide-ranging reforms from speeding up the planning system, to improving the way projects are chosen, procured and delivered, and greater use of cutting-edge construction technology.

The Strategy also outlines that where policy sits with the devolved administrations, Scotland, Wales and Northern Ireland will receive commensurate funding through the Barnett formula¹⁰. It confirms that transport in Wales is largely devolved with the exception of rail and aviation. The Strategy sets out how the UK Government aims to use infrastructure to unite and level up the UK. To do this, it proposes to deliver major investment across the country and prioritise those areas which have received less support previously. The strategy outlines the following key priorities which are relevant:

- Levelling Up Fund which will invest in a range of high value local projects including bypasses and other local road schemes, train station upgrades and more.

- Existing and ongoing investment is being made across through City and Growth Deals, including the Swansea Bay City Deal and Mid Wales Growth Deal.

UK Government Industrial Strategy / Build Back Better

In November 2017 the UK Government published its Industrial Strategy White Paper which set out how the UK Government seeks to boost skills, employment and infrastructure development. The strategy set out 'sector deals' described as 'partnerships between government and industry aiming to increase sector productivity' with the Rail Sector Deal aiming to deliver improvements in three core areas: the passenger experience, the economy and the rail industry supply chain.

Build Back Better: Our Plan for Growth has since been published in March 2021 which seeks to 'unlock the potential of our whole country', discussing the importance of City Deals and green growth, and includes an emphasis on the need to stimulate short-term economic activity and drive long-term productivity improvements via record investment in broadband, roads, rail and cities, as part of capital spending plans worth £100 billion in the next year.

Decarbonising Transport: setting the challenge (Department for Transport, 2020)

Published by the UK Government in 2020, *Decarbonising Transport* sets out a plan to accelerate the decarbonisation of the UK's transport system in order to meet the target of Net Zero emissions by 2050. In relation to rail, the report sets out the need for further electrification of the railway and the take up of new technology such as hydrogen. In terms of freight, the report also sets out the UK Government's intention to work with industry to understand how they can make transporting freight by rail a more attractive opportunity.

Williams Rail Review

The Williams Rail Review was established in September 2018 to analyse the UK railways operating model and organisational structure. A number of evidence papers on different topics have been published to date, whilst a final report was originally due in Autumn 2019. As indicated by the review's Terms of Reference (ToR), its purpose is to make recommendations on the potential organisational and commercial frameworks which would help the UK Government deliver its vision of a world-class railway.

Welsh Government Programme for Government 2021-26

The [Welsh Government Programme for Government](#) was published in June 2021 and is a comprehensive set of commitments to deliver over the next five years in tackling the issues facing Wales. This includes emphasis on the need to press the UK government for a fair share of vital rail infrastructure and R&D investment for Wales; to deliver £800m of new rolling stock for our railways and ensure that 95% of train journeys are on new trains by 2024; and notably includes specific reference to the development of the Global Centre of Rail Excellence in the Dulais Valley.

Prosperity for All: Economic Action Plan

The Economic Action Plan takes the key commitments presented in Taking Wales Forward and places them in a long-term context and sets out how they fit with the work of the wider Welsh public service to lay the foundations for achieving prosperity for all. The main objective of the Strategy is to help and support everyone to live healthy, prosperous and rewarding lives.

The National Strategy explains how although Wales as a whole has grown strongly out of recession, there are areas of the country which have not seen the full benefits of growth. This has left some communities struggling to prosper and feeling isolated from other parts of Wales. Government has a key role in stimulating economic growth in areas of greatest need.

The four key themes of Prosperity for All are: 'prosperous and secure', 'healthy and active', 'ambitious and learning' and 'united and connected'.

The relevant key aims of the Strategy are:

- a) All parts of Wales to benefit from economic growth and a fairer distribution of wealth and opportunity.
- b) Wales to benefit from the opportunities arising from the shift from a fossil fuel to a low-carbon based economy and or this transition to support a transformation in our prosperity, health and well-being.
- c) To help more people to gain as much as they can from learning and work. The Plan states that this is possible when people are supported to develop the resilience, skills, enthusiasm and creativity they will need to adapt to the changing world of work.
- d) To create a prosperous and fair society where businesses and public services are constantly looking to create new products services and ways of helping people to get what they need and want.
- e) To build a connected infrastructure that supports growth and investment.
- f) To enhance the profile, reputation and influence of Wales, to develop and maintain relationships around the world to help promote Wales and support business growth, to co-operate in the sharing of information and best practice and to strengthen the Welsh economy.
- g) Taking a strategic approach to development and planning investment in line with the Well-being Act to inform investments and deliver infrastructure projects which help maximise the benefits for current and future generations.

Prosperity for All: A Low Carbon Wales

Prosperity for All: A Low Carbon Wales sets the foundations for Wales to transition to a low carbon nation and works within the context of the Environment (Wales) Act 2016 which requires Welsh Government to reduce emissions of greenhouse gases in Wales by at least 80% by the year 2050. This Plan identifies measures for how Welsh Government plans to meet the first carbon budget (2016-20). The Plan notes how in 2017, Welsh Government set the ambition of achieving a carbon neutral public sector by 2030 and to reduce emissions from rail transport through vehicle and fuel efficiency measures. Policy 57 within the Plan also sets the goal of increasing rail travel across Wales.

[Llwybr Newydd- The Wales Transport Strategy](#) was published by the Welsh Government in March 2021 and sets out the Welsh Government's vision for how our transport system can help us deliver our priorities for Wales, helping to put us on a pathway to creating a more prosperous, green and equal society.

The document sets out the following priorities:

- Priority 1: Bring services to people in order to reduce the need to travel.
- Priority 2: Allow people and goods to move easily from door to door by accessible, sustainable and efficient transport services and infrastructure.
- Priority 3: Encourage people to make the change to more sustainable transport.

These short-term priorities will contribute to four long-term, well-being ambitions over the next twenty years, which show how WG want transport to contribute to our wider Welsh Government ambitions and to the goals in the Well-being of Future Generations (Wales) Act 2015: -

- **Good for people and communities:** A transport system that contributes to a more equal Wales and to a healthier Wales, that everyone has the confidence to use.
- **Good for the environment:** A transport system that delivers a significant reduction in greenhouse gas emissions, maintains biodiversity and enhances ecosystem resilience, and reduces waste.
- **Good for the economy and places in Wales:** A transport system that contributes to our wider economic ambitions, and helps local communities, supports a more sustainable supply chain, uses the latest innovations and addresses transport affordability
- **Good for culture and the Welsh language :** A transport system that supports the Welsh language, enables more people to use sustainable transport to get to arts, sport and cultural activities, and protects and enhances the historic environment.

The document also sets out 'mini-plans' related to each transport sector, which in the case of rail sets out a vision *'to achieve the efficient and accessible passenger and freight rail services that people and businesses in Wales need, in order to better support our wider well-being ambitions'*.

Further to this is sets out the priorities for the next 5 years, committing (for rail) to achieving *inter alia* the following:

- deliver our public transport Metro systems in all parts of Wales to improve services and better integrate other public transport and active travel with the rail system ;
- make rail services more attractive and improve customer experiences;
- work with Network Rail and the UK Government to improve rail infrastructure across Wales, including rolling out rail electrification across Wales, delivering network improvements and extensions, developing new stations and re-opening stations in Wales ; and

- maintain and manage existing infrastructure under the control of Welsh Government, including upgrades to existing stations and improving the resilience of rail infrastructure to flooding and extreme weather.

The Strategy also refers (at p58) to former railway lines and other redundant transport infrastructure being safeguarded for the future or re-used for active travel; that (at p65) rail traction in Wales will move to low emissions and eventually to zero-emissions, and (in respect of the five ways of working - under prevention) address issues such as decarbonisation by electrifying our rail fleet and exploring the use of hydrogen, while also noting (at p.81) that they will support interventions that shift freight from road to rail and water-based transport, and future innovations that will make the sector more sustainable.

National Planning Policy Context

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with the publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) (see below) and to deliver the vision for Wales that is set out therein.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 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:

In terms of the provision of new infrastructure, Paragraph 3.62 states that ‘Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations’.

Chapter 4 ‘Active and Social Places’ addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that “*new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.*” It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.

By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
- Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;

Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that *"a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all."* PPW11 recognises (in chapter 4) the need to *"realise the potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present."*

The Productive and Enterprising Places theme of planning policy topics covers economic development, physical infrastructure, energy and the efficient use of resources. Key issues identified include:

- Promoting and diversifying our rural economy to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled;
- Making our transportation infrastructure adaptable to future innovations;
- Embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels;
- Supporting and enabling renewable, low carbon globally responsible material choices and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished;
- Recognising the importance of transportation infrastructure to the economy; and
- Maximising the use of our sustainable transport infrastructure, including railways, to directly support freight opportunities and serve economic development opportunities.

Paragraph 5.3.1 states that *"the provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural wellbeing of Wales"* and that *"the planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport"*.

PPW11 further sets out at paragraph 5.3.2 that *"Planning authorities should support necessary transport infrastructure improvements, where it can be demonstrated that such measures are consistent with Welsh Government policy to encourage and increase use of sustainable transport and reduce reliance on the private car for daily journeys."*

Section 5.4 deals directly with Economic Development, with 5.4.1 noting that for planning purposes the Welsh Government defines economic development as “*the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes*”.

The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses, with (5.4.2) “*growth in innovative, emerging technology and high value added sectors such as advanced engineering, renewable and low carbon energy, digital and bio-technology sectors are ... strongly supported*” such that (5.4.4) wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration.

Noting the need to steer economic development to the most appropriate locations (5.4.10) the effective planning for the economy requires planning authorities to work strategically and co-operatively directing development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in.

(5.4.13) Planning authorities should aim to:

- co-ordinate development with all forms of infrastructure provision such as transport and utilities;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car;
- promote the re-use of previously developed, vacant and underused land;
- deliver physical regeneration and employment opportunities to disadvantaged communities;
- control and manage the release of unwanted employment sites to other uses;
- propose specific locations for locally and strategically important industries which are detrimental to amenity and may be a source of pollution.

(5.4.15) Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

Notably for this project, para 5.6.4 also emphasises that “*to unlock the full potential of rural areas, planning authorities should adopt a positive approach to employment arising from foundation and innovative and technology based sectors, including research and development*”.

PPW Chapter 6 (Distinctive and Natural Places) covers the environmental and cultural components of placemaking, which are complementary to those of the Active and Social (Chapter 4) and Productive and Enterprising (Chapter 5) themes and collectively contribute towards the national sustainable placemaking outcomes.

This includes (at 6.2.5) the need to enhance the quality of the built environment by integrating green infrastructure into development through appropriate site selection and use of creative design, to embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for

conflicting Distinctive & Natural Places and contributing towards health and well-being outcomes.

Technical Advice Notes

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

- TAN 5 Nature Conservation and Planning (2009)
- TAN 11 Noise (1997)
- TAN 12 Design (2016)
- TAN 15 Development and Flood Risk (2004)
- TAN 18 Transport (2007)
- TAN 20 Planning and the Welsh Language (2017)
- TAN 23 Economic Development (2014)
- TAN 24 The Historic Environment (2017)

The Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

As noted earlier, [Future Wales - the National Plan 2040](#) now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

Future Wales is to be used to guide both public and private investment, with a Welsh Government aim being to ensure investments in infrastructure and development – whether large or small in scale – contribute to their broader ambitions of greater well-being and the creation of better places.

As set out in Chapter 3, Future Wales is outcome-led and aims to develop a Wales where people live ...

1. ... and work in connected, inclusive and healthy places
2. ... in vibrant rural places with access to homes, jobs and services
3. ... in distinctive regions that tackle health and socio-economic inequality through sustainable growth
4. ... in places with a thriving Welsh Language
5. ...and work in towns and cities which are a focus and springboard for sustainable growth
6. ... in places where prosperity, innovation and culture are promoted
7. ... in places where travel is sustainable
8. ... in places with world-class digital infrastructure

9. ... in places that sustainably manage their natural resources and reduce pollution
10. ... in places with biodiverse, resilient and connected ecosystems
11. ... in places which are decarbonised and climate-resilient.

The following Strategic and Spatial Choices policies are considered to be of relevance to the proposed development:

- Policy 1 – Where Wales will Grow

States that “the Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure [and] ... development and growth in towns and villages in rural areas should be of appropriate scale and support local aspirations and need.”

Swansea Bay and Llanelli (comprising Neath, Port Talbot, the City of Swansea and Llanelli) is included as a National Growth Area – see Policy 28 below.

- Policy 3 – Supporting Urban Growth and Regeneration - Public Sector Leadership

States that “The Welsh Government will play an active, enabling role to support the delivery of urban growth and regeneration. The Welsh Government will assemble land, invest in infrastructure and prepare sites for development. We will work with local authorities and other public sector bodies to unlock the potential of their land and support them to take an increased development role.

The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales ... Planning authorities must take a proactive role and work in collaboration with the Welsh Government and other public sector bodies to identify the best locations for growth and regeneration, and provide certainty about how they should be developed.”

- Policy 4 – Supporting Rural Communities

Emphasises that ‘The Welsh Government supports sustainable and vibrant rural communities’.

- Policy 5 – Supporting the rural economy

Demonstrates WG support for sustainable, appropriate and proportionate economic growth in rural areas that is planned and managed through Strategic and Local Development Plans and their support for “*development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base, and creating higher paid jobs*”.

- Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to:

- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

. . . . In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit) the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.’

- Policy 11 – National Connectivity

‘The Welsh Government will support and invest in improving national connectivity. Our priorities are to encourage longer distance trips to be made by public transport, while also making longer journeys possible by electric vehicles. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to support the delivery of the following measures to improve national connectivity: -

Rail Network – Transform the rail network and improve the quality of rail services for passengers.

Planning authorities should support developments associated with improvements to national connectivity and, where appropriate, maximise the opportunities that arise from them. Planning authorities must ensure that, where appropriate, new development contributes towards the improvement and development of the National Cycle Network and key links to and from it’.

- Policy 28 – National Growth Area – Swansea Bay and Llanelli

Identifies that ‘Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region’ and requires that Strategic and Local Development Plans recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure.

The Welsh Government will work with regional bodies and local authorities to promote and enhance Swansea Bay and Llanelli’s strategic role and ensure key investment decisions support places in the National Growth Area and the wider region.

With specific regard to the importance of rail, it is also noted that Future Wales emphasises that *“Our rail infrastructure and services are fundamental to an effective and efficient transport network and central to national connectivity across Wales and its regions. Their continued development and expansion will contribute to the ambition to develop a stronger, inclusive and more equitable economy and to deliver prosperity for all by connecting people, communities and businesses across Wales to jobs, services and markets”*. This includes (page 88) an *“assessment of the case to reopen older lines and new stations, such as Dulais, Amman and Swansea Valleys”*.

Local Planning Policy Context

Neath Port Talbot Local Development Plan

The Local Development Plan for the NPT 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 SP6 Development in the Valleys Strategy Area
- Policy SP10 Open Space
- Policy SP11 Employment Growth
- Policy SP13 Tourism
- Policy SP14 The Countryside and the Undeveloped Coast
- Policy SP15 Biodiversity and Geodiversity
- Policy SP16 Environmental Protection
- Policy SP17 Minerals
- Policy SP18 Renewable and Low Carbon Energy
- Policy SP19 Waste Management
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage
- Policy SP22 Welsh Language

Detailed Policies:

- Policy SC1 Settlement limits
- Policy I1 Infrastructure Requirements
- Policy OS 1 Open Space Provision
- Policy EC5 Employment Uses in the Valleys
- Policy TO4 Walking and Cycling Routes
- Policy EN6 Important Biodiversity and Geodiversity Sites
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and Land Stability
- Policy M1 Development in Mineral Safeguarding Areas
- Policy M3 Development in Mineral Buffer Zones
- Policy TR2 Design and Access of New Development
- Policy TR3 Safeguarding of Disused Railway Infrastructure

- Policy TR4 [Safeguarding Freight Facilities](#)
- Policy RE2 [Renewable and Low Carbon Energy in New Development](#)
- Policy W3 [Waste Management in New Developments](#)
- Policy BE1 [Design](#)

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Renewable and Low Carbon Energy](#) (July 2017)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (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 the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulation, and as identified above the application has been accompanied by an Environmental Statement.

The Habitats Regulations require that consideration is given to the implications of plans and projects (developments) on European Sites. Specifically the process of Habitats Regulations Assessment (HRA) involves an initial 'Screening' stage, and if such assessment identifies that proposals are likely to have a significant (adverse) impact, Regulation 63(1) requires a competent authority (the LPA) to make an 'Appropriate Assessment' of the implications of the development/project on such a European site (either alone or in combination with other plans or projects), in view of that site's conservation objectives.

The proposed development is located within a zone of influence for Coedydd Nedd a Mellte Special Area of Conservation (SAC), approximately 3km east of the proposed development. The applicant has submitted their own Habitats Regulations Assessment of the proposed development, the first stage of which is the Screening Stage, which seeks to determine whether there would be a likely significant effect (in the absence of mitigation). As stated above, if a likely significant effect, either alone or in combination with other plans or projects, cannot be ruled out then it will be necessary for the proposed development to be subject to an Appropriate Assessment to determine whether there would be an adverse effect to the integrity of the designated site in light of its conservation objectives.

The joint Planning Authorities have undertaken their own HRA screening, which has concluded that there are no effects, either alone or in-combination with other plans and projects, resulting from the proposed improvement works. Accordingly, as the proposal is not likely to have a significant effect on European Sites, nor are mitigation measures proposed to avoid, reduce, or cancel potential effects, a Stage 2 Appropriate Assessment is not required.

CONSULTATIONS

Neath Port Talbot Internal Consultees

The **Economic Development section** of the Council is fully supportive of this proposal, and has made detailed comments, which *inter alia* highlight that the proposed GCRE:

- Provides the high added value benefit opportunity to secure investment into the Valley area, create jobs and with the potential to create a further new industrial legacy on the site for the rail industry.
- Supports and complements the policies, aims and objectives of NPT CBC, WG and UK government, including NPT activity in Supporting Innovation and Low Carbon Growth, which focuses on various hydrogen, renewable and innovation developments (Decarbonisation and Renewable Energy (DARE) strategy).
- Offers an opportunity for significant rail investment in Wales. This would benefit NPT and Powys and complement the Transport for Wales focus and commitment to revitalising the rail network by providing new services and rolling stock (trains and carriages), innovative solutions and a significant programme of station investment.
- Would provide a multi-disciplinary railway testing facility and offer the rail industry the ability to bring forward innovation readiness at an accelerated rate, reduce industry costs, support decarbonisation and help to facilitate innovation, increase skills and training and create jobs in NPT, wider areas and the UK.
- Provide opportunity to showcase the NPT area on a wider national and international audience.
- Will also have the potential to support wider investment and support the economic regeneration of the area. One potential example of this would be the opportunity of the link to proposed Dulais Valley Energy Cluster.
- Will support recovery post Covid - UK Government has emphasised the importance of infrastructure spending to help kick-start the economy and ensure long-term economic recovery.
- Provide further opportunities for sustainable technologies associated with the rail sector (electric, battery, links to sustainable generation).
- With key innovation assets such as the Hydrogen Research Centre, Flexible Integrated Energy Systems (FLEXIS) and other academic innovation centres, in the NPT area, provide key strategic RDI linked opportunities for this development.
- Provide an immediate and positive impact on the local economy, for Wales and the UK providing a short-term benefit, while developing an asset that will deliver positive outcomes over the longer-term.
- Act as a catalyst for rail industry investment in NPT and Wales, providing a state-of-the-art facility for research and development and testing in the UK.
- Result in significant economic benefit to the NPT area and Wales.
- The facilities would also attract regular visitors to the area as engineers, academics and support teams use the site on a project by project basis, providing a potential boost to local service industry
- Require a range of different roles, some being highly specialised and require skills that are not currently present within the South Wales labour market. It is envisaged that the site could become a UK hub for operational training,

providing opportunities for local people to acquire the skills they need for a career in the rail industry.

- Create new, high-quality permanent jobs in this part of Valley area in South Wales, which historically, the coal mining industry and heavy industry were the predominant industries, both of which are now in decline. The development of the GCRE would help to alleviate the impact of this decline and provide a potential replacement industry in the Valley area. This would help to sustain existing local communities whilst also making them resilient to future change.
- Create training opportunities for local potential employees as well as to the Welsh and UK railway and supply chain.
- Provide training opportunities and employment opportunities through partnership with local Further Education institutions such as Neath College and Coleg Y Cymoedd and with Universities and employers across Wales and the UK.

General Environmental Health (Air Quality, Noise and Land Contamination)

advises that they have considered the environmental impacts of land contamination, noise and air quality arising from the proposed development and having reviewed in detail the Environmental Statement and the associated appendices and with regard to the information submitted have no objection to the approved development subject to conditions relating to the construction/demolition and operation of the facility.

Countryside & Wildlife (Ecology) - Raise no objections subject to a suite of conditions (most of which secure proposals included in the Environmental Statement) which are necessary to ensure no significant impacts on biodiversity.

Head of Engineering & Transport (Highways) raises no highway objection subject to a number of observations including:-

- Need for a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembly Ave/Heol Gaer (A4109) and the Intervalley Road (A4221).
- Road Safety Audit for the potential highway works required off Wembley Road onto Onllywn Road to allow for safe access for Pedestrians, cyclists, crossing points and bus stop locations.
- Additional traffic impact surveys post-operation (1st, 3rd and 5th years) to ascertain the traffic flows in real time and implement the need (if any) for further or additional traffic management or orders as required.
- A scheme showing a combined cycleway and pedestrian access, together with street lighting from Wembley Ave along Onllwyn Road and into the development.
- Scoping route for construction traffic (*do not advise deliveries of a significant size to use the route through Seven Sisters*).
- The junction and access from the Intervalley Road (A4221) shall be used for Construction traffic and Deliveries ONLY and that this access shall be gated and provided with necessary signage.
- A scheme showing the proposed vehicle movements within the site, including car parking and delivery dropping off areas.
- Recommendation that existing Bridges along Onllwyn Road (*over the highway bypass and the second over the rail track*) are subject to assessment.
- Construction Method Statement.

Head of Engineering & Transport (Drainage) advises that he has no objection due to the fact that a full SAB approval is required for the whole development site, and the SAB application process is being led by Powys CBC with NPTCBC acting as a consultee.

Public Rights of Way Officer advises that the following rights of way are affected by the development: -

Washery Site

- 31/32.D.Hi/1 (Fp32 Dylais Higher)
- 31/33.D.Hi/2 (Fp33 Dylais Higher)
- 31/33.D.Hi/3 (Fp33 Dylais Higher)
- 31/34.D.Hi/1 (Fp34 Dylais Higher)
- 31/MO ANO21 (Unnumbered Footpath Dylais Higher)

Open Cast Site

- 31/15.D.Hi/1 (Fp15 Dylais Higher)
- 28/28 D.Hi/5 (Br28 Dylais Higher)

The proposal refers to the potential need for small diversions, with perhaps only one footpath needing to be extinguished (31/MO ANO21 Unnumbered Footpath Dylais Higher). This would in any event need to be the subject of a separate process involving an application to the relevant Councils should planning consent be granted.

At this stage the following informative is recommended: -

- *Footpaths 15,32,33,34, along with an unnumbered path and Bridleway 28 Dylais Higher affect the planning area. These Public Rights of Way shall remain open at all times, any damage caused to the Rights of Way shall be rectified to the satisfaction of this authority immediately. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Countryside Team.*

The PROW Officer also notes that the use of the railway line to transport the infrastructure to the site may have an impact on those paths that cross the line, with 1 path in particular of concern (at Aberdulais connecting to Cilfrew – Footpath 14 Blaenhonddan) which crosses the railway and connects the housing estate to the school and is heavily used by families.

Any increased use of trains on the line may increase the risks associated with people crossing an active railway, however the frequency of train use of the line is understood to be historically quite high.

Given the cross-boundary issues, the following response from the **PCC Countryside Access & Recreation Officer** is also noted:

The proposed development would affect a number of public rights of way, namely footpaths 40, 19, 90, 49, 7, 11 and 17 and bridleway 45. This is acknowledged in the planning application and the applicant has supplied a plan of the affected paths. It is noted that a public rights of way mitigation strategy will be required in respect of these

paths. Most of these public rights of way are currently suspended via an Order under the Opencast Coal Act. The suspended paths are to be reinstated as part of the revised restoration scheme for the Nant Helen opencast coal site. However, before the proposed test track and associated infrastructure can be constructed over the current legal lines of the paths, the affected paths will need to be legally diverted, as it is an offence to develop over the line of a public right of way. Planning permission does not, in itself, grant permission for the diversion of a public right of way; a separate legal process must be followed, which requires the making and confirmation of a public path Order. The mitigation strategy for these paths will be subject of a separate public consultation exercise.

External Consultees

Natural Resources Wales provided an extensive initial [response](#) to the application and advise (in summary) that they had significant concerns with the proposed development as submitted, and recommend planning permission should only be granted if the following requirements are met / conditions are imposed: -

- Requirement 1 - Plans: All plans associated with this development are amended in line with the established principles of habitat mitigation/ enhancements agreed under consented application 20/0738/FUL.
- Requirement 2 – Air Quality: The submission of a revised ‘Air Quality’ chapter (section 14) of the Environment Statement (ES) to include a justification of the chosen meteorological data on which the modelling was based upon. (*see subsequent response below*).
- Condition 1 – Landscape Strategy: No development or phase of development, shall commence until a site wide landscape strategy has been submitted to and approved in writing by the Local Planning Authority.
- Condition 2 – Construction Environmental Management Plan: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.
- Condition 3 – Environmental Management and Monitoring Plan: Prior to the operation of the development, or phase of development, an Environmental Management and Monitoring Plan, detailing strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site shall be submitted to and approved in writing by the Local Planning Authority.

Following receipt of Further Environmental Information, NRW confirm in their [additional response](#) that while they continue to have concerns with the application, they are satisfied that these concerns can be overcome if the Environmental Statement and associated Appendices and Figures are included in the approved plans and documents condition on the decision notice and by attaching the above conditions to any planning permission granted

National Grid Following clarifications from the applicant, confirms that they have no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line –Electricity Tower, Overhead Electricity Line.

Network Rail provided a number of initial comments relating to the impact on / access to their network, impact on user crossings etc., and subsequently confirmed that they support this application and want to work constructively with the project team. Accordingly, they do not request conditions but state that resolving concerns surrounding the access to their network – which form part of their informatives – prior to commencement will form part of the business case for the GRCE.

Welsh Government (as Highway Authority for A465 Trunk Road) has provided a response and does not issue a direction in respect of the application.

Powys County Council No observations received as the impacts are being considered in detail under the identical application made to that authority.

The Coal Authority in their response has reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area. Therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The planning application is supported by an ES with a Geotechnical Desk Study, which acknowledges that there is significant coal mining legacy on the site, mine entries and potential shallow coal workings, and recommends that appropriate intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues.

The Coal Authority raises no objection to the development subject to the imposition of conditions securing the following: -

1. *Prior to the submission of the reserved matters;*
 - a) *a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, and;*
2. *Prior to, or concurrent with, the submission of reserved matters;*
 - a) *the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings;*
 - b) *details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. This should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
3. *Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The CA also note that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks

should always be considered by the LPA who should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented.

Dwr Cymru Welsh Water in their [response](#) notes that they have been previously informed of the proposed development and consulted as a 'Specialist Consultee' on the Pre-Application Consultation (PAC). With respect to the planning development boundary within NPT they advise that foul flows can communicate to the existing combined sewer crossing the development site albeit that no building shall be permitted within the protection zones of sewers measured 3 metres either side of the centreline.

With respect to the submitted illustrative masterplan and parameters plan it does not appear there are any buildings within the protection zones, albeit there are also watermain assets within the site boundary. They therefore recommend a condition in relation to the protection of assets as well as a foul water drainage scheme.

In addition, the accompanying 'Drainage Strategy Report' and 'Surface Water Features and Flood Risk' (No. 264904) indicates proposals to dispose surface water flows to a surface water body and in principle we offer no objection albeit would advise the development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires SAB consent.

CADW in their [response](#) raises no objection to the proposed development in regards to the scheduled monuments listed below: -

- BR074 Section of Road NE of Coelbren Fort
- BR198 Ynysgedwyn Colliery, Fan House
- BR201 Lefel Fawr Coal Adit
- BR222 Abercrave Ironworks
- BR327 Bryn Llechwen ring cairn
- GM146 Coelbren Fort
- GM343 Roman Marching Camp South East of Coelbren Fort
- GM399 Tramroad at Ystradgynlais
- GM420 Remains of Blast Furnaces at Banwen

The impact of the proposed development on the above scheduled monuments and their settings was considered when the application for the earthworks required for the creation of the inner and outer test track was granted (P2020/0362) and this included the construction of an embankment over part of scheduled monument GM399 Tramroad at Ystradgynlais. An application for scheduled monument consent for this work is currently being determined. We therefore have no objection to the determination of the current application subject to the outcome of the application for scheduled monument consent.

Glamorgan Gwent Archaeological Trust (GGAT) in their [response](#) states that the ES work was undertaken to an agreed methodology, stated in the Written Scheme of Investigation (November 2019), and meets the current professional standards. The proposal will require historic environment mitigation.

In assessing the information concerning the historic environment, historic assets of both designated and non-designated status were identified. The Scheduled Monument of the Tramroad at Ystradgynlais (Cadw reference GM399) will be directly affected by

elements of the proposal, and as noted within the document, Scheduled Monument Consent must be obtained from Cadw prior to any development works to the Scheduled Monument, and we understand that the SMC application is in process. Should SMC be granted then any subsequent archaeological mitigation should be undertaken to an agreed methodology within a written scheme.

Non-designated historic assets within the development boundary that will be affected are listed in the assessment and ES chapter, and detailed in the mitigation section 8.9 and the tables. This details that areas named would be subject to an archaeological strip, map and record, with a watching brief on Areas B and C (i.e. those unaffected by the modern mining operations). Some of the named features fall within the area of Powys, and therefore are within the Clwyd Powys Archaeological Trust. This also includes the transect of Area C regarding peat and environmental sampling.

For those features which fall within GGAT's area and remit, we concur with the proposed mitigation and recommendations and recommend that the programme of archaeological work as mitigation should be undertaken to an agreed methodology within a written scheme, to be submitted to us as the archaeological advisors to Neath Port Talbot. This is following the Welsh Government Legislation and Policy. We therefore recommend a condition to be attached to any consent granted, recommending the submission of the written scheme and the programme of work to be implemented.

The written scheme will also need to take account of the *Guidance for the Submission of Data to the Welsh Historic Environment Records (HERs) 2018*; and the *National Standard and Guidance to Best Practice for Collecting and Depositing Archaeological Archives in Wales 2017*. This will ensure detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendation and following the guidance in Planning Policy Wales Edition 11, February 2021, we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Brecon Beacons National Park Authority ([full Decision Letter](#)). Having identified the key issues as landscape and visual impacts, the Authority's pre-application consultation response concluded that the Authority had very significant concerns about adverse impacts on the following special qualities of the National Park, as defined in the National Park Management Plan 2010 – 2015 managing change together:

- Sweeping grandeur and outstanding natural beauty;
- A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal; and,
- Working, living "patchwork" of contrasting patterns, colours, and textures.

By undertaking a night-time assessment and detailing reasons why additional mitigation planting would be ecologically inappropriate, the application has responded positively to or provided suitable clarification in respect of some of the issues, however further work is necessary to qualify the impact of the proposal on the amenity of the National Park; in particular whether proposed noise mitigation will act, against a post restoration baseline, to safeguard the tranquillity experienced at "the Trig point on Cribarth" (viewpoint 3) and the approach to it from Abercrave.

Mid and West Wales Fire Service in their [response](#) state that the developer should consider the need to provide adequate water supplies for firefighting purposes on the site.

REPRESENTATIONS

669 individual letters of notification were sent out to properties in and around Onllwyn/Seven Sisters on 29th March 2021. In addition, numerous site notices were displayed in prominent locations in and around Onllwyn and Seven Sisters. The application was also advertised in the Evening Post on 30th March 2021 as an EIA development, potentially not in accordance with the Development Plan, and affecting Public Rights of Way.

It is also noted that Powys CC has also extensively publicised their application.

The application has also been further publicised in the press and by the display of additional site notices for a further 30 day period following receipt of 'further environmental information' relating to biodiversity and air quality.

In response, to date five representations (four objections, one support) have been received by NPT, from which the issues raised are summarised as follows:-

- Objection is primarily regarding the proposed test tracks that will be spread out across the top of the valley and the additional noise and traffic this will create for us residents who live here, and the visual impact.
- Lack of display models in consultations (as promised) showing where these test tracks will be, and will give us some idea of how they will impact the valley – without these it is hard for people living in the area to envisage how this development is going to truly affect our daily lives. There has been no information of what this development is going to actually look like, from where we live and work.
- Noise that will be created by these proposed test tracks will be very impactful on everyone's lives. We feel it is totally unacceptable to have these trains being tested potentially 24/7, as the noise will be affecting residents throughout the whole day with no respite, and will have an impact on residents sleep, and in turn affecting people's mental health. Therefore, we strongly feel there should be a limit placed on the operation times of these test tracks at this stage.
- Even if the trains being tested are electric or hydrogen, there will still be the noise generated just from the wheels going along the track, and certainly will

cause an amount of noise that will cause disturbance in the night when the trains are going up to 110 mph.

- With the properties in Tynewydd being less than 1/2 mile from the proposed tracks at the back and the trainline at the front being in constant use, the noise impact will be intolerable. At the moment, there is silence during the night and one train going up the train line perhaps once a day at the most.
- The noise emission studies should have been carried out at the same places, but in the middle of the night too, to give a more accurate impact of this proposal on everyone who is living nearby.
- Strongly feel that the visual impact of the proposed test tracks being sited along the top of the valley is totally out of place, and keeping of the area, and will affect the area in a negative way.
- Although the area has a history of mining, the land here now is farmland and pleasant looking. The existing mine site is not noticeable when traveling along the A4109 between Onllwyn and Blaendulais. Also, the present landowners of the land to be developed is having to reduce the "wedding cake" so this will improve the visual aspect further.
- The planning submission mentions landscaping, but not in great detail, and it is very disturbing that the landscaping that is mentioned, states that the vegetation will take 15 years to establish, so people here are expected to put up with the land looking a state for at least 15 years. We hope there will be some directive from the council about this to the developers.
- As the area is in such close proximity to the Brecon Beacons National Park, we feel the area, and the government investment would be much better used to attract further tourism in the area. As well as protecting the dark night status of the Brecon Beacons, this would provide jobs and opportunities that are accessible to local people, and much more than the proposed industrial site.
- We feel that this planning permission submitted with "reserve matters" does not give people living in the area a very clear idea of what to expect from this development.
- It isn't clear from the application of the purpose of the development. Furthermore there are no details on how this development will affect our environment i.e. the climate and there is no information on sustainability. What is the carbon footprint?
- People have lived here for years with black tips and dust everywhere. Just as the landscape is getting green and wildlife returning plans have been submitted to start pulling it apart and starting all over again. Apart from the noise we will have to live with trains going round a track 24 hours a day. Can't bear to think what it will sound like at night.
- People here seem to think it will bring jobs for the local community. This is not true as when we went to the consultation that was held in July 2019 we were told in no uncertain terms that this will not be happening as they have their own engineers and experienced workers.
- We have yet to see a display model of this application showing exactly where these tracks will be. All I know is we'll have tracks working 24/7 behind us and also trains carrying trains in front of us. Not looking forward to that. I would also like to see the landscape and how it will impact on our lives if you give it the go ahead.

In addition one letter of support has been received which, in summary, states: -

- I am writing to express my full support for this project as it has the potential to transform the northern end of the Dulais Valley very positively. It will also provide much needed highly skilled employment to the area following the demise of the coal industry.
- Furthermore, the maintenance of the current branchline provides the potential for additional development.
- I note within the context of the document, there is mention of the possibility of passenger traffic returning to the line. This is very unlikely! However, has the potential for tourist passenger rail traffic been considered on the weekends either by diesel or steam trains? As you have highlighted tourism within the valley, would not this be a strong possibility?
- Once again, I have no hesitation in supporting this development fully.

Councillor Steve Hunt (Seven Sisters) has also made the following representations (summarised), albeit noting that as Member of the Committee he will look at the application in detail without predetermination: -

- The submissions fall short of delivering to those that are living in the communities closest to the project, there is a lack of detail on what real jobs this project will generate.
- It also falls short as to what the consultation process with the most affected residents said, with no mention of rail platforms for Crynant, Seven Sisters that I was led to believe would be part of the overall planning package. Nicola Pearce has suggested a feasibility study could be a way forward.
- At many other consultation meetings the theme was clear that community benefits should be at the forefront - the three councillors for the Dulais Valley at the time supported the idea of use of these passenger trains, as did Powys County Councillors.
- Will there be further opportunities to deliver what I and all our communities are asking for? It would be a massive let down for our valley communities again irrespective of what this project would deliver for NPTCBC, Wales and the UK as it would look as if those living closest to a development are being overlooked once more.
- Platforms build at locations I mentioned and either commercial or tourism travel could be achieved, it's a once in a lifetime opportunity and given that it's a £150 million pound project I cannot see why this suggestion that was put forward from the beginning is not showing up in any of the consultation papers.
- It could potentially be a massive opportunity lost and another blow to our valley communities if we cannot deliver what the people want given it's not a lot in the scheme of things, so when will details of the promises be available after and if this application is passed?
- Will there be further opportunities to get community benefits?
- Will there be further consultation on community benefits with the developers?
- I appreciate this is a planning application to deliver the development of a Global Centre of Rail Excellence, however I have put forward my views and concerns at every level of the process and wish these concerns to be placed on record.

PRE-APPLICATION CONSULTATION (PAC)

As a 'major' development, the applicant undertook formal public consultation in accordance with the requirements of the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) Order 2012 (as amended), such period running from 17th September 2020 to 14th October 2020.

This followed an earlier extensive 'stage 1' Project briefing/ early engagement consultation (2nd July – 17th October 2019) – The summary of responses is available to view on the Welsh Government's website at [Global Centre of Rail Excellence - summary of responses \(gov.wales\)](https://gov.wales/global-centre-of-rail-excellence-summary-of-responses).

The PAC consultation was also extensive and involved information being sent out to:

- 256 community consultees including: -
 - All local ward members of both Powys County Council and Neath Port Talbot County Borough Council;
 - The clerk at Blaengwrach Community Council, Glynneath Town Council, Onllwyn Community Council, Severn Sisters Community Council, Tawe Uchaf Community Council and Ystradgynlais Town Council
 - Four MPs and eight local and regional MS's
 - 104 local stakeholder groups
- Two landowners
- 901 residents
- 26 businesses neighbouring the site
- All relevant Statutory Consultees

Ten site notices were also displayed around the site.

It is emphasised that in May 2020 Welsh Government issued changes to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 ("DMPWO") in response to the challenges presented by COVID-19. The consultation has followed such requirements, and included statutory consultation online with discussions taking place by telephone or virtual meetings via Zoom or Microsoft Teams. Hard copies of the key consultation documents were available on request.

The applicant has provided the required [Pre-Application Consultation Report \(PAC\)](#) and [Appendices](#) setting out who was consulted; how they were consulted; how they were informed about the consultation; the feedback received and how comments have been responded to or taken into account in the final application.

In summary: -

- A total of twelve responses were received from specialist consultees
- A total of 63 responses were received from neighbours, community consultees, owner/occupiers and the wider community through the feedback questionnaire, emails and phone calls.
- Those supporting the proposal recognised the economic benefits the project would bring to the area including new jobs, training opportunities, tourism potential and support for the local supply chain.

- Concerns were raised about the potential negative impact on local amenity and wellbeing of residents, especially with the potential for a 24/7 operation, as well as the effects of traffic, vibration and noise, air and light pollution.

ASSESSMENT

Issues

Having regard to the above, the main issues to consider in this application relate to the following: -

- Principle of Development
- Need for development / Socio-economic impact;
- Landscape and Visual Impacts
- Impacts on Local Amenity including nearby residential properties
- Impact on highway safety and rights of way
- Impacts on biodiversity
- Impacts on Cultural Heritage
- Drainage / Ground water / contamination
- Geotechnical / Land Stability Issues
- Common Land
- Climate Change, Energy and Waste Management
- Whether any identified impacts are outweighed by any identified benefits of the development (i.e. the 'planning balance')

PRINCIPLE OF DEVELOPMENT

The National Infrastructure Strategy demonstrates the link between infrastructure investment and 'levelling up' across the UK. The Rail Sector Deal, part of the UK Government's Industrial Strategy, sets out the commitment to investment in Research and Development (R&D) and new infrastructure for the rail industry. Taking Wales Forward and its associated Economic Action Plan and Low Carbon Wales Plan, sets out the Welsh Government's approach to sustainable and equal economic growth across the country, confirming that the Welsh Government's focus will be 'driving improvement in the economy and public services.'

Policy 3 of Future Wales: the National Plan states the Welsh Government's commitment to the delivery of urban growth and regeneration and confirms that the Welsh Government will assemble land, invest in infrastructure and prepare sites for development.

PPW11 presents the land use policies of the Welsh Government in full consideration of the Well-being Goals as presented within the Well-being Act. It makes the link that the goal for a more equal Wales can be achieved by promoting employment and enterprise opportunities and building on economic strengths. Paragraph 2.1.2 of TAN 23 (Economic Development) emphasises that 'where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary'.

Notably for this project, para 5.6.4 of PPW11 also emphasises that “to unlock the full potential of rural areas, planning authorities should adopt a positive approach to employment arising from foundation and innovative and technology based sectors, including research and development”.

Within the above context, the Development Plan for the area comprises [Future Wales - the National Plan 2040](#) and the Neath Port Talbot Local Development Plan, with section 38(6) requiring decisions to be in accordance with the Plan unless material considerations indicate otherwise.

Future Wales - the National Plan 2040

Future Wales was only recently adopted in February 2021, after which date all Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

As a set of key strategic policies seeking to address key national priorities, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities, significant weight should be afforded to Future Wales to reflect its Development Plan status.

At such a strategic level, it is clear that the proposed GCRE would be broadly in accordance with both the objectives underpinning, and the policies within, Future Wales, as follows: -

- The proposal would support growth and regeneration in the Region, with both NPT and Powys Councils respectively providing public sector leadership in conjunction with the Welsh Government (Policy 3 refers).
- The scheme would introduce sustainable, appropriate and proportionate economic growth in this rural area, which would support “innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base, and creating higher paid jobs”, thus supporting the rural communities (Policy 4) and the Rural Economy (Policy 5).
- The development would create resilient ecological networks and green infrastructure (Policy 9 refers) as part of placemaking, using nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.
- The project would support the delivery of measures to improve national connectivity (Policy 11), and support an overall objective within Future Wales to support the continued development and expansion of rail infrastructure, which in turn will contribute to a stronger, inclusive and more equitable economy and to deliver prosperity for all by connecting people, communities and businesses across Wales to jobs, services and markets.

Future Wales (Policies 1 and 28) identifies Neath and Port Talbot as part of a *National Growth Area* where the WG seeks growth in employment and housing opportunities and investment in infrastructure. However, as the refined / final boundaries of such NGA are to be established through the Regionally-produced Strategic Development

Plans in due course, and having regard to the site's location in a rural area at the head of the Dulais Valley, it is considered that the proposal should not be interpreted as falling within the NGA. This means the development does not benefit from the added weight that would otherwise be given by Policies 1 and 28 of Future Wales.

Neath Port Talbot Local Development Plan

For the purposes of the Local Development Plan, the application site lies outside of any defined settlement boundary or site allocated for a specific land use (other than the safeguarding of the washery site as a freight facility – Policy TR4/4). Accordingly, it lies within the countryside and falls first to be considered against Policy SP3 – which sets out that inappropriate development outside of settlement limits would be resisted – and Policy SC1 (Settlement Limits) which sets out that outside such settlement limits development will only be permitted under 12 specific circumstances.

Looking at Policy SC1, it is clear that the proposed development amounts to much more than a 'small-scale employment use' (criterion 1), and thus the only criterion of relevance is no. 9, which permits development if it is "associated with the provision of ... infrastructure ... that cannot reasonably be located elsewhere".

'Infrastructure' is defined by the LDP as typically referring to "*matters such as roads, water supply, sewers, electricity and other social elements such as education, recreation and health facilities*". Although noting that this does not explicitly refer to rail projects, there is considered to be justification in applying a degree of flexibility in interpretation for a project of this magnitude, given its unique nature, and the fact that new rail infrastructure is very uncommon and so would not have been expected to be included in such a definition at the time of drafting of the LDP.

In this regard, both the rail infrastructure itself and the 'associated' development would broadly accord with criterion 9 insofar as they (clearly) could not reasonably be located elsewhere (the latter development, primarily at the washery site, being directly associated with the provision of the new infrastructure project).

Furthermore, the supporting justification to Policy SC1 states (at 3.0.16) "*whether specific development proposals are appropriate or suitable outside settlement limits will be assessed with reference to the relevant topic policies within this Plan and national policy*". In which respect, this interpretation is also supported by other policies within the LDP, insofar as the proposal would also accord with the principles embodied in Policy 20 (Transport Network) to develop the transport system and infrastructure in a safe, efficient and sustainable manner; and the need under Policy SP11 to encourage 'new and expanding employment development'.

LDP Policy SP6 also sets out the main measures that will be taken to implement the strategy of reinvigorating the valleys area, noting that the local economy and communities will be enhanced and reinvigorated and the distinctive environment will be protected through measures including taking a flexible approach to encourage employment uses, an objective echoed by Policy SP11 (Employment Growth).

And within that LDP context the broad compliance with the Policies within Future Wales is also critical in reaching the conclusion that the development as a whole would accord with the Development Plan in NPT.

Finally, given its Valleys location and relationship to numerous communities surrounding the site, both in Neath Port Talbot and Powys, this proposal is not only considered to accord with the wider objectives within PPW and the LDP to place sustainable placemaking at the heart of the planning process, and notably in the NPT Valleys area, but also the WG's recent policy guidance [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which focusses on post Covid-19 recovery in Wales. In this respect, the proposed GCRE will deliver healthy, thriving active places with a focus on a positive, sustainable future for our communities.

Previously Developed Land

A core principle of achieving sustainable development is using previously developed land in preference to greenfield land where possible. PPW11 defines previously developed land as that 'which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as are defence buildings and land used for mineral extraction and waste disposal where provision for restoration has not been made through development management procedures.

As the washery site has not been subject to any previous restoration consents and is occupied by existing built development, this area of the proposed development site satisfies the definition of previously developed land and the principle of redevelopment for modern industrial development is, subject to an assessment of its impacts, considered to be acceptable in principle.

Protection of Freight Facility

The Washery site is identified as a freight facility, safeguarded under Policy TR4/4 which specifically seeks to protect the rail connection and sidings. This project would result in the site and its rail connection/ sidings having even greater significance in the region, and accordingly the project would clearly accord with Policy TR4.

Minerals

Although part of the site is designated as a 'Coal Resource Safeguarding Area', and a very small proportion of the site falls within land designated within the LDP as a 'Settlement Protection Zone', there is now a presumption against the use of coal as energy within national policy, with para 5.10.17 of PPW11 stating that 'the safeguarding of primary coal resources is not required'.

Accordingly, and also given the extant planning permissions for restoration of the Nant Helen site, no objections are raised on mineral safeguarding grounds.

Principle of Development – Conclusion

Having regard to the above assessment, it is concluded that the principle of providing such rail infrastructure, and associated development in this countryside location, as part of a Global Centre of Rail Excellence, would broadly accord with the objectives of Future Wales, and the principle of developing such a centre in this location would be in accordance with the policies within the NPT Local Development Plan.

Nevertheless, it remains essential for a detailed analysis to be undertaken of the impacts of such a development to ensure that such a proposal would have no unacceptable impacts and, if such impacts are identified which cannot be mitigated, to then consider whether there are other material considerations which might indicate that development should be approved.

Such an assessment follows later in this report, after an initial review of the need for the development.

NEED FOR THE DEVELOPMENT / SOCIO-ECONOMIC IMPACT

The application documents have provided an extensive set of supporting submissions relating to the need for, and benefits arising from, the proposed development of a Global Centre of a Rail Excellence. Most notably, it is emphasised throughout that the UK does not currently have available anything approaching such a high-quality facility as that proposed at the site, with both public and private sector organisations currently, and frequently, having to use test facilities in Europe and the USA. In this respect, all the associated economic benefits of such activities go outside the UK, while also having further disadvantage of such facilities often being owned and operated by a single commercial entity, which stifles access to testing and innovation.

With projects such as HS2, CrossRail2, Northern Powerhouse Rail and the Cardiff Valleys transformation approaching, together with the soon to be time-expired status of the majority of the UK's signalling infrastructure (in itself an estimated £35bn renewals programme from 2025), the submissions emphasise that the need for safe and efficient testing to drive performance and cost-efficiency in the UK has never been greater, while operational independence and full open-market access is considered critical to allow competition and innovation to flourish.

Within this context, the GCRE project has, to date, been 'Welsh Government-led and supported by Industry', but is now moving towards an industry-led project supported by Government. In this regard, the GCRE is being progressed to address a number of specific industry issues, as well as offering wider socio-economic opportunities, as follows:

- Supporting UK train manufacturers and encouraging the establishment of further UK manufacturing facilities and testing capacity.
- Supporting the development of a UK digital railway industry by providing high quality and safe testing facilities for digital signalling, train control and asset management technologies.
- Delivering high-tonnage endurance testing of railway infrastructure particularly track and structures; such a facility will enable infrastructure to be rapidly tested and verified and would be unique in Europe, potentially attracting customers from around the world – Network Rail has a strong and confirmed interest in this element.
- Removing risk from the introduction of new trains and other assets by allowing them to be thoroughly tested prior to deployment. This would avoid the need for new trains being tested on the national network or rushed into service before all performance risks had been dealt with (note issues with new inter-city trains; certain electrification assets; and projects such as Crossrail). With

infrastructure and rolling stock testing in a single location, more robust systems integration testing can be conducted.

- Tackling ever-rising costs across the rail sector by allowing new technologies to be effectively tested and commissioned rather than committing them to operations before they are fully developed.
- Generating high quality employment and economic opportunities for communities in South West Wales.
- Providing further opportunities for sustainable technologies associated with the rail sector (electric, battery, links to sustainable generation).

Extensive *soft market testing* has been carried out throughout the GCRE's development in order to inform the design to ensure it would meet industry needs and expectations. The submissions have noted that GCRE offers potential benefits and opportunities to a number of organisations as summarised in Table 2 below.

Table 2: Organisational Benefits

Organisation	Proposed Development Benefits
<i>Local and National Government</i>	
Local Authorities	Creation of jobs and wealth in Neath Port Talbot and Powys will drive economic growth and an associated increase in rates revenues. Local companies could benefit from spill-over effects.
Welsh Government	The creation of jobs and wealth, and growth in inward investment, will drive economic growth and contribute to prosperity in Wales.
UK Government - Department for Business, Energy & Industrial Strategy (BEIS)	GCRE would contribute to delivering the UK's Industrial Strategy by catalysing technology development, accelerating the rail industry's contribution to exports by opening new markets, and helping to book the commercialisation of innovation.
UK Rail Research and Innovation Network (UKRRIN) / Research Organisations	Productivity gains will be delivered through the improved capacity to innovate, especially at higher Technology Readiness Levels (TRLs).
HM Treasury	The new jobs and local economic impacts will increase tax revenues. Industry-wide productivity improvements will improve the cost-effectiveness of public investment in rail projects. Innovation can reduce costs and increase passenger revenues, reducing the cost to the Treasury of running the railways.
Office for Road and Rail (ORR)	GCRE will deliver improved cost efficiency and competitiveness in the rail industry and will allow the ORR to better evaluate Network Rail's performance.
<i>End-Users and Local Organisations</i>	
Passengers	Better testing will reduce delays (removing the need to test on the live railway and increasing the likelihood of finding and solving errors at the testing phase before entering into passenger service). Innovation will contribute to extra capacity and other passenger benefits being rolled out.
Colleges and Higher Education	GCRE will offer opportunities for applied teaching, upskilling the workforce and tackle labour challenges in the rail industry by attracting young people to the industry.

Organisation	Proposed Development Benefits
<i>Rail Industry Organisations</i>	
Transport for Wales (TfW) Rail Limited	GCRE is a unique facility in close reach of TfW, this would result in the generation of operational cost savings.
Network Rail	The ability to test in a purpose-built facility would generate cost savings and productivity growth. Innovation would be converted into operational improvements much more quickly than can happen at present. Increased competition in the rail supply chain would lower costs.
UK Government - Department for Transport (DfT)	Productivity improvements would reduce the cost of building, operating and maintaining the railways. The faster commercialisation of innovation would enhance network capacity and improve the passenger experience sooner. Innovations developed at GCRE would allow the rail industry to contribute to the ambitious net zero carbon targets.
Train Operating Companies	Enhanced capacity, greater reliability and improved attractiveness of rail travel will lead to higher passenger revenues. Improved ability to commercialise innovation will help reduce operating costs.
Rolling stock leasing companies (ROSCOs)	Innovation and faster testing will increase productivity and reduce financial risk.
Train Manufacturers	Local testing capacity will reduce the time and cost of testing new rolling stock (e.g. by not having to transport vehicles abroad). Reliability of brand-new stock will be improved to match aerospace and automotive sectors. Problems with new rolling stock are more likely to be detected during a thorough testing process – this is less costly to fix than problems occurring when already in passenger service
Infrastructure Manufacturers	A streamlined process and additional capacity for testing their products will enable manufacturers to demonstrate reliability and acquire certification. Innovative ideas will be commercialised sooner.
Freight Operating Companies	Journey time improvements and enhanced capacity could generate extra revenues and mode shift in the freight industry. Innovation will accelerate the shift from diesel to sustainable traction.
Rail Safety and Standards Board	Railway safety standards could improve through new technologies that facilitate automation. The increased innovation and shortened development times will deliver productivity benefits.

There are essentially six main components to the proposal that form an integrated rail infrastructure project, which in combination, would make this a unique facility in the UK and Europe. Those components in summary are:

- Infrastructure Testing
- Vehicle Rolling Stock Testing
- Maintenance and Refurbishment
- Research and Development
- Decommissioning
- Power and Energy
- Education and Training

Central Government's recent Rail Sector Deal has identified the potential of the UK rail industry for driving innovation, employment and exports, with the test facilities and associated R&D activities at the proposed GCRE likely to be instrumental in both establishing UK industry at the leading edge of modern railway technology and

enhancing performance, increasing efficiency and removing risk from the introduction of new trains and digital management and control technologies.

In addition, the facility would boost the importance of South Wales in the national railway industry and create opportunities for local colleges and universities to become more active in railway research and training. For example, Coleg y Cymoedd, with its Centre of Excellence for Railway Training, could benefit greatly from GCRE by giving its students second-to-none practical experience.

GCRE would also generate a consistent flow of inward investment into Wales, contributing to policy goals by the DfT of “enhancing our global competitiveness by making Britain a more attractive place to trade and invest” (Transport Investment Strategy, 2017) and the Welsh Government by “promoting and protecting Wales’ place in the world” (Wales National Strategy, 2017).

Within the context of R&D investments, it is also noted that the UK Government sees the decarbonisation of transport as critical and the rail industry of significance in achieving a net-zero economy by 2050. To deliver on this objective, the strategy identifies the importance of taking up new technologies and the requirement for investment in both rail infrastructure and rolling stock. GCRE would provide a testbed for new, green railway technologies, hence helping the UK to becoming net-zero by 2050. This also demonstrates that GCRE is in line with the Well-being for Future Generations Act.

Post-Covid Economic Situation

It is also clear that the application has been submitted and is being assessed during a time of health and economic crisis as a result of the global Covid-19 pandemic. The short-term impacts have, of course, been significant, with it being too early to predict with any accuracy the medium- and long-term economic impacts. Nevertheless, it is clear that the potential benefits of the GCRE would be welcomed at any time but especially so in a wider context where there is a need to invest in the future, and bring forward new development which can stimulate further investment and confidence in the region, in Wales and the wider UK.

The rail industry in particular has been hit hard by the steep decline in rail passenger journeys throughout the pandemic, leading to lost revenue. The UK Government and Transport for Wales have put in place temporary support and financial arrangements, but with the significant costs of the pandemic likely to be a burden on public finances for a generation, there will inevitably be an increasing need to deliver maximum efficiency and cost efficiency in the rail sector as we emerge from the national crisis and set a course for the future. Infrastructure spending will also be needed to kick-start the economy and the rail sector will need to innovate to accommodate changes in customer and operator user needs as a result of the pandemic, such as adapting to a future ‘low contact economy’.

GCRE is well placed to provide a solution for both of these issues, through its focus on infrastructure (including digital infrastructure), innovation and transport delivery efficiency, and its potential contribution to supporting transport, mobility and the economic benefits which come from connectivity. It can be an *immediate and positive response* to the economic impacts arising from the pandemic in Wales and in the UK,

providing a short-term benefit, while developing an asset that will deliver positive outputs and outcomes over the longer-term.

Benefits to the Wider Welsh Economy

The submissions indicate that the proposed GCRE's Economic Case demonstrates *Very High Value for Money* with a Net Present Value (NPV)¹ of between £0.9bn and £1.4bn over the 60-year lifecycle.

Notably, the development is also estimated at delivering a Gross Value Added (GVA) uplift to the Welsh economy of between £51m and £122m (as well as bringing a number of long-term environmental benefits to the UK). The above figure is calculated based on 10 years of employment impacts (direct, indirect, and temporary construction jobs) and Wales GVA per job figures.

Socio-Economic Impacts at a Local Scale

In addition to the overall, wider economic and other benefits described above, the GCRE is anticipated to have a positive socio-economic impact on a local scale for communities surrounding the site both during construction and operation.

During construction, for example, it is anticipated that: -

- There would be potential employment and training opportunities which could benefit the local and regional economies;
- GCRE could create between 53 (phase 1) and 163 (phase 3) net direct jobs.
- Given the relatively high percentage of construction workers in the local study area, it is a reasonable assumption that a reasonably high proportion of local construction employment could be sourced from within the local communities surrounding the site, albeit specialist rail-related construction services – approx. 10-20% of workforce - would be likely to be drawn from a wider area).
- Procurement would be carried out in consideration of the Welsh Government's [Community Benefits Guidance](#) which sets out how projects can deliver benefits to Wales and to local communities through targeted recruitment and training, and supply chain initiatives. Note: a condition is recommended to address such a local labour strategy.
- As well as providing direct employment benefits, the proposed development would also bring economic benefits due to induced spending in the local area from the construction workers.
- In addition, wider benefits from induced spend, e.g. accommodation would potentially be felt of the more specialist non-local workforce.

¹ NPV stands for Net Present Value, which is the present value of costs and benefits to UK society. It is a sum of the stream of future costs and benefits to UK society, which are discounted over the life of a proposal to their present value. This helps comparison of future values which may occur at different times and factors in the concept of time preference (i.e., people prefer value now rather than later). These include social, economic and environmental benefits; and direct public costs (capital and revenue), indirect public costs to other public sector organisations (capital and revenue), wider costs to UK society, and risk costs (optimism bias and/or estimated risk cost).

During operation, it is anticipated that: -

- GCRE could create between 141 (during phase 1) and 298 (phase 3) direct and indirect net jobs;

Item	Phase 1	Phase 2	Phase 3
Support Staff Jobs (Net, Direct, Permanent)	20	20	20
R&D & Technical Staff Jobs (Net, Direct, Permanent)	22	50	61
Staff Induced Indirect Jobs (Net, Indirect, Permanent)	66	149	184
Visitor Induced Indirect Jobs (Net, Indirect, Permanent)	33	33	33
Total Permanent Jobs	141	252	298

- Many of these jobs will be high skilled, and it is anticipated that not all will come from the immediate local community at first due to new capabilities being required. Notwithstanding this, there will be a number of required roles e.g. site and facilities management, security, rail infrastructure maintenance, train maintenance and hospitality which could be filled from the wider study area. There is also the potential for additional academic jobs to be created alongside the main project.
- In addition, GCRE would encourage learning and training opportunities for those in the local area to develop rail industry expertise. This could lead to an increase in potential for more local jobs at the site in the future.

Finally, in the ES it is stated that an objective of the site is to "*act as a catalyst for the creation of a rail technology hub in Wales*", which could be transformational for the rail industry in the UK. These benefits (all forming part of the calculation of the NPV and GVA benefits) include:

- Rolling Stock Testing – Cost Savings
- Rolling Stock Testing – Reduced Disruption
- Rolling Stock Testing – Earlier Passenger Benefits
- Infrastructure Testing – Cheaper Testing
- Infrastructure Testing – Faster, Better and More Testing
- Research Hub – Return on R&D Investment

Conclusion

It is thus clear that the introduction of and potential socio-economic impact from the proposed Global Centre of Rail Excellence is multi-faceted, at a local, regional and National level. Moreover, locating such a facility in a valleys area which experiences relatively high levels of deprivation, could be transformational in impact.

LANDSCAPE AND VISUAL IMPACT

Future Wales (2040) confirms that Wales' natural resources, including its landscape support a range of activities and sectors and are assets of great value in their own right. Planning Policy Wales states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goals.

PPW confirms that planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans. In this case the site is on the periphery of the Brecon Beacons National Park and therefore the Authority will need to consider the impact on the National Park both directly and on its setting.

Members will of course be aware that planning permission has already been granted for all of the 'earthworks' necessary to achieve the platforms (part in cutting and part on embankment) for the proposed rail infrastructure. Within that application, a detailed assessment was undertaken on the visual and landscape impacts of such works, including on the setting of the National Park, and it was concluded that the identified impacts were outweighed by the benefits of the development in creating a flexible and adaptable landform to support a wide range of future uses.

The proposed development's landscape and visual impact has been considered within Chapter 9: Landscape and Visual of the Environmental Statement, its figures and appendices, which include; Context Plan, Zone of Theoretical Visibility (ZTV) Plan, Viewpoint Map, Mitigation proposals, Landscape Character Areas and photomontages. The ES advises that the impacts have been assessed based on worst-case winter conditions where screening by vegetation is least effective.

Landscape and Visual effects arising from the proposed development including changes to the landscape character within the zone of influence, and changes to features or composition of views have been considered. Effects on landscape and visual receptors (its characteristics, key features and special qualities, and visual receptors are people and changes to their visual amenity) is closely related but has been separately assessed within the ES.

The assessment is also based on the future baseline once the Nant Helen Restoration and Nant Helen Complementary Restoration Earthworks have been completed. In this respect it is also noted that mitigation proposed as part of the closely related Nant

Helen Complementary Restoration Earthworks application (P2020/0362 and PCC - 20/0738/FUL) that will also contribute to the mitigation of the effects of proposed development is described and accounted for throughout the assessment. Accordingly no further assessment of their landscape and visual impact is required (other than in combination with the development hereby proposed).

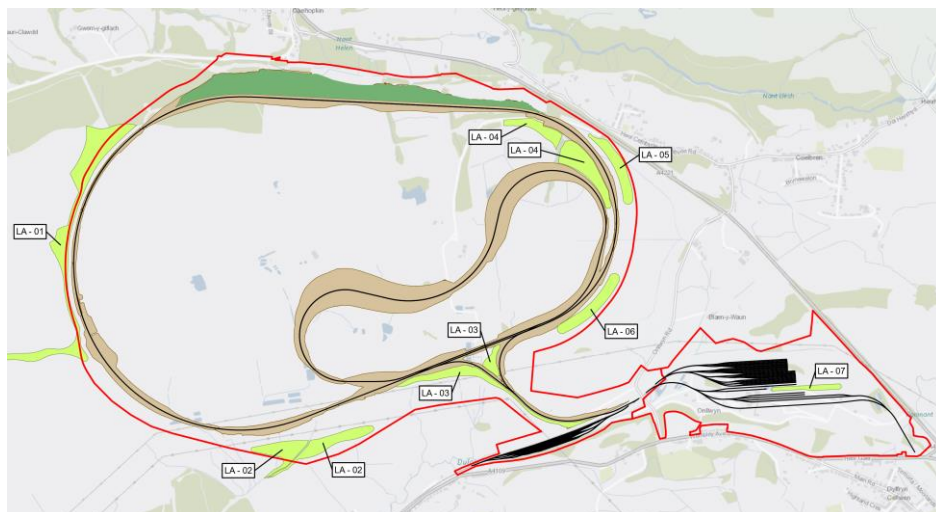
Having regard to the above, the main impacts to be considered in this application relate to:

- Construction Impacts (over and above the approved earthworks);
- The laying of rail tracks and associated infrastructure, including platforms, overhead gantries etc.;
- New railway sidings;
- New built development and infrastructure at the Washery;
- Access roads, car parking, drainage and landscaping; and
- The operation of the test tracks / facility.

Mitigation Measures

To reduce potential landscape and visual effects a number of mitigation proposals have been incorporated into the proposed development design including:

- Landscape and visual mitigation planting (see extract below from Figure 9.14).



- Acoustic barriers are to have wooden cladding on external faces to minimise visual impacts.
- Train carriages are to be unlit outside of daylight operational hours.
- The vehicle maintenance track shall be on the outside of the rail track. This ensures that the tallest features (overhead line equipment and trains) are furthest back from the embankment edge and any screening planting is most effective.
- Overhead line equipment to be cantilevered to minimise visual effects.

Landscape Character

The site falls partially within the Head of Dulais Valley Landscape Character Area (medium value) – mostly the washery area – and (predominantly) the Nant Helen Reclaimed Uplands Landscape Character Area, a landscape defined by past and present mining activity. Present mining activity dominates the north and eastern extents of the character area and there is evidence of previous mining activity to the south. Areas of upland moorland with predominantly rough grassland and bracken landcover and further areas of marsh and grassland. Large areas are used for grazing. The overburden mound associated with the mining activity stands as a prominent and evidently man-made feature visible from the wider landscape. A number of PROWs cross the character area, many of which are temporarily suspended through the mining site. Mining activity within the character area is a detractor from its use for recreational purposes. Pylons run from east to west along the southern extent of the character area and contribute to the overall large-scale industrial character. The Ystradgynlais Scheduled Monument Tramroad is further evidence of the industrial history of the character area and the importance of mining in the historical development of the wider landscape. The value of this Landscape Character Area is assessed as Low.

As a consequence of the approved earthworks development, the introduction of engineered earthworks would result in the loss of key features of the Nant Helen Reclaimed Uplands landscape character area such as (part of) the Tramroad at Ystradgynlais and landcover that has already been restored. However, in combination with the Nant Helen Restoration, the loss of restored landcover will be offset by the filling of the opencast void, and loss of mining activity and the reduced prominence of the overburden mound and increased naturalistic character of the landform.

It was thus concluded that, on balance, the earthworks in combination with the restoration of Nant Helen Surface Mine would have a mix of adverse and beneficial effects on the landscape character area and any adverse construction phase effects will be sufficiently limited in temporal scope and are considered acceptable.

The additional features proposed to facilitate the GCRE as part of this application will include the test tracks, gantries, platforms, station building etc., all of which will sit on the engineered earthworks in the newly re-profiled and restored landscape. They will, however, further add engineered / manmade elements into this changed landscape. The operation of the facility will also add large-scale activity and noise, and even with mitigating planting under both schemes, would change the way in which the landscape is perceived. Such impacts, while not significant, are considered to be acceptable within the wider context of the approved earthworks, but nevertheless need to be considered as part of the overall planning balance.

Works within the Heads of Dulais Valley LCA would include the construction of maintenance and storage sheds, research and development centre and a multi-storey control centre building as well as rail sidings for up to 400 vehicles. These works would be at the washery – which would see all existing buildings demolished. In this regard, it is considered that the proposed new development, while introducing new development, would not directly impact on the landscape character area.

Visual Impact

The Environmental Statement (ES) considers 18 different viewpoints surrounding the site, of which five are within NPT – see Figure 8 below). The methodology for the assessment considers the sensitivity of the receptor, the magnitude of change and the significance of the effect. The overall significance of effect is based on the combined overall magnitude of change as a result of the completion of the earthworks and GCRE project.

The NPT Viewpoints are as follows: -

- **Viewpoint 7** Distant view from Pen-Rhiwfawr.
- **Viewpoint 13** Distant view from School Road, Ystalyfera.
- **Viewpoint 16** View north / north-west from properties on the A1049. This viewpoint is representative of views experienced by residential receptors.
- **Viewpoint 17** View west from Onllwyn, Cemetery. This viewpoint is representative of visitors to the cemetery.
- **Viewpoint 18** View north from Sarn Helen Roman Road and Byway 28/39.N.Hi/1, along the ridge of Hirfynydd. This viewpoint is representative of recreational users of the footpath.

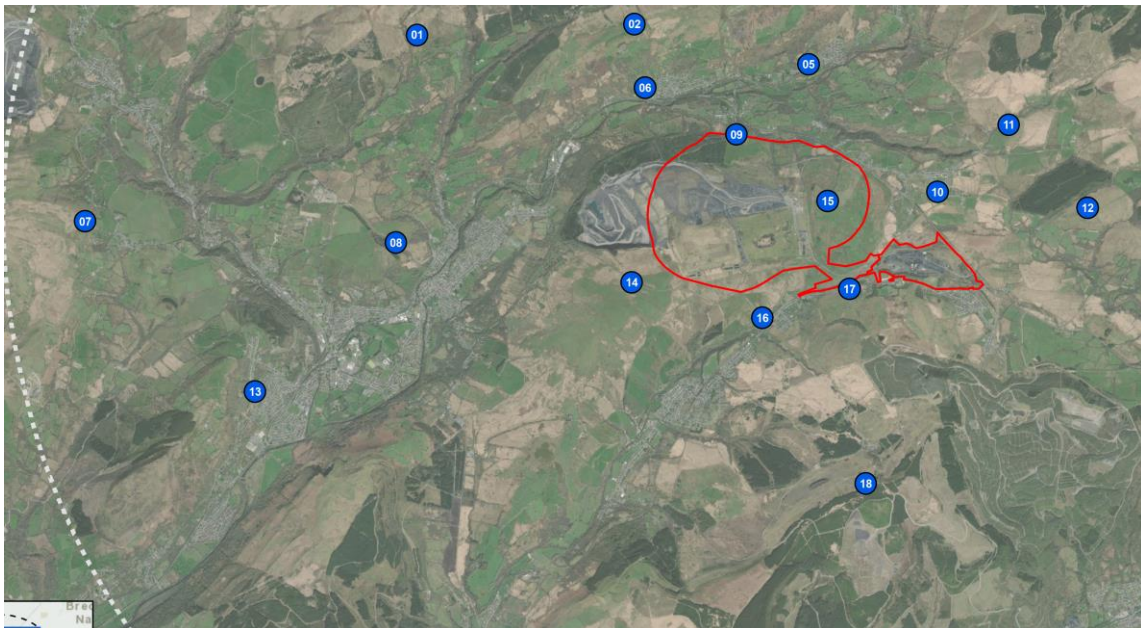


Figure 8: Viewpoints (Extract from ES)

Construction Impacts

The ES identifies the extent of impacts at construction on the viewpoints within NPT as follows: -

Table 3: Potential Visual Effects due to Construction Impacts

Receptor	Sensitivity of Receptor	Magnitude (prior to mitigation)	Significance (prior to mitigation)
VP7	High	Negligible (Adverse)	Minor (Adverse)
VP13	Medium	Low (Adverse)	Minor (Adverse)
VP16	Medium	Medium (Adverse)	Moderate (Adverse)
VP17	Medium	Low (Adverse)	Minor (Adverse)
VP18	High	Medium (Adverse)	Moderate (Adverse)

In summary, while the construction will be visible at varying distances (for example, at VP16 construction will be visible within 500m of the viewpoint and at VP17 within 250m of the viewpoint) the impacts are not considered to be significant even given the direct views of large-scale construction activity. On more distant but elevated views such as VP18, due to the central location of the site in the wider panorama, the significance of effect would be Moderate (adverse). Such construction operations are also, of course, temporary in nature, albeit it is acknowledged that the earthworks scheme (approx. 73 weeks) would mean that the extent of such operations would be extended further, thus increasing the perception of such impact locally.

Operation / On Completion

The ES identifies the extent of impacts on completion on the viewpoints within NPT as follows: -

Table 4: Potential Visual Effects due to the on completion impacts of the Project.

Receptor	Sensitivity of Receptor	Magnitude (prior to mitigation)	Significance (prior to mitigation)	Magnitude at year 15 (post mitigation planting)	Significance at year 15 (post-mitigation planting)
VP7	High	Medium (Adverse)	Moderate (Adverse)	Low (Adverse)	Minor (Adverse)
VP13	Medium	Medium (Adverse)	Medium (Adverse)	Low (Adverse)	Minor (Adverse)
VP16	Medium	Negligible (Beneficial)	Negligible (Beneficial)	Low (Adverse)	Minor (Adverse)
VP17	Medium	Negligible (Adverse)	Negligible (Adverse)	Negligible (Adverse)	Negligible (Adverse)
VP18	High	Low (Beneficial)	Minor (Beneficial)	Low (Adverse)	Minor (Adverse)

The table above indicates the impacts 'prior to mitigation' and post mitigation (at year 15). The mitigation areas are identified on the extract from 9.14 above. The ES notes that the incorporation of mitigation would result in reduced significance of effects and

a slight reduction in adverse effects within the first 5 years due to mitigation planting. Once mitigation planting has established in 10 – 15 years it is anticipated there will be no residual significant landscape and visual effects from viewpoints in NPT (however there would be moderate or major (adverse) residual impacts on 4 viewpoints from Powys or Brecon Beacons National park given their proximity or elevated nature of views).

The development of a Landscape Strategy is also recommended to ensure the surrounding landscape is fit for purpose and gives consideration to the local landscape character. As for the earthworks, while a significant focus will be on the planting of the northern embankment (given the National Park impacts assessed within that report) the landscape strategy will be expected to consider the whole of the site including areas in NPT.

In terms of the tracks and associated overhead lines etc. the development would introduce urbanising features but these would constitute a small proportion of much wider views, perceptible but not significant. Other larger new platform and station building structures, along with sidings, would introduce further built development, albeit this would be viewed within the wider context of an operational test centre, thus ensuring that such visual impacts (subject to design of the structures) would be reduced to an acceptable degree.

In terms of the new development within the washery area, some of the structures would be potentially significant in size, and individually and cumulatively would have a greater visual impact than the existing washer buildings and structures they would replace. Nevertheless, the new structures would be modern and purpose-built, and while introducing a greater scale of development, would improve the overall visual character and appearance of the site in views, with the design of such buildings and their relationship to each other and the wider site being controlled through reserved matters submissions.

The operation of the facility itself, including the movement of trains around the site and into the washery, would introduce movement but not to an extent that would have any demonstrable adverse visual impact, and in any event the magnitude of such change would reduce at year 15 once landscaping has become established.

Having regard to Future Wales, PPW 11 and the general countryside protection policies within the LDP, it is thus concluded the landscape and visual impacts of the development, subject to mitigation planting, would not have a significantly adverse impact on the countryside.

Impact on National Park

PPW confirms that planning authorities have a statutory duty to have regard to National Park's purposes. This duty applies in relation to all activities affecting National Parks, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans (para 6.3.5).

NRW and Brecon Beacons National Park Authority (BBNPA) have also considered the ES and the potential impacts the proposed development could have on the Brecon

Beacons National Park (BBNP) which at its closest point is located approximately 96m from the development. The development would be prominent from several areas within BBNP, which are of high scenic quality and sensitivity. While the impacts arising from the development are predominantly (if not wholly) due to the extent of the site within Powys, the Authority will nevertheless need to have regard to the impact on the National Park both directly and on its setting.

In this respect both NRW and BBNPA have expressed concerns in relation to its visual impact when viewed from the Brecon Beacons National Park. BBNPA state that they have very significant concerns about the adverse impacts on the Special Qualities of the Park, namely its *"sweeping grandeur and outstanding natural beauty"*; *"A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal"*, and the *"working, living "patchwork" of contrasting patterns, colours, and textures"*.

Although they state that the applicant has responded positively or provided suitable clarification on issues raised at PAC stage by BBNPA, there remains very significant concerns in respect of the residual adverse effects on landscape. Notably, these relate to concerns about tranquillity, which is most significant from "the Trig point on Cribarth" (viewpoint 3) located within the BBNP. In this respect they express concern over whether the proposed noise mitigation would safeguard the tranquillity experienced at the Trig point (viewpoint 3).

It is acknowledged that recreation receptors within the National Park have a high susceptibility as their attention is concentrated on available views from the elevated topography. While the most prominent views are on the areas within Powys, nevertheless the potential for impacts on tranquillity must be considered. In response, the agent has noted that this location is *circa 2.5km from the proposed development site and at this distance they "would not anticipate noise levels from the site to be above existing background noise levels"*. Further adding that *"although the locations identified are remote, the noise from the existing workings at Nant Helen is very different to the type of noise that would be generated by the proposed development and the application includes suitable mitigation in order to reduce / minimise noise effects"*.

Having regard to such submissions, and the distances involved, it is considered that the tranquillity of this area (in landscape and noisescape terms) would not be affected to any demonstrable degree.

Nevertheless, there will be an adverse visual impact on receptors in the BBNP during construction and potentially for at least 15 years post-construction. That impact must be given significant weight in the planning balance to be applied in this case.

NRW however acknowledge that there should be a careful consideration on balance of the proposal when considering the other benefits of the development and they support the recommendation of mitigation to achieve a high-quality design.

It should be noted that PPW states that in National Parks or AONBs, special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need, refusal would be

severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:

- the need for the development, in terms of national considerations and the impact of permitting it or refusing it upon the local economy;
- the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way; and
- any detrimental effect on the environment and the landscape, and the extent to which that could be moderated and/or mitigated.

It therefore stands to reason that if these exceptions would apply inside National Parks then they can also reasonably be applied to developments in areas which may impact on the setting of National Parks. This is considered later as part of the overall planning balance.

External Lighting / Dark Skies

There is potential for the development to create light pollution which, given the proximity to the National Park and its International Dark Skies Reserve accreditation, is of notable importance. In this respect the submissions indicate that it will be important to restrict external lighting to the minimum necessary and use directional low lux lighting. It is also noted that train carriages will be unlit out of daylight operational hours.

A night-time assessment has been undertaken and is included as a separate appendix in the ES (Appendix 9E), albeit it is limited due to the level of development of the lighting design. Accordingly, a light pollution/dark skies assessment will be required to be undertaken and used to influence the final lighting scheme, which will be controlled by condition.

LVIA Conclusion

The above assessment indicates, in summary, that there will be some landscape impacts arising from the construction and operation of the GCRE, but that these will reduce once mitigation planting has established in 10 - 15 years with no residual significant landscape and visual effects from viewpoints in NPT. However there would be moderate or major (adverse) residual impacts on 4 viewpoints from Powys or Brecon Beacons National park given their proximity or elevated nature of views.

Subject to the mitigation being controlled, including through design and implementation of a detailed landscape strategy, it is considered that the landscape and visual impacts of the development would be minimised, with the residual impacts detailed above needing to be considered in the 'planning balance'.

IMPACT ON RESIDENTIAL AMENITY

Planning Policy Wales 11 places an increasing emphasis on clean air and an appropriate soundscape² as part of its placemaking agenda, in the creation and protection of distinctive and natural places, and in achieving WG's sustainable development outcomes.

In this respect it emphasises that clean air and an appropriate soundscape contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

It also notes that lower levels of noise can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary; and that the planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution and in taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments.

In proposing new development, planning authorities and developers must, therefore not create areas of poor air quality or inappropriate soundscape; and seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

In specific reference to developments which could create noise, TAN 11 states at Paragraph 8 that *"Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions."*

Future Wales (2040) emphasises the need to 'develop infrastructure responsibly', noting that *"when proposing new transport infrastructure or new development, average population exposure to air and noise pollution should be reduced and soundscapes improved where it is practical and feasible to do so. At the very least, exposure to pollution should be minimised"*.

LDP Policy SP16 (Environmental Protection) states that *"Air, water and ground quality and the environment generally will be protected and where feasible improved through ... Ensuring that proposals have no significant adverse effects on water, ground or air quality and do not significantly increase pollution levels; and ... Ensuring the developments do not increase the number of people exposed to different levels of pollution."*

² By which they mean the acoustic environment as perceived or experienced and/or understood by a person or people, in context (ISO definition)

LDP Policy EN 8 seeks to ensure that any proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk will not be permitted. This includes from noise pollution. Policy BE1 also states that development proposals will only be permitted where they would not have 'a significant adverse impact on ... the amenity of occupiers of adjacent land or the community.'

The Pollution Supplementary Planning Guidance then sets out the Council's expectations on how development will comply with the above National and Local Policies.

Noise and Vibration Impacts

The proposed development's impact in respect of noise has been assessed within Chapter 10: Noise and Vibration of the Environmental Statement.

Noise Impacts – Construction

It is first of all emphasised that all impacts arising from the construction of the advanced earthworks have already been assessed and granted planning permission under application ref. P2020/0362 (NPT) and 20/0738 (PCC). That permission includes many noise-related conditions, notably the requirement for a robust Construction Environmental Management Plan (CEMP).

Subject to permission being granted, it is now anticipated that such earthworks would be undertaken as part of a concurrent implementation of both consents and, in that regard, in practice it is highly likely that a single CEMP will be produced which will address all matters relating to construction and demolition of both the earthworks proposals and the GCRE development. Nevertheless, the assessment below (and recommended conditions) must consider only the GCRE proposals, and must stand-alone, albeit with an intention for the respective conditions to dovetail (as far as possible / relevant) for ease of understanding and to smooth the process of discharge and subsequent compliance.

However, it is also noted that the Onllwyn Washery site did not form part of the Nant Helen Earthworks application and therefore the General Environmental Health response has provided detailed comments regarding noise associated with construction from the Washery.

The ES has assessed construction and demolition impacts and the predictions do not identify significant widespread impacts from construction at the identified receptors during the construction period. This is accepted by the Council's Environmental Health Officer, albeit noting that at Receptor R7 (houses in Onllwyn to the north of the A4109 Wembley Avenue, closest to the existing washery facility) there is a predicted short term impact while the existing buildings on the washery site are being demolished.

However, these predictions do not take into account any mitigation measures that may be provided to reduce the impact, such as those referred to in the Outline Construction Environmental Management Plan (CEMP) which has been submitted as a mechanism for minimising construction noise and vibration (Appendix 3A). And in that respect the EHO is in agreement that the majority of impacts of construction can be managed through a detailed CEMP which should be conditioned. Officers have also confirmed

that they have reviewed the draft CEMP and are happy with the approach therein, noting that the CEMP should include a detailed demolition plan for The Washery, identifying any potential noisy activities and available mitigation measures to minimise the impact, in particular on R7.

The EHO has also noted that an essential element to the control of impacts from the construction and demolition phase will be the ongoing monitoring of noise emanating from the site. Accordingly, they recommend the inclusion of a condition requiring a scheme to be agreed for ongoing monitoring of noise from both the construction and operation of the site. Such a scheme will seek to achieve an appropriate balance which will reduce the burden on the Local Authority to monitor noise levels while encouraging a proactive approach to any noise issues reducing the impact on neighbouring communities. Such a scheme may include the requirement for the operator to include a degree of continuous monitoring on request.

In respect of construction, hours of 7am-6pm Monday to Fridays and 8am-1pm on Saturdays have been proposed with no construction activities on a Sunday or Bank Holiday. This is broadly in line with Neath Port Talbot's usual approved hours of construction, albeit a 07:00 hours start is considered appropriate in this instance given the existing (earlier) hours at the washery. Therefore the EHO has no objection. It is noted that these hours differ slightly from the other approved hours for the earth works planning application and therefore they have recommended a separate hours of construction condition for The Washery for clarity.

Noise Impacts – Operation

The Environmental Statement notes that the primary approach to controlling operational noise from the proposed GCRE facility has been to minimise noise to all the surrounding communities regardless of existing noise levels through the proactive use of appropriate noise mitigation, without introducing other adverse impacts such as visual intrusion. This approach is in line with the Welsh Government's main noise policy document, the [Noise and Soundscape Action Plan 2018- 2023](#) (para 10.3.12).

The main criteria for the operational noise assessment are identified in table 5 below which is used to review how the external (outdoor) noise levels predicted as part of the operational noise assessment compare against the criteria in the last column of the table.

Table 5: Criteria for operational noise assessment (Table 10.1 in ES)

Time period	Noise metric	Internal noise criteria	Acoustic transmission loss of partially open window	External noise criteria*
Daytime 0700-1900	Overall scheme noise level, $L_{Aeq,T}$	Living areas: 35dB**	15	50dB
Evening 1900-2300	Overall scheme noise level, $L_{Aeq,T}$	Living areas: 35dB**		50dB
Night-time 2300-0700	Overall scheme noise level, $L_{Aeq,T}$	Bedrooms: 30dB**		45dB
	Maximum train noise levels, $L_{Amax,F}$	Bedrooms: 45dB***		60dB

*free-field external noise levels; **from BS8233 2014 Table 4; ***from BS8233 1999 Table 5 and ProPG

For the purposes of assessing noise from the facility during its operation, three features of the scheme have been assessed:

- The rolling stock test track.
- The high tonnage infrastructure test track.
- The sidings and facilities in and around the old washery site (the washery).

Each of these are summarised below to emphasise the nature of operations and the assumptions made within the assessment.

The *Rolling Stock Test Track* will be used to test trains at speeds of up to 110mph, and will be 'open for business' to clients all year '24/7' (24 hours a day 7 days a week). However, while the flexibility for the facility to run into the evenings and night-time periods when required is an essential part of the business case for the GCRE - allowing clients to meet tight testing deadlines – it is unlikely that the scheme facilities will be constantly in use 365 days a year with no downtime and it is also likely that testing will more commonly occur during the daytime than the evenings/night-times. In this respect, reasonable worst-case assumptions have been developed for the purposes of the assessment, in the form of average usage for daytime, evenings and night-times as follows:

- When in use, a train would typically complete approximately 20 circuits of the test track per hour. A typical train is assumed to be 12 cars (carriages) in length;
- On average over a typical year, the rolling stock test track has been assumed to be in active use for:
 - Five daytimes (0700- 1900) out of every seven
 - Five evenings (1900- 2300) out of every seven
 - Two night-times (2300- 0700) out of every seven

The *high tonnage infrastructure test track* would be used to test railway infrastructure (such as rails, trackform and track foundations) by running a heavy freight train around the test track at speeds of up to 40mph. Unlike the rolling stock test track, the high tonnage infrastructure test track has been assumed to operate seven days a week (as opposed to five) in order to maximise the tonnage which can be run over any rail infrastructure which is 'on-test'.

To reflect the above, the following reasonable worst-case assumptions have been used for the assessment:

- The typical train used to stress-test infrastructure would comprise of two locomotives pulling 40 freight wagons;
- When in use, the train would complete approximately 14 circuits of the test track per hour
- On average over a typical year, the high tonnage infrastructure test track has been assumed to be in active use for
 - Seven daytimes (0700-1900) out of every seven
 - Five evenings (1900-2300) out of every seven
 - Two night-times (2300-0700) out of every seven

Much of the infrastructure test track is in cutting and hence earthworks will provide some noise mitigation, while on the southern side of the test track the noise mitigation provided for the rolling stock test track will also provide noise shielding from the infrastructure test track to nearby communities. This has been taken into account in the noise predictions.

The Council's Environmental Health Officer (EHO) has reviewed the noise assessment and modelling and is in agreement with the operational noise criteria as these values are derived from current UK Guidance and provide adequate protection to residential amenity. They have also considered the predicted noise levels and are satisfied that these have been derived from sensible comparative operations.

Development at *the Washery site* will include a maintenance shed, a train wash, a train decommissioning facility and railway sidings (as well as research and development, education and training). The facility will see sporadic train movements around the site – primarily during the day, but occasionally at night – between the sidings, maintenance shed, train wash and the test tracks.

Primary noise sources would consist of trains moving at low speeds (around 5mph) around the facility, noise breakout from the maintenance shed and decommissioning facility and noise from the train wash. All of these noise sources have been included in the noise assessment, with the following assumptions also made: -

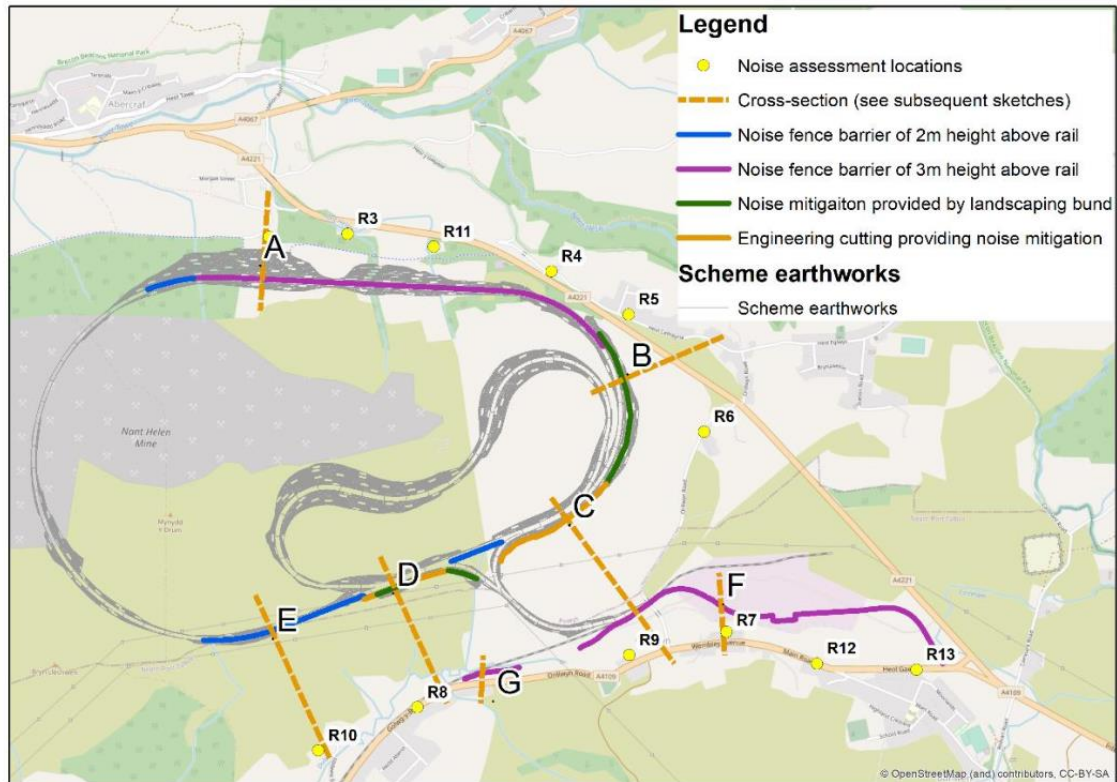
- During night-time (2300 – 0700) only trains (1 set of movements) and maintenance shed (with doors shut) would operate.
- The vast majority of train movements within the facility during the night-time will be electric-powered. However, occasionally a diesel-hauled train may deliver a train to the facility – or collect one – during the night.
- Outdoor decommissioning/train dismantling activities would not take place during evening or night-time.

In order to minimise noise breakout from the washery facilities, western sidings and headshunt to nearby communities, a noise barrier of 3m above rail height has been assumed to be located alongside their southern perimeter. This noise barrier may double as a security/perimeter fence.

Nearest Noise-Sensitive Receptors

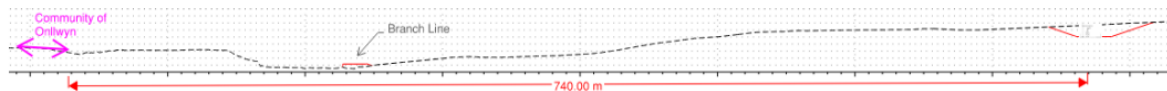
Figure 9 below indicates the nearest Noise-Sensitive Receptors which have been used for the noise assessment, with R7 – R13 within NPT and the remainder in Powys.

Figure 9: Location of noise sensitive receptors

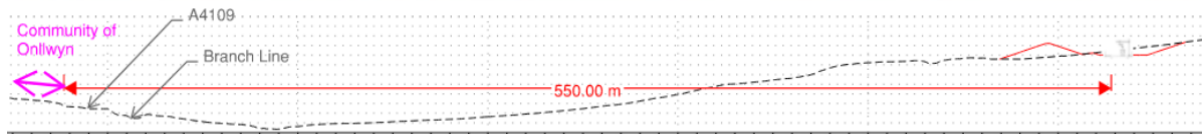


The figure also identifies a number of cross-sections, with the following summary identifying the relationship of the development to the community of Onllwyn to the south in NPT (Powys's report will consider matters relating to Powys).

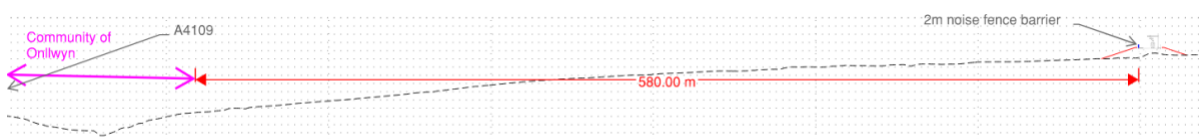
Section C: The engineering cuttings in which the test tracks sit provide the noise mitigation by acting as a noise barrier.



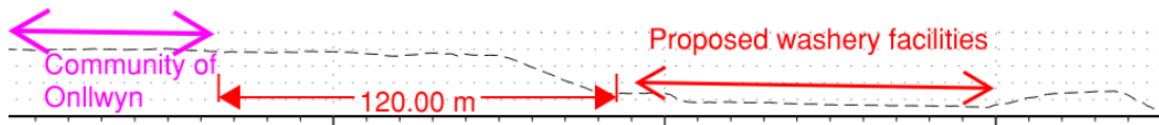
Section D: The shallow engineering cuttings in which the test tracks sit have been enhanced with additional landscape bunds to provide noise mitigation by acting as a noise barrier.



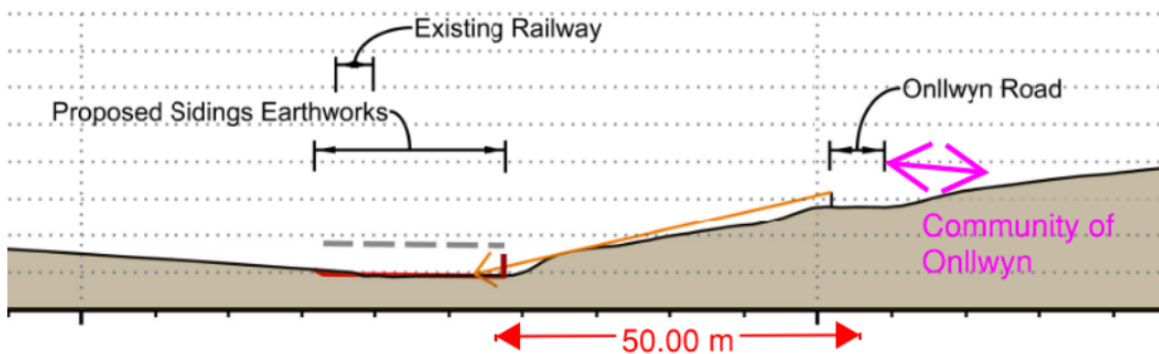
Section E: Due to the close proximity to the Scheduled Ancient Monument, a noise fence barrier provides the noise mitigation instead of a landscape bund.



Section F: The washery facilities will be screened from view of the nearby community by the natural landform and the existing planting. A noise barrier will be provided alongside the facility to minimise noise to communities.



Section G: This section of the scheme features some railway sidings which would be used for medium or long-term storage of trains. The washery facilities will be screened from view of the nearby community by the natural landform and the existing planting. A noise barrier will be provided alongside the facility to minimise noise to communities.



Noise Impact: Assessment

The ES includes significant detail of the existing noise levels at the nearest sensitive receptors (see figure 9 above) at Table 10.4.

Although the scheme has sought to 'embed' mitigation into the design of the scheme, at the request of Officers the ES has then predicted noise levels both with and without the proposed noise barriers (Table 10.5) over each of the daytime (0700-1900), evening (1900- 2300) and night-time (2300 – 0700) periods.

This data is also shown visually on associated figures which can be viewed using the following links: -

- [Figure 10.1 Noise Emissions Day](#)
- [Figure 10.2 Noise Emissions Evening](#)
- [Figure 10.3 Noise Emissions Night](#)
- [Figure 10.4 Noise mitigation cross-sections](#)

Having regard to the detailed context set out above, the conclusions reached within the noise assessment are that: -

- For the daytime and evening periods, the envisaged noise mitigation in the form of noise barriers and/or bunds keeps the overall (LAeq,T) noise levels from the facilities below 50dB(A) at all communities.
- During daytimes and evenings, noise levels inside dwellings – assuming a typical 15dB(A) reduction provided by a (partially-open) window – will be kept below the 35dB(A) criterion set out in table 5 above (ES Table 10.1).

- For the night-time period, the noise mitigation keeps overall noise levels from the facilities below the level of 45dB $L_{Aeq,T}$ at all communities and hence noise levels inside bedrooms to below the 30dB(A) $L_{Aeq,T}$ criterion set out in table 5 above (ES Table 10.1).

The assessment has also considered maximum noise levels from the trains which would be tested on the rolling stock test track and concluded that at all residential receptors, the maximum noise levels ($LA_{max,F}$) generated by the trains using the rolling stock test track will be below the criteria set out in table 5 above (ES Table 10.1). This ensures that there would be no unacceptable impacts even during the periods when trains would operate 24/7.

In respect of the Washery, at the request of the Council's Environmental Health Officer (at pre-application stage) a BS4142 assessment has been carried out relating to activities at the washery over the evening and night-time periods during which the background noise levels (between passing of cars on the local roads) are relatively low. This BS4142 assessment has included all sources of noise from the washery, noting that at night-time the loudest source of noise will be the occasional slow-moving trains moving around the washery at 5mph, with the only other noise source being the maintenance building. The EHO acknowledges that the final layout and operation of this area may change but in order to set a baseline for the noise assessment this assessment was essential.

BS4142 sets out that a rating level over background difference of +5 is likely to be an indication of adverse impact and +10 an indication of significant adverse impact. In this respect the conclusions reached predict (in the absence of mitigation) adverse impacts during the evening (i.e. 1900- 2300) at receptors R7 (+5) and R9 (+7). During the night-time, no adverse effects are identified, and overall, no *significant* effects have been identified from the BS4142 assessment.

Whilst acknowledging that there may be noise arising from the operation of the facility that may impact on nearby residents, the EHO is satisfied with the applicant's proposals for mitigation within the scheme which will minimise those impacts to an acceptable level and therefore do not object to the application on the grounds of noise. However, they note that there are a number of assumptions within the noise assessment that will need to be closely controlled by way of planning conditions to ensure that the agreed criteria can be achieved. Accordingly, they recommend that an Operational Noise Management Plan (ONMP) is required for the site that is subject to periodic review.

Whilst the EHO has considered the noise impact from the entire site and its operations, the noise assessment clearly demonstrates that residents within Neath Port Talbot are most likely to be affected by noise emanating from The Washery and its associated activities. Operations within The Washery include;

- A maintenance shed;
- A train wash;
- A train decommissioning facility; and
- Railway sidings.

The noise assessment establishes that daytime activities will have little impact due to the already high background levels of noise associated mainly with the busy road. However, in the evening and at night background levels within the area drop dramatically and are very low, as such there is little tolerance for increased noise from The Washery. The noise assessment acknowledges that activities in The Washery must be restricted between the hours of 19.00hrs and 07.00hrs to avoid causing unreasonable disturbance to residential receptors. Table 10.3 of the Environmental Statement sets operational restrictions on The Washery that have been included in the noise assessment to derive the predicted levels. Increased activity will relate to increased noise as such activities within The Washery should be restricted in accordance with these assumptions. Accordingly, the EHO recommends a condition specifically prohibiting those activities. This includes a condition requiring no use of diesel trains between 1900 and 07:00 hours unless a scheme (with additional noise assessment) has been submitted to demonstrate that such movements (which would in any event be limited in number) are operationally necessary and 12 months would not cause unacceptable harm.

It is proposed that a final level of mitigation will be provided by the use of an acoustic barrier around areas of the site predicted to result in noise breakout (together with rail cuttings which themselves provide natural attenuation). Provisional design has been provided and Table 10.5 shows predicted noise levels with and without the protection of an acoustic barrier, however, full design specifications of this barrier are not currently available and as such the EHO recommends a condition requiring the specification of acoustic barriers prior to installation.

Potentially noise sensitive receptors are also proposed within the development itself, i.e. the offices, research and development facility and the staff overnight accommodation. Construction of those buildings will need to achieve the required sound insulation and noise reduction to ensure no impacts arise on the occupants. Such matters can again be controlled by condition.

The EHO also recommends a condition requiring compliance monitoring and noise assessment within the first 12 months of operation of the site to demonstrate that predicted levels are being achieved together with a scheme for ongoing noise monitoring of the site as detailed above in the construction section to reduce the burden on the local authority for monitoring compliance with conditions. A separate condition controlling noise limits to the agreed criteria is also recommended.

Finally, given the scale of the facility and the importance of ongoing engagement with the community, it is recommended that conditions are imposed relating to the need for a protocol for dealing with complaints and a scheme to be set up for ongoing / regular stakeholder meetings, which will include an opportunity for complaints and monitoring data to be discussed to be operated throughout the lifetime of the development. Such a stakeholder meeting would be extended to include an overarching mechanism for the operator to engage with the community regularly on all associated matters, albeit noise is likely to be a critical issue of concern.

Fixed Plant

Information is not currently available about any fixed plant which may be installed on buildings onsite, such as the maintenance shed and/or the control building/offices. Any

such externally sited plant has the potential to add to on-site noise, albeit it is unlikely to be a matter that could not be appropriately mitigated through detailed design.

Accordingly, it will be necessary for such matters to be addressed at reserved matters stage and/or through appropriate conditions which will require an updated BS4142 assessment to include all additional fixed plant, and consideration of any necessary design or mitigation measures (such as the placement of equipment and attenuators) to ensure no unacceptable impacts arise.

Vibration

The ES identifies that vibration decays away much more rapidly through the ground with increasing distance than noise does through the air, and that vibration impacts are therefore only likely within tens of metres of construction or operational activities.

The closest dwelling to the facility is over 100 metres away, and therefore no likely significant vibration effects are predicted due to either construction or operation of the facility.

The EHO agrees with such assessment and thus raises no objection or requires any conditions addressing vibration.

Residential Amenity (Noise) Conclusion

The above section has reviewed in detail the potential impacts on residential amenity arising from the proposed GCRE during construction/demolition and operation of the facility. The detailed submissions have also been carefully considered by the Council's Environmental Health Officer, who has raised no objections to the development subject to the imposition of conditions covering matters including: -

- Construction Environmental Management Plan (CEMP)
- Hours of Construction and Demolition (The Washery)
- Operational Noise Management Plan
- Prohibition of Noisy Activities during Evenings and Night-time
- Acoustic barrier
- Sound Reduction Quality of the Buildings
- Fixed Plant
- Monitoring for Compliance with Predicted Noise Levels
- Ongoing noise monitoring
- Noise limits during operation
- Acting Upon Receipt of Complaints
- Stakeholder Meetings

Accordingly, it is concluded that the proposal would not lead to unacceptable levels of noise which cannot be controlled through embedded noise mitigation and/or by condition, such that the development would accord with the aims and objectives within PPW11, TAN11 and Future Wales, and with LDP Policies SP16, EN8 and BE1, and the Council's Pollution Supplementary Planning Guidance.

Air Quality

Chapter 14 of the ES describes the likely significant effects of the proposed development on air quality.

In considering amenity, the main issues concern annoyance due to dust soiling; and the risk of health effects due to a significant increase in PM₁₀ exposure (harm to ecological receptors is addressed in the biodiversity section). Notably, the proposed development has the potential for causing an adverse air quality impact due to:

- The emissions from construction dust, construction and operational traffic.
- The testing of new rail locomotives and rail infrastructure, since in the short to medium term, both activities would include the use of diesel locomotives introducing a new source of air pollutant emissions into the locality (e.g. particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂)).

Construction Impacts

For the construction phase, the most important consideration is dust, since without appropriate mitigation, dust could cause temporary soiling of surfaces, particularly windows, cars and laundry. Again it is emphasised that this application involves minimal earthworks as this will be delivered by the earlier permission (and restoration of Nant Helen). Earthworks for this development would be limited to foundations for the new rail infrastructure and buildings.

The air quality impacts of construction are in relation to fugitive dust emissions, with the following activities considered the most likely to give rise to dust emissions;

- Demolition;
- Earthworks (i.e. soil stripping, ground levelling, excavation and land);
- Construction; and
- Trackout (i.e. incidental movement of dust and dirt from the construction or demolition site onto the public road network).

An outline Construction Environmental Management Plan (CEMP) has been prepared for the proposed development which includes mitigation measures for minimising the emissions of dust and particulate matter through prevention or reducing at source. Recommendations also include matters such as adherence to a Dust Management Plan; Site management measures including to record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken; and daily monitoring.

The Council's Environmental Health Officer has confirmed that they are satisfied that the applicant has identified the most likely dust generating activities, noting that in assessing the impacts they have adopted the IAQM (2016) Guidance on the Assessment of Dust from Demolition and Construction (Version 1.1) which is an appropriate approach for a development of this scale. They have also considered the proposed mitigation within the Outline CEMP and are satisfied that these will be sufficient to mitigate the impact of construction dust on air quality.

Such matters can be adequately addressed through the submission of a final Construction Environmental Management Plan (CEMP) which would include the recommended dust management controls, and would ensure the proposal would be have no unacceptable impacts.

Operational Impacts

Looking at the operation of the facility, the rolling stock test track will be used to test trains at speeds of up to 110mph (with an average of 70mph) and is expected to be operational 24 hours per day for 252 days of the year. The proposed train fleet use is also expected to consist of 70% electric-powered, 20% hydrogen powered and 10% diesel-powered for the first 5 years. Thereafter, trains are 75% electric and 25% hydrogen-powered. For the purposes of the air quality assessment, diesel train-use on the rolling stock test track is therefore assumed to operate 25 days per year.

The high tonnage infrastructure test track would be used to test railway infrastructure at speeds of up to 40mph, though trains are expected to be 100% electric powered for the duration of the 60-year appraisal period, and therefore this track has not been considered in the assessment for emissions to air.

However, because the nearest sensitive human receptors are 130m from the operational test track an assessment of air quality impacts on human receptors has been screened out (of the ES) as there is no relevant exposure within 15m of the rail for the SO₂ objective or NO₂ background concentrations above 25µg/m³

The Council's Environmental Health Officer has reviewed Chapter 14 of the Environmental Statement (Air Quality) and agrees that with reference to relevant technical guidance (LAQM TG16) the development is unlikely to have a significant effect on air quality and there is nothing to suggest that exceedances of air quality objectives would be likely as a result of the proposed development. Therefore they raise no objections to the development on the grounds of Air Quality.

Air Quality – Conclusion

Accordingly there are no issues of concern in respect of air quality impacts arising from the operation of the facility on residential amenity / human receptors, and subject to the submission of a final Construction Environmental Management Plan (CEMP) which would include the recommended dust management controls, would ensure the proposal would be acceptable in terms of air quality and accord with the aims and objectives within PPW11 and Future Wales, and with LDP Policies SP16, EN8 and BE1, and the Council's Pollution Supplementary Planning Guidance.

PARKING AND ACCESS REQUIREMENTS AND IMPACT ON HIGHWAY SAFETY

The application has been accompanied by a detailed Transport Assessment, which has been reviewed by the Councils Highway Engineer, and which includes a detailed assessment of the impact arising from the construction and operation of the development.

A Transport Implementation Strategy has also been provided with the following four objectives: -

- Objective 1 Provision and management of infrastructure to minimise disruption during construction and support operation of the proposed development.
- Objective 2 To enable walking, cycling and public transport trips to GCRE where feasible given the rural location of the proposed development.
- Objective 3 To facilitate continued safe access along PROWs.
- Objective 4 To ensure level crossing facilities along the existing rail line are of a suitable standard to provide safe crossing.

The Council's Highway Officer has reviewed the submitted Transport Assessment, and has advised that he has no objections to the development, subject to a number of highway-related conditions, which are addressed in the assessment below.

Construction Impacts

The [Transport Assessment](#) states that construction vehicle trip generation (worst case scenario all trips by road in phase 2) would be as follows: -

Time Period	Construction Staff		Deliveries (PCUs) ³	
	Arrivals	Departures	Arrivals	Departures
AM Peak Hour (08:00-09:00)	142	0	76	76
PM Peak Hour (15:00-16:00)	0	142	76	76

The Highways officer has no objection in respect of the impacts of construction vehicles (albeit noting that there is mention of potential deliveries by rail) but requests a condition requiring a scoping route for construction traffic to be approved. This will include advising against deliveries of a significant size to use the route through Seven Sisters. In addition, a Construction Method Statement will need to be approved, covering matters including the parking of vehicles of site operatives and visitors; loading, unloading and storage of plant and materials; security hoarding; wheel washing facilities; and temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.

Operational Impacts

Access to the site is proposed at three locations (shown in Figure 10 below):

- The existing junction of the A4109 Wembley Avenue with Onllwyn Road;
- The existing A4221 Celtic Energy – Nant Helen access road;
- and
- The existing A4221 Washery and Distribution centre access.

³ HGVs are converted to Passenger Car Units (PCUs) using a factor of 2.3

[illegible]

Although full details are available to view in the [Transport Assessment](#), the assessment states that: -

- While it is not possible to fully quantify operational delivery trips at this stage of the project (such as the delivery of rolling stock vehicles for testing) a high-level assumption of 30 HGV delivery vehicles per day is assumed, with 10 arrivals and 10 departures during each of the AM and PM peak hours.
- GCRE will attract visiting testing teams once operational. It has been assumed that a typical test team of around 30 people will arrive/depart daily in four minibuses during the AM and PM peak hours.
- Operational peak trips thus as follows: -

Time Period	Staff		Deliveries (PCUs)		Planned Visitors	
	Arrivals	Depart	Arrivals	Depart	Arrivals	Depart
AM Peak Hour (08:00-09:00)	106	12	23	23	4	0
PM Peak Hour (15:00-16:00)	12	106	23	23	0	4

Junction Capacity Assessment

The TA has included an appropriate junction capacity assessment using forecast vehicle movements to assess the impact of the proposed development on six key junctions surrounding the site. This assessment of key junctions in the local highway network indicates that there will be sufficient spare capacity to cater for additional demand (total of 352 vehicle trips on the network in the worst-case construction scenario and 304 vehicle trips during operation) without detriment to the assessed network. This assessment has included both construction and operational scenarios.

Transport related measures will be proposed including: -

- Integration of the existing walking and cycling links within the proposed Masterplan;
- Provision of pedestrian access points and internal traffic-free routes contributing to a high-quality public realm;
- Provision of cycle parking spaces around the site and at a level that meets both Neath Port Talbot Council and Powys County Council SPG guidance;
- Provision of improved bus stops providing direct access to the site, and potential to improve bus frequency to make bus travel an option to the site;
- Development and high-quality passenger facilities; and
- A travel plan to provide employees sustainable options of travel.

The Highways officer has raised no objections to the conclusions within the TA, and raises no objection on such grounds. However, he notes that the Intervalley road (A4221) has a 40mph speed limit increasing onto a national speed limit (60mph) to the left of the existing washery junction approximately 80m away from the centreline of the junction. The highway is located outside a built-up area (no development either side) and the road alignment being straight for a significant length encourages high speeds of traffic.

The Intervalley junction is currently being used as access for deliveries to and from Nant Helen, and its use for such vehicles / HGVs (as well as construction traffic) is encouraged for this development as this would negate the need for large vehicles using the highway network within Seven Sisters. However, if the Intervalley junction was to be open for all modes of traffic to and from the development, then the junction would need to be subject to additional analysis, where the highway maybe subjected to a further speed reductions, pedestrian access and possible introduction of right turn lane to mitigate traffic safety. Accordingly, in the interests of highway safety, a condition is recommended that seeks to prevent use of the junction and access from the Intervalley Road (A4221) for staff access, with a condition stating that it shall only be used for Construction traffic, emergency vehicles and deliveries, and that this access shall be gated and provided with necessary signage.

Having regard to the above, it is also noted that the Wembley Ave (A4109) access is located along a highway which has development both sides (i.e. a built up area) which has a mandatory speed limit of 30mph, which is significantly less than that of the Intervalley Road. Wembley Road is serviced with bus stops that are operational and located intermittently along the highway, which seeks to mitigate speeding through slowing down traffic. Accordingly, this junction comprises a much safer access to use for traffic such as visitors, staff, pedestrians, emergency services, and smaller light

goods deliveries. The route would also have enhanced cycle/pedestrian access (see below).

A further condition is also recommended that additional traffic impact surveys shall be undertaken after 12 months of operation and also on the 3rd and 5th year of operation to ascertain the actual traffic flows, and for assessment of the need (if any) for further or additional traffic management or orders as required to be implemented. In addition, a condition seeks a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembly Ave/Heol Gaer (A4109) and the Intervalley Road (A4221) (e.g TROs). Finally, the highways officer also recommend that the existing Bridges along Onllwyn Road (over the highway bypass and the second over the rail track) are subject to assessment.

Car Parking Provision

Although the objectives of the GCRE are to enable travel options via sustainable modes of transport, car parking facilities need to be provided given the rural location of the site. At outline stage, it is appropriate to note that the masterplan makes provision for such parking provision, together with delivery drop off areas etc. the details of which can be secured at reserved matters stage through appropriate conditions.

As noted in the energy section, a condition will require a minimum of 10% of such spaces to have charging for Ultra Low Emission Vehicles (ULEV) to accord with the objectives of PPW and Future Wales.

Travel Plan

As a major development, there will be a requirement for the GCRE to have approved and implement a site wide Travel Plan and use this as a means of monitoring the transport conditions and encouraging sustainable transport. The submitted Transport Assessment includes a Framework Travel Plan that will be taken forward and developed into an agreed document for the proposed development once an agreed operator is established. At that time (i.e. pre-operation) appropriate targets and timescales will form part of the Travel Plan, which will also be kept under regular review. A condition is included to that effect.

Active Travel / Rights of Way

PPW and Future Wales emphasise that the planning system has a clear role in implementing the Active Travel legislation, by ensuring that new development is located in places which support active travel and minimise car use. Indeed Future Wales Policy 12 (Regional Connectivity) states that *“Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement”*.

In this respect development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services

should be prioritised and put in place from the outset, before travel patterns have been established.

All new walking and cycling infrastructure should be built to standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link (where possible) into routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. The Active Travel Map for NPT does not include any future routes that are planned near the site that would directly affect GCRE, with the closest being walking routes within Seven Sisters along the A4109.

The existing route from the washery along Onllwyn Road, which leads down from the nearest bus facilities on the A4109, does not include any off-highway pedestrian access, and therefore clearly is neither safe nor encouraging the use of this route to walk or cycle. Accordingly, the scheme proposes the introduction of a surfaced footway, which would also tie in with the requirement for an improved crossing at the Wembley Avenue junction, to include an improved crossing of Wembley Avenue to Onllwyn Road to include, as a minimum, dropped kerbs and tactile paving.

Such improvements are considered essential to facilitate safe and sustainable access to the site, although it is considered that the route should include a combined cycleway and pedestrian access, together with street lighting. A condition is recommended to that effect.

The site will also provide cycle parking at all points of pedestrian access, which will include covered shelters, appropriate lighting, and CCTV to cater for long and short stay parking requirements. Staff lockers, changing, and showering facilities will also be provided as part of the project. The provision of such facilities for cyclists will be controlled by condition and will be specified within the Travel Plan to encourage active travel to/from the GCRE.

In addition, the highway officer requests a condition requiring Road Safety Audits (at commencement, completion and 12 months after completion) to be undertaken for all highway works required off Wembley Road onto Onllwyn Road to allow for safe access for pedestrians, cyclists, crossing points and bus stop locations.

Rights of Way

As noted above, there are rights of way crossing the site, and before the proposed test track and associated infrastructure can be constructed over the current legal lines of the paths, any affected paths will need to be legally diverted.

Planning permission does not, in itself, grant permission for the diversion of a public right of way; a separate legal process must be followed, which requires the making and confirmation of a public path Order. The mitigation strategy for these paths will be subject of a separate public consultation exercise, outside of the terms of this consent. However, it is noted that the NPT Footpaths officer raises no concerns in respect of the impacts on rights of way within NPT.

Bus

Within NPT, the nearest bus stops are on Wembley Avenue/A4109, with each bus stop including a waiting shelter but with no timetable information present. Four bus services serve these bus stops and provide access to Crynant, Seven Sisters, Neath and Swansea.

In order to ensure the development is accessible to, and encourages use of, bus facilities, the submissions indicate that the existing bus waiting facilities will be improved to provide a timetable board, bus flag, and real time information for improved waiting facilities for users. Other infrastructure may also include a bus border kerb and a bus layby to improve bus boarding/alighting facilities and encourage use of public transport. These improvements are on the public highway and can be controlled by an appropriate condition.

The submissions state that GCRE will also collaborate with existing bus operators and NPTCBC to provide a service that benefits employers in key neighbouring towns if existing services do not satisfy demand. This will be detailed within the Travel Plan that will also specify the provision of facilities for bus users to enable better public transport accessibility to/from the GCRE.

Rail

There has been much discussion, led by the local ward Members for Seven Sisters and Onllwyn, which seek to reintroduce the opportunity for passenger services on the existing rail line as part of the development proposals. As a rail-focused development, such an opportunity clearly has potentially significant benefits, and even more to the communities in the upper Dulais Valley. Indeed, Future Wales (2040) specifically states that the continued development and expansion of rail infrastructure are fundamental to the ambition to develop a stronger, inclusive and more equitable economy and to deliver prosperity for all by connecting people, communities and businesses across Wales to jobs, services and markets. This includes (page 88) a reference to an *“assessment of the case to reopen older lines and new stations, such as Dulais, Amman and Swansea Valleys”*.

Nevertheless, based on the impacts associated with this development (i.e. it would not in itself generate such a requirement), requiring such an assessment of the branch line or for actions seeking to explore passenger transport to be initiated on the line would not meet the legal tests for conditions or legal agreements. More pertinently, however, the proposed development will provide for a permanent use for the rail line, thus protecting it for future generations (when otherwise it would be likely to be unused), and opening up the possibility of such passenger services being reintroduced in future. In this respect, the applicants have acknowledged in their submissions that future consideration should be given to opening the rail line to passenger services if a suitable business case could be identified, and that introduction of passenger services may warrant further investigation as part of a regional transport solution.

While requiring the developer to undertake a detailed feasibility study of such a proposal could therefore not be legally entered into under this application, it is noted that both Local Authorities are represented on the steering group guiding the project, and therefore such matters could be appropriately influenced by ongoing discussions

with Welsh Government and the GCRE Board, supported by the objectives underpinning *Future Wales*.

Unplanned Visitors

In pre-application discussions, both Authorities have raised potential concerns over the GCRE attracting un-planned visitors (i.e. train enthusiasts and leisure trips passing the site to view GCRE). Such unplanned visitors would, due to the site's location, be highly likely to arrive by car and, as there is no allocated area for such visitors, there is a potential impact of visitors parking on the highway, which has the potential to cause adverse highway impacts.

The submissions emphasise that, given the commercial sensitivities of some of the likely testing / activity within the site, these types of visits would not be encouraged, hence no visitor facilities are proposed and at this stage it is not anticipated that the impacts would be significant. Nevertheless, such impacts may arise. Accordingly a condition is imposed which would require monitoring to ascertain if visitors of this nature are causing problems on the local highway network. If such monitoring identifies adverse impacts, the condition can require consideration of one or more potential mitigation measures, which could include parking provision or regulations, or other visitor-related proposals.

Highway Conclusion

Having regard to the above assessment, it is considered that subject to appropriate conditions covering both construction and operational matters, that the proposed development would have no unacceptable impacts on highway or pedestrian safety, and would meet the objectives of PPW and Future Wales to encourage the use of sustainable modes of transport, thus according with LDP Policy TR2.

BIODIVERSITY / ECOLOGY

The Wellbeing of Future Generations Act includes a goal to maintain and enhance a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.

The principles of the Well-being of Future Generations Act are embedded within PPW and Future Wales which base their Policy position on the Environment (Wales) Act 2016, which was introduced to maintain and where possible enhance biodiversity and the resilience of ecosystems (Section 6 Duty).

PPW11 sets out that *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity"* (para 6.4.5). *"Planning authorities must follow a stepwise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible"* (6.4.21).

Subsequent guidance issued by Welsh Government has clarified that in light of PPW and the Environment (Wales) Act 2016, where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission.

Policy 9 of Future Wales (resilient ecological networks and green infrastructure) then states that *“In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment”*.

Technical Advice Note 5: Nature Conservation and Planning states that: Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife... But development can also present significant opportunities to enhance wildlife habitats and enjoyment and understanding of the natural heritage.

In addition, it states that the development management process is a critical stage in delivering the protection and enhancement of nature conservation by PPW. The following can help to achieve these objectives:

- Adopting the five point approach to decision-making: information, avoidance, mitigation, compensation and new benefits;
- Ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;
- Securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- Carrying out effective enforcement; and
- Identifying ways to build nature conservation into the design of the development.

Within the LDP, Policies SP15, EN6 and EN7 seek to protect, conserve, enhance and manage biodiversity and geodiversity and, where harm is unavoidable, to ensure effective mitigation measures are required to ensure there is no reduction in the overall value of the area or feature; and to protect important natural features.

The proposed development's impact on biodiversity has been assessed within Chapter 7: Biodiversity of the ES and its appendices which include an extensive collection of habitat and species surveys, reports and figures. The ES documents survey work undertaken in relation to habitats and species in addition to reporting the value of receptors and assessing the effects arising from the site construction and the operation of the proposed development. The chapter also documents measures to mitigate and compensate these effects. Enhancement measures, which go beyond mitigating effects, are also identified. The residual effects following the inclusion of these measures are then assessed.

Key issues assessed: -

- The presence of statutory and non-statutory designated sites, which could be indirectly affected during construction and on completion.
- The presence of notable habitats within the site, which could be directly and or indirectly affected during construction and operation including from disturbance, degradation, fragmentation and loss.
- The presence of protected and/or notable species, which could be directly and/or indirectly affected during construction and operation including from harm, mortality, disturbance, habitat loss / degradation and fragmentation / physical barriers to species movements.

Baseline

The site ecological baseline is complicated by the existing planning permission for the Nant Helen Complementary Earthworks that will be implemented prior to GCRE (but had not been started at the time of this application). The ES has therefore considered both the existing site conditions and those that would be formed as a consequence of implementation of the associated 'enabling earthworks' planning permission granted in July 2020 (which does not include the washery site).

The site currently supports a variety of S7 and SINC habitats and species and is expected to continue to do so even taking account of the implementation of the Earthworks. S7 and SINC Habitats recorded on site include marshy grassland, acid grassland, neutral grassland, dry heath/acid grassland mosaic, woodland, waterbodies and wetlands. These support various protected, S7 and uncommon flora and fauna including: plants such as Common Wintergreen, Brookweed, Marsh Lousewort, Ivy-leaved Bellflower; insects such as Dingy Skipper, Small Pearl-bordered Fritillary, Small Blue Butterfly; good populations of Common Lizard and Slow Worm, diverse breeding and wintering bird populations including species such as Lapwing, Curlew, Cuckoo, Nightjar, Skylark, Linnet, Reed Bunting; plus mammals such as Badgers and Bats use the site along with Brown Hare and Otter that utilise habitats close by.

The existing baseline information was used to assess impacts from the Earthworks Project (albeit that consent does not relate to the washery site) and a 'future baseline' used to assess potential impacts from the GCRE project (Figure 7.11). Such future baseline considers the site at the time of the GCRE Project commencing, which is not anticipated to be more than two years from the completion of the Nant Helen earthworks but with the habitats detailed in Nant Helen restoration plan (which includes habitats required as part of the Nant Helen earthworks and Celtic Energy restoration applications) having been created, and newly established.

As the 'earthworks' are yet to be finished (or commenced), the ecology onsite prior to construction of the GCRE can only be assumed. However, the precautionary approach above is considered appropriate in the circumstances, albeit this makes the scheme more difficult to assess. It is also noted that the scheme is also in outline and therefore the full design is yet to be finalised. Accordingly, there is a certain amount of uncertainty in relation to impacts due to lack of final design of the scheme and as such further detail will be expected to be provided in relation to ecological impacts and mitigation/compensation and enhancement as part of the reserved matters and prior to development commencing under condition.

Assessment of Effects

Potential impacts of the Project on biodiversity (baseline) are likely to occur in a number of ways both during construction and operation. These impacts to biodiversity may be both temporary and permanent, and direct and indirect.

In general terms, the potential ecological impacts of the construction and operation of the scheme may be categorised as follows:

- Habitat loss during construction and operation;
- Habitat severance during construction and operation (and impacts to species);
- Habitat disturbance / degradation (including impacts on water quantity or quality or from changes associated with air quality) during construction and operation;
- Disturbance / displacement to fauna (e.g. visual impact, noise and lighting) during construction and operation; and
- Mortality / injury to fauna during construction and operation (e.g. direct impacts during vegetation clearance, trapping within excavations, collisions with site vehicles / plant or trains during operation).

Protected Sites – Special Areas of Conservation (SAC) / Sites of Special Scientific Interest (SSSI)

In relation to the predicted impacts upon SACs, the ES includes a draft Habitat Regulations Assessment which is considered adequate to inform the LPA Habitats Regulation Assessment (HRA) to inform the determination of the application.

The ES identifies 3 SACs (Coedydd Nedd a Mellte, Cwm Cadlan, and Blaen Cynon) and 12 SSSIs (Nant llech, Gors Llwyn Onwillwyn, Caeau Ton-y-Fildre, Waun Ton-y-Spyddaden Rhos Hen-Glyn-Isaf, Mynydd Du, Ogof Ffynnon Ddu, Ogof Ffynnon Ddu - Pant Mawr, Nant y Rhos, Craig y Rhiwarth, Dyffrynoedd Nedd a Mellte a Moel Penderyn and Caeau Nant y Llechau).

Potential effects to nearby SACs during construction and operation are described in the ES, and broadly states that:

- Cwm Cadlan SAC and Blaen Cynon SAC are not hydrologically connected to the Project area, and therefore there is no pathway for effects from changes in water quality.
- Standard best practice pollution control measures in a Construction Environmental Management Plan (CEMP) will avoid adverse effects as a result of changes in water quality and ensure protection of Coedydd Nedd a Mellte SAC.
- In terms of air quality the closest SAC is Coedydd Nedd a Mellte SAC which occurs 2.9km to the south east of the site. Given that the nearest SSSI (Gorsllwyn) has no significant impact it is considered that effects from nitrogen deposition on any other protected sites which occur at further distances to the south east (including Coedydd Nedd a Mellte SAC, Cwm Cadlan SAC and Blaen Cynon SAC) would not be significant
- The potential construction impact is greatly reduced and considered to have no likely effect on the habitats associated with the marsh fritillary within the suitable habitat in the wider area in relation to the GCRE Project. The likelihood of

effects is considered to be low, due to the distance of these habitats from the site however as discussed above in regard to other SACs, standard best practice will avoid such effects and ensure the protection of these marsh fritillary sites.

In terms of impacts on SSSIs, Nant Llech SSSI (designated for its stream and associated cliff communities and woodland), Gors Llwyn SSSI (designated for its mire and acid pasture) and Caeau Tony-Fildre SSSI (designated for its unimproved herb-rich pastures) are hydrologically connected to the Site.

Potential operational impacts on water quality (for example through accidental spills) can be dealt with through best practice mitigation such as track drainage systems and SuDS.

There have been significant discussions throughout the course of the application between the applicant and Natural Resources Wales concerning the potential for nearby SSSIs to be affected by changes in air quality, most notably potential impacts on Gors Llwyn SSSI as a result of nitrogen deposition. These discussions led to Further Environmental Information being submitted, including sensitivity analysis and further modelling, to provide justification for the use of baseline data from the chosen meteorological stations and an updated model to illustrate a more realistic air emissions scenario based on modern 'Class 802 bi-mode/hybrid high speed' locomotives which are currently in use rather than the older diesel engines on which the first submitted model was based upon.

Based on this 'future baseline' and detailed assessment of the submissions, noting also that it has been clarified that the use of diesel engines would be limited to the first five years of the development as these will be phased out and replaced with electric and hydrogen trains, NRW has confirmed that they no longer hold concerns. In particular, they note that deposition of NO_x and SO₂ on the nearby Gorsllwyn Onllwyn SSSI and its sensitive features (raised bog to fens with acid grassland habitat feature - National Vegetation Classification M17a) will be much lower than first suggested and for a limited time period. The deposition levels are therefore considered as insignificant, and once all trains using the test facility have switched to zero emission locomotives negligible operational effects are predicted. They thus conclude consider that the proposed development is not likely to damage the features for which Gorsllwyn Onllwyn SSSI is of special interest.

In order to address the above scenario, a condition is recommended which requires submission of a scheme, prior to first operation, detailing the predicted nature and type of trains using the facility (at the time of opening onwards where there will be greater certainty), which as a minimum should refer to the phasing out of diesel engines and ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement (i.e. be hybrid trains or cleaner).

It is also noted that the above condition also requires an updated air quality assessment at an appropriate stage prior to use commencing, and to assess whether the nature of use at that time has impacts, for example if deposition level exceedances are recorded, and requires any mitigation to reduce impacts e.g. grazing or woodland management to reduce dominance of nitrogen loving plants.

Habitats

There are eight locally-designated Sites of Interest for Nature Conservation (SINCs) within the GCRE Zone of Influence, with the following three within the site: -

- Onllwyn Coal Washery – occurs in the north eastern part of the Washery.
- Gorsllwyn Meadows – falls partially within the site, in the northern part of the Washery.
- Dyffryn Cellwen – south eastern part of the Washery.

A wide range of habitats will be impacted by the proposal. Habitat areas will be lost to the track and road construction including areas of woodland, marsh grassland and waterbodies. Anticipated habitat loss, in particular within the washery site and sidings, include an area of the Onllwyn Coal Washery SINC (1ha loss).

New landscaping, drainage (SUDs) and habitat creation in undeveloped areas are proposed as mitigation/compensation for these losses. In addition, a long term commitment to the management and enhancement of retained and created habitats alike, particularly existing SINCs, is also proposed.

Table 6 below provides a breakdown of habitat loss, and also demonstrates that overall the scheme intends to increase the extent and the condition of habitats on site.

Table 6: Habitat Loss and Creation

Habitat	Habitat loss (Ha)	Habitat creation (ha)	Habitat retention and enhancement (Ha)	Habitats retained and protected (Ha) – not managed
Marshy grassland	17.80	16.91	10.05 (existing SINC)	34.74
Acid grassland	51.33	55.72	12.01 (existing SINC)	
Neutral grassland	1.76			
Dry heath / acid grassland	0.98			
Enclosed pasture	4.17			
Mixed woodland	0.76		1.98	
Broadleaved woodland	18.96	42.04		2.51
Conifer				2.60
scrub	1.62			
Ephemeral vegetation	5.30			
Waterbodies / wetland features	1.86	50.90		
Total	104.54	165.57	24.04	39.85

In addition, to the direct loss of habitats, indirect impacts may also result from the development for example through changes to groundwater and surface water quality or flow. There are a number of wet habitats, including rivers and ponds, and a number of SINC's and designated sites that are reported to be hydrologically connected to the site and could therefore be impacted in this way. However, best practice measures are designed into the scheme, such as pollution prevention measures and SUDs that will mitigate such effects.

Fragmentation of habitats, particularly waterbodies, will also result, which will have knock on effects for associated species populations e.g. amphibians. However, through re-siting these waterbodies this impact will be minimal. Fencing proposals along with disturbance from noise, lighting and vibration may also fragment/sever habitats and be a barrier to species movements. However, underpasses will be provided to minimise this impact for mobile species, at least.

Mitigation (through condition) will seek to ensure that species present within the site are able to continue to forage / commute / disperse within the local area.

The realignment of the Afon Dulais tributary will cause modification to the natural river system which could impact use by Otter. The realignment and new culvert is to be sensitively designed to provide suitable habitat for aquatic species.

Japanese Knotweed has been recorded on site. Spread of this invasive non-native species (INNS) would result in damage to habitats on site. The implementation of best practice design and construction mitigation including the production of an INNS management plan will ensure that measures are in place to prevent such spread.

Species

The development proposal will have various impacts upon wildlife that utilise the site:

Fungi: The development will result in the loss/disturbance to important fungi habitats within the Washery area. It is however intended to re-use the substrate of this area to re-establish fungi assemblages at other locations plus habitats created in other areas of the development, e.g. embankments, will become suitable for fungi with time (20-30 years). Long term management and monitoring is therefore important to deliver this outcome.

Invertebrates: The development will result in the loss of habitats supporting important invertebrates including rare/notable/S7 species such as Small Blue Butterfly, Dingy Skipper. However, other areas of suitable invertebrate habitats will be retained and enhanced, e.g. Gorsllwyn SINC, others will be created, e.g. species rich grassland. As mentioned above for habitats, impacts due to changes to water quality and flow may impact wet habitats, which may have an impact upon aquatic invertebrates. This will be mitigated as set out for habitats.

There is also a low risk that invertebrates such as butterflies may be killed by collision with trains. Whilst direct mitigation is not easily provided for this impact, the enhancement and creation of habitats suitable for invertebrates will support and in time increase local populations; hopefully offsetting minor losses due to collision.

Reptiles and Amphibians: Small areas of reptile and amphibian habitat will be lost. This will be mitigated by the creation and enhancement of habitats elsewhere on site, such as grasslands and through the SUDs. In addition, reptile and amphibian habitat will be temporarily fragmented by the construction of the track but connectivity and movement between habitats will be reinstated through underpasses and it may be the case that final fencing design will allow small animal passage.

There will also be a low risk of slower moving animals such as the S7 species Common Toad being harmed by collisions with trains and other vehicles; whilst vegetation clearance may also harm and injure animals including reptiles. As such a trapping and relocation programme will be implemented to ensure such animals are moved from harm's way to a suitable receptor site.

Birds: Habitats that support bird populations, including S7 species such as Skylark and Linnet, will be lost to the development. However, as mentioned above retained habitats will be enhanced and new areas created to address such loss. In addition, nesting boxes are to be erected for species such as House Sparrow (on-site) and Barn Owl (at suitable locations off-site). Construction and operational lighting, noise and vibration may also disturb bird species, especially whilst nesting. This is of particular concern for rare or protected species such as Crossbill and Curlew. Species may be temporarily displaced from the site, which will have a negative effect on local populations for a short-term, however species are likely to habituate to disturbance over time. Measures to minimise disturbance and injury from vegetation clearance will be implemented, with clearance avoiding the nesting season as much as possible.

Whilst collision with trains and other vehicles using the site is not considered likely for most bird species; Barn Owl remain a concern. Barn Owl are afforded legal protection under Schedule 1 of the Wildlife and Countryside Act 1981 as amended. To encourage Barn Owl away from the site, nest boxes are intended to be installed off-site around 3km away. This will be on land controlled by the applicant or under agreement with another land owner. With this in place, no significant effect on local barn owl or other bird populations is likely to occur.

Mammals: A number of legally protected mammal species have been recorded on site or close to the site; including Badger, Otter and various species of bat; along with other notable and S7 species such as Polecat, Hedgehog and Brown Hare. Whilst Badger setts have been recorded on site these are considered to be only outliers and no active setts will be lost to the development. No Otter were recorded on site but they do use the Afon Dulais so may infrequently forage or commute through the site.

Precautionary pre-commencement checks for protected mammals will be undertaken before construction and if necessary, licences will be obtained. Foraging habitat for Badger, Otter Bats and other notable mammals may be lost, however as such species activity on-site is limited this loss is unlikely to be significant to the local population. The loss of habitat will be mitigated through the enhancement to retained habitat and the creation of new. Fencing during construction and operation may form a barrier to movement this is considered to be temporary as Badgers are likely to dig under any fencing erected and Otter will still be able to travel along the Afon Dulais, underpasses will also to be provided.

Construction and operational lighting, noise and vibration may also disturb mammal species. Species may be temporarily disturbed and displaced from the site, which will have a negative effect on local populations for a short-time, however species are likely to habituate to disturbance over time. Light spill is intended to be minimised through lighting design so disturbance to nocturnal mammals will be reduced.

Standard construction best practice will ensure excavations do not trap animals overnight. Collision risk for most mammals present is considered low, due to the limited activity of such species on site. However, bats are noted to be at higher risk of collision with trains and with some of the rarer species, such as greater horseshoe bat recorded on-site this impact is a concern. Underpasses are to be installed to minimise such collision risk.

Mitigation and Enhancement Schemes

The project offers significant opportunities to provide further ecological enhancements within the scheme design post construction, for operation, and in doing so meet the requirements of PPW 11 and the Environment Act (Wales) 2016, for biodiversity enhancement and the promotion of ecosystem resilience.

Mitigation proposals for the construction phase will be incorporated into a Construction Environmental Management Plan and Ecological Protection Plan; including measures for habitats and protected sites, protected and notable species and control of invasive non-native species. It should be noted that the details of these plans will be dependent upon further review of the impacts at reserved matters stage once the final design of the development is confirmed.

Post construction and into operation further mitigation and enhancement will be implemented and will be detailed in an Ecological Management and Monitoring Plan (EMMP). This plan will detail the ongoing management and monitoring requirements for at least 25 years. Further mitigation measures will be implemented to minimise operational impacts e.g. from collision. The EMMP will include measures for habitat creation and restoration, for protected and notable species along with the long term management and monitoring.

Biodiversity enhancement is a requirement of the Environment Wales Act 2016 and Planning Policy Wales. The long term management proposals that will be included in the EMMP will deliver improvements to habitat condition over time with associated benefits for species. Green-brown roofs are to be incorporated into the final design of the buildings. Additional provision for species, including birds, otter and reptiles are also to be provided.

Ecosystem Resilience Assessment

An assessment of ecosystem resilience has been undertaken and is included within the ES (appendix 7V). No decrease of resilience is anticipated due to the development. Some increases are however suggested for some of the broad ecosystems including grassland, woodland and wetland, due to an increase in extent and condition as a result of the commitments to long term management.

Residual Impacts

The residual impacts will need to be reviewed at reserved matters once the final design is confirmed, however, the anticipated negative residual impacts upon biodiversity are limited as long as the proposed mitigation is implemented. Such residual impacts include a time lag in relation to habitat replacement for certain species such as fungi that may take 20-30 years to re-establish. Notably the EMMP and the ongoing management of the site will be important to deliver the necessary outcomes for biodiversity mitigation and compensation over the long term. EMMP monitoring arrangements will confirm residual impacts and through this plan remedial action will be able to be taken where possible.

Also, it is likely that there will still be some species casualties to collisions with trains, despite the mitigation proposed. However, the assessment suggests that number of collisions predicted will not have a significant impact on species populations.

With the inclusion of enhancement measures there may be a positive residual effect for some habitats and species, although this will need to be detailed at the reserved matters stage once the development design is finalised.

Biodiversity Conclusion

A number of significant impacts to biodiversity, including to SINCs, SSSI and protected/S7 species will occur as a result of the scheme. Appropriate mitigation, compensation and enhancement measures have been proposed in the revised ES ecology chapter and associated appendices.

Having regard to the above assessment, it is concluded that the impacts of the development both during and post construction and ongoing future management and monitoring can address the impacts on biodiversity to an acceptable degree. Accordingly, it is concluded that subject to a suite of biodiversity-related conditions including (but not limited to) a requirement for an updated Construction Environmental Management Plan (CEMP), Ecological Protection Plan (EPP), Strategic Biodiversity Plan (SBP) and Phase-specific Biodiversity Plans (PBP), Ecological Management and Monitoring Plan (EMMP) and schemes for wildlife corridors, long term fencing, conservation of reptiles, barn owls, landscaping, lighting and biodiversity enhancement, the proposed development would accord with the policy objectives of PPW11, Technical Advice Note 5 (Nature Conservation and Planning) and with LDP Policies SP15 (Biodiversity and Geodiversity), EN6 and EN7.

IMPACT ON HERITAGE ASSETS

The Historic Environment (Wales) Act (2016) stands at the centre of an integrated suite of legislation, policy, advice and guidance for the historic environment, with National policy incorporated within Chapter 6 of *Planning Policy Wales* (Edition 11) and guidance in *Technical Advice Note 24: The Historic Environment* (May 2017).

In addition to the above, Cadw has the following guidance which is of relevance to this proposal: -

- *Conservation Principles for the Sustainable Management of the Historic Environment in Wales* – sets out six principles for conservation, including that historic assets will be managed to sustain their values and that understanding the significance of assets is vital.
- *Heritage Impact Assessment in Wales* – emphasises principles for creating a Heritage Impact Statement, in particular the need for ‘sufficient information to enable both the significance of the asset and the impact of change to be understood’.
- *Setting of Historic Assets in Wales* – explains what setting is, how it contributes to the significance of a historic asset and why it is important.

The historic environment comprises all the surviving physical elements of previous human activity and illustrates how past generations have shaped the world around us. It is central to Wales’s culture and its character, whilst contributing to our sense of place and identity. It enhances our quality of life, adds to regional and local distinctiveness and is an important economic and social asset.

Planning Policy Wales thus emphasises the need for the planning system to take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations (para 6.1.5). Therefore, any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place (para 6.1.9).

PPW emphasises that the historic environment can only be maintained as a resource for future generations if the individual historic assets are protected and conserved, with Cadw’s published Conservation Principles highlighting the need to base decisions on an understanding of the impact a proposal may have on the significance of an historic asset.

TAN 24: The Historic Environment, elaborates by explaining that there is a presumption against proposals which will have a significant impact on the setting of remains.

The relevant Policies in the NPT LDP are: -

- Policy SP21 Built Environment and Historic Heritage;
- Policy BE 1: Design;

Additionally, heritage issues are addressed by the Council’s approved *Historic Environment* SPG (adopted April 2019).

Assessment

The proposed development’s heritage impact has been considered within the Chapter 8: Cultural Heritage of the Environmental Statement and its appendices; which include a Historic Environment Baseline Assessment, Written Scheme of Investigation submitted to Clwyd-Powys Archaeological Trust and Glamorgan Gwent

Archaeological Trust, and pre-application consultation with CADW, along with subsequent responses.

It is also noted that an application for Scheduled Monument Consent has been submitted concurrently relating to the impacts arising from the construction of the Nant Helen Complementary Restoration Earthworks.

Baseline for Assessment

The proposed development would use the earthworks which form part of the Nant Helen Complementary Restoration Earthworks scheme. Accordingly, the majority of the potential physical impacts of the development have already been considered under the earlier approval, and the ES has thus used 'the restored earthworks of the Nant Helen Complementary Restoration Earthworks scheme' as the base case of the assessment of impacts arising from this development.

As a result, the elements of the proposed development which may have an effect on cultural heritage assets would be limited to:

- Site preparation and construction within the area of the former Onllwyn Washery and its immediate surroundings; and
- The alteration of the setting of heritage assets, for example from the additional train-related infrastructure (e.g. gantries / overhead wires and train tracks) and the use of the facility by trains (24/7).

Onllwyn Washery and Immediate Surroundings

Although there are scheduled monuments located to the east of the washery (beyond the InterValley Road), Cadw has raised no objection to the proposed development in regards to such Monuments and it is considered that the site is sufficiently separated to ensure that any new built development would have no unacceptable impacts on the monuments or their settings.

Setting of Heritage Assets

In respect of the impact on setting, PPW notes that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The ES has considered in detail potential impacts including from a non-visual change to their setting, acknowledging that the setting of heritage assets encompasses more than just what can be seen or not seen. In particular, the development would be visible and, in the case of the Tramroad at Ystradgynlais and the Bryn Llechwen cairn, audible from a number of assets which have settings which are sensitive to change. However, although there would be additional structures visible in views along the monument, the adverse impact to the setting would not be increased.

Cadw note that impact of the proposed development on nearby scheduled monuments and their settings was considered when the application for the earthworks required for the creation of the inner and outer test track was granted (P2020/0362) and this

included the construction of an embankment over part of scheduled monument GM399 Tramroad at Ystradgynlais.

In this respect, an application for scheduled monument consent for this work is currently being determined, and they raise no objection to the determination of the current application. Scheduled Monument consent will still be required before the track earthworks could be created.

Accordingly, Cadw raise no objection to the impact of the proposed development on the scheduled monuments listed below: -

- BR074 Section of Road NE of Coelbren Fort
- BR198 Ynysgedwyn Colliery, Fan House
- BR201 Lefel Fawr Coal Adit
- BR222 Abercrave Ironworks
- BR327 Bryn Llechwen ring cairn
- GM146 Coelbren Fort
- GM343 Roman Marching Camp South East of Coelbren Fort
- GM399 Tramroad at Ystradgynlais
- GM420 Remains of Blast Furnaces at Banwen

And accordingly it is considered that the development, both insofar as it relates to the construction and siting of built development, and to the activities generated by the proposed GCRE, would have no unacceptable impacts on heritage assets or their settings. In reaching this conclusion, it is noted that consideration has been given to whether a condition would be appropriate to require a heritage interpretation scheme to provide more legibility to the original route. However, the associated SMC and ongoing discussions between Welsh Government and Cadw will address all such matters through the separate regulatory process, and therefore no such condition is recommended for this proposal.

Setting of Listed Buildings

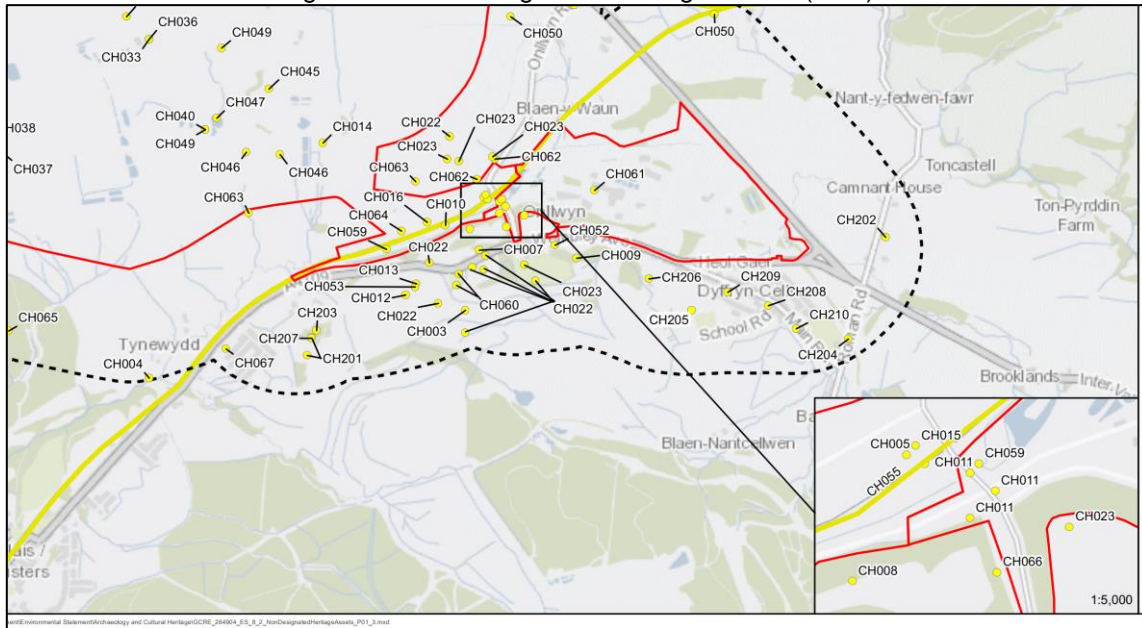
Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

In this case, the nearest Listed Buildings in Neath Port Talbot - 82048 Circular pigsty at Blaendulais Farm, and 82050 The War Memorial - are in excess of 1km away from the edge of the site, and, even though the application is at outline stage, there are considered to be no concerns in respect of the impact of the development on their setting.

Archaeology / Non-Designated Assets

While there are other archaeological remains (non-designated assets) within the site, and notably in and around the washery (see figure 11 below), the ES identifies minor impacts and mitigation (section 8.9) including that areas named would be subject to an archaeological strip, map and record, with a watching brief on Areas B and C (i.e. those unaffected by the modern mining operations).

Figure 11: Non-Designated Heritage Assets (NPT)



For those features which fall within Glamorgan Gwent Archaeological Trust's (GGAT) area and remit, they concur with the proposed mitigation and recommendations and raise no objection to the positive determination of the application, subject to the full details of any archaeological mitigation being agreed with the archaeological advisors of GGAT (and CPAT in Powys) and be undertaken under an agreed Written Scheme of Investigation approved by CPAT and GGAT and carried out by an appropriately qualified archaeological contractor. Such requirements are conditioned.

Historic Landscape Areas

There are 11 historic landscape areas within the site or its immediate vicinity, with five areas having minor or negligible adverse impacts arising from the development. These impacts would be largely limited to the addition of the rail testing tracks, plus washery and associated development on top of the 'baseline' earthworks approval, which would introduce a much more visible presence as a new installation in the landscape, but not to an extent which would have an unacceptable adverse impact on the historic landscape.

Heritage Conclusion

The above assessment emphasises that the degree of impacts arising from the development – i.e. the extent of development and subsequent operation of the GCRE itself; the earthworks having been assessed under the earlier application – on designated and non-designated heritage assets would not be significant. Accordingly the proposal complies with PPW, TAN24, the heritage and placemaking objectives within Future Wales and LDP Policies SP21 and BE 1.

DRAINAGE

A Drainage Strategy has been submitted as part of this application, contained within Appendix 11B of the Environmental Statement. New storm drainage infrastructure would be required to serve the GCRE development, however, the general principle for the Nant Helen site is to retain all storm drainage features associated with the Nant Helen Complementary Earthworks drainage strategy where possible, and either amend or relocate to suit the GCRE requirements.

Sustainable Drainage (SAB) approval would be required for the whole development prior to any work commencing. A pre-application submission has been made to the local authorities for the Nant Helen Complementary Earthworks drainage strategy. The proposed road and rail maintenance facility, which was not included as part of the Nant Helen Complementary Earthworks drainage strategy, will require a new storm drainage provision with sustainable solutions, examples include swales, ditches and attenuation ponds. The measures taken are described in more detail within the drainage strategy as submitted, which can be viewed in ES Volume II, Appendix 11B.

The NPT Drainage team has raised no objection to the development, albeit noting that:-

- Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.
- There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.
- Foul water and surface water discharges shall be drained separately from the site.
- No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the life time of construction.

Dwr Cymru Welsh Water has also responded, raising no objection to the development and advising that, with respect to the site within NPT, foul flows can communicate to the existing combined sewer crossing the development site (subject to sewer protection zones). They also recommend a condition in relation to the protection of assets as well as a foul water drainage scheme.

In addition, the accompanying 'Drainage Strategy Report' and 'Surface Water Features and Flood Risk' indicates proposals to dispose surface water flows to a surface water body and in principle they offer no objection albeit advise the development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires SAB consent.

GEOTECHNICAL / LAND STABILITY ISSUES

PPW11 recognises that development can result in instability which may affect both the development itself and the land surrounding it (para 6.9.22).

It states that when considering development proposals planning authorities should take into account the nature, scale and extent of ground instability which may pose direct risks to life and health, buildings and structures, or present indirect hazards associated with ground movement, including mine entry collapse. Slopes, embankments, cuttings and underground cavities can themselves be put at risk from inappropriate neighbouring development and, where relevant, land stability should be addressed, and appropriate mitigation measures secured to protect both existing assets and proposed development itself (para 6.9.23).

PPW also recognises that made ground, the presence of tips and shallow coal workings are extensive in some parts of Wales and their proximity to the surface could present potential instability risk to future development (para 6.9.24).

PPW therefore states that planning decisions will need to take into account:

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability (para 6.9.25).

PPW concludes that where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission (para 6.9.27).

The geological impact and potential hazards of the proposed development has been considered within Chapter 6 (Ground Conditions) of the Environmental Statement and its appendices, with the potential effects on hydrology from other aspects of the development including drainage covered in Chapter 5 (Hydrology and Flooding).

In respect of land stability, it is noted that the construction of the earthworks to facilitate track formation for the GCRE project has previously been approved, and will be addressed in full through the detailed conditions attached to that earlier consent.

Impact on Coal

The Coal Authority has confirmed that the application site falls within the defined Development High Risk Area, and therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The planning application is supported by an ES with a Geotechnical Desk Study, which acknowledges that there is significant coal mining legacy on the site, mine entries and potential shallow coal workings, and recommends that appropriate intrusive site investigations are carried out in order to establish the exact situation in respect of coal

mining legacy issues. The Coal Authority raises no objection to the development subject to the imposition of conditions securing the following: -

- Prior to the submission of the reserved matters – a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity;
- Prior to, or concurrent with, the submission of reserved matters:
 - a) the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings;
 - b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary.
- Prior to the development being taken into beneficial use, a signed statement or declaration confirming the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Land Contamination

In relation to land contamination, PPW11 states that where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction (para 6.9.19).

The Environmental Health Officer (Contaminated Land) from both NPT and Powys have liaised and raise no objections such to a set of agreed conditions.

They note that the site has an industrial history as an open cast coal mine and in particular the area within NPT remains an active coal washery facility. The conceptual site model in the Geotechnical and Geoenvironmental Desk Study (ES Appendix 6A) identifies a number of potential sources of contamination and there is potential during the construction phase for this to be mobilised off site if appropriate controls are not in place. It is proposed to carry out an intrusive site investigation to establish the levels of contamination on site and the EHO is supportive of this proposal.

The EHO is also satisfied that risks from contamination during the construction and demolition phase can be appropriately managed and that suitable controls can be implemented within the Construction Environmental Management Plan (CEMP) to minimise any risk to receptors. Further, they have reviewed the Outline CEMP and are in agreement with the outline proposals. A condition requiring a detailed CEMP can deal with such matters.

Operation of GCRE

In terms of its operation, the EHO has reviewed Chapter 6 of the Environmental Statement (Ground Conditions) and supporting appendices.

The Environmental Statement identifies a number of potential sources of contamination and has already identified the need for site investigation, which may then require remediation at a later stage in development. However, the EHO is

satisfied that this can be secured by way of a condition requiring the appropriate assessment of land contamination and therefore no objection is raised to the development on the grounds of land contamination.

Within the area of the site falling within NPT, the proposal includes net-zero offices, staff facilities and overnight staff accommodation which are more sensitive to contamination than the areas of rail track. As such the EHO recommends that separate assessments are carried out for this area of the site as the Conceptual Site Model (CSM) is likely to differ considerably to that of the wider site.

The EHO has also previously commented on the report for the Nant Helen Earthworks Application and highlighted the lack of a gas risk assessment, which they note in order to fulfil contaminated land conditions must be included in the future submissions.

Conditions are also recommended, to include a mechanism to deal with unexpected contamination that may be identified as development and site preparation works commence. These align with those recommended by the Contaminated Land Officer in Powys.

Having regard to the above, it is considered that subject to conditions, the proposed development would raise no significant detrimental impact to the wider environment, and through suitable remediation would not result in harm to the quality of controlled waters or human health. The proposal therefore broadly accords with LDP Policies SP16 and EN8.

COMMON LAND

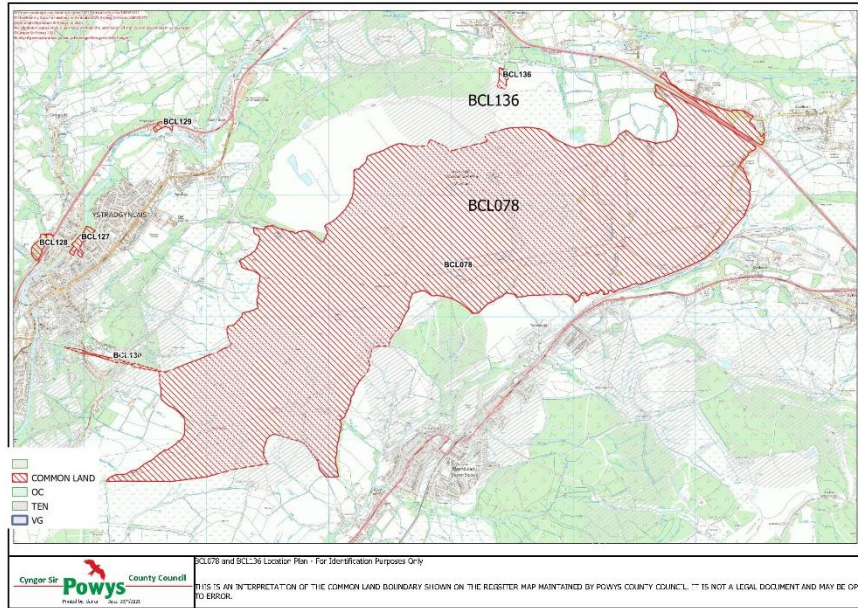
The application site directly affects Common Land that is registered under the Commons Registration Act 1965 – Units BCL78 (Mynydd-y-Drum) (mostly in Powys but partially in NPT) and BCL136 (Land near Abercrave Station). There are grazing rights recorded in the Register of Common Land as being exercisable over BCL78 (Mynydd-y-Drum) common; no grazing rights are registered over BCL136 (Land near Abercrave Station.)

Both commons benefit from a right of access on foot for recreation, under the Countryside and Rights of Way Act 2000, although the Nant Helen opencast coal site area is excepted from that right of access.

Under section 38 of the Commons Act 2006, it is unlawful for 'restricted works' to take place on common land without prior consent.

In conjunction with NPTCBC/PCC, a Common Land Strategy is being developed which will set out the approach for managing the issue of Common Land. An application to de-register areas of common (with suitable replacement land to be made available) will follow. The application for Common Land deregistration is separate to the planning application process, with the Planning Inspectorate responsible for determining applications on behalf of the Welsh Minister.

Figure 12 : Common Land



On the basis that suitable replacement land will be provided through such separate Regulatory control, no objections are raised on such grounds.

CLIMATE CHANGE AND ENERGY

Chapter 3 of PPW11 (Strategic and Spatial Choices) focuses on placemaking and strategic development, with para. 3.7 setting out that *‘developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution’*.

In paragraph 5.8.4 it also emphasises that in order to further promote energy efficiency and energy conservation, planning authorities should consider including development plan policies requiring applications for major development to be accompanied by an Energy Report. This independent report should include recommendations to the developer relating to energy efficiency and appropriate renewable energy technologies that could be incorporated into the development.

This requirement is embodied in Policy RE2 which requires the submission of an ‘Energy Assessment’ for any proposal where developments result in new floor space of 1,000 square metres or more. Schemes that are shown by the assessment to be viable will be required to be implemented as part of the development. In order to meet the requirements of Policy RE2, the approved SPG sets out the matters required for an Energy Assessment.

In response to such policy framework, the planning application submissions have demonstrated a clear appreciation of the importance of renewable energy generation as part of the scheme, both in itself and as part of the project’s wider role in addressing climate change within the rail industry.

As an outline application, the submissions note that the concept illustrative plan (as well as the site size and other physical and locational characteristics) mean that the site has capacity for:

- A site layout which facilitates potential for on-site renewable energy production subject to detailed assessment of the feasibility and commercial viability of options;
- Buildings which integrate renewable energy generation (where possible, on a building by building basis);
- Buildings which are energy efficient across their whole lifetime, including construction and demolition;
- Managing buildings and site-wide operations in a way which minimises energy and carbon use; and
- Maximising opportunities for circular economies of waste management through the construction and the ongoing life-cycle of the site.

It is considered that these aspirations are achievable on the site, and that compliance with the overarching objective of Future Wales to tackle the climate emergency, and with PPW and Policy RE2 can be secured through a condition which requires an overarching energy strategy to be submitted as part of the first reserved matters application, and subsequent updates or assessments to accompany subsequent applications for new build development.

Ultra Low Emission Vehicles (ULEV)

PPW emphasises that, to encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Future Wales sets out the Welsh Government's requirements for the provision of electric vehicle charging points for non-residential development, with Policy 12 (Regional Connectivity) seeking to support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas, and advising that *"Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points"*.

Given the need for the provision of electric vehicle charging points to be planned as part of the overall design of a development, a condition is attached requiring submission of an ULEV strategy as part of the first reserved matters application, which should ensure that all proposed parking areas at the site (which may form part of separate phases) have a minimum of 10% of spaces with electric vehicle charging points.

Climate Change

In respect of the wider climate change issues associated with the rail project, the UK Government announced in 2019 its commitment to become carbon neutral by 2050. More recently, in March 2020, the DfT published 'Decarbonising Transport', which explains Government's strategy in developing a Transport Decarbonisation Plan (TDP) which will be published in Spring 2021.

Future Wales seeks to respond to the climate emergency, and has at its heart the need for the planning system to drive sustainable growth, and achieve decarbonisation and climate resilience. Policy SP1 of the Neath Port Talbot LDP relates to climate change and sets out measures to minimise its impacts including encouraging the

transportation of freight by means other than road and reducing dependence on the private car.

Set against a backdrop of progress in reducing greenhouse gas (GHG) emissions, with a reduction of 30% in the decade to 2018, it is clear that there remains much to do if the UK is to achieve its aim of reaching a net-zero carbon economy by 2050. In 2017 transport was the largest source of emissions in the UK, and in the climate of reduced emissions (since 1990, industry, power and waste have reduced their GHG emissions by over 50%), emissions arising from surface transport have increased.

Within this context, as one of the most carbon-efficient modes of transport, particularly for medium and long distances, the rail industry has a key role to play in the decarbonisation of the transport industry as a whole. Key areas include the need for further electrification programmes, the importance of adopting new technologies and the need for investment in both rail infrastructure and rolling stock, all of which the proposed GCRE has a role in. Notably, the GCRE could help to achieve decarbonisation in a short timescale by providing a testbed for new, low-carbon technologies, sustainable energy capture and storage and other innovations.

Accordingly, it is concluded that the proposed development would also not only meet the Development Plan objectives of Future Wales, and Policies SP1 and RE2 of the LDP to encourage low-carbon development, but also align wider national policy and strategic initiatives as well the aims within the Wellbeing of Future Generations Act.

WASTE MANAGEMENT

Planning Policy Wales 11 (5.12) emphasises the importance of design choices to prevent waste, noting that ‘promoting the best choice of materials and efficiency of use will often go hand in hand. The use of fewer resources in the first place will help to avoid the creation of waste which cannot be effectively reused and waste prevention is key to the efficiency use of natural resources’.

LDP Policy W3 – Waste Management in Development – requires proposals for new build development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation.

To ensure that opportunities to reduce or recycle waste as part of the design, construction and operation of new buildings are identified at an early stage when designing the final development proposals, it is considered that compliance with PPW and Policy W3 can be secured through a condition requiring an overarching waste management strategy / Plan to be submitted with the first reserved matters application.

WELSH LANGUAGE

The Well-being of Future Generations Act 2015 includes as one of its 7 well-being goals ‘*A Wales of vibrant culture and thriving Welsh language*’, with Future Wales: The National Plan 2040 setting out an ambition to create ‘a Wales where people live in places with a thriving Welsh language’.

PPW11 emphasises that the Welsh language is ‘part of the social and cultural fabric’ of Wales and that ‘the land use planning system should take account of the conditions

which are essential to the Welsh language and contribute to its use and the Welsh language goal' (of a million speakers by 2050). Moreover the National Placemaking Outcomes in particular emphasise the need for development which '*enables the Welsh language to thrive,*' as well as cultural considerations including '*how far the proposal supports the conditions that allow for the use of the Welsh language*'.

TAN 20 focuses on 'Planning and the Welsh Language' and notes at paragraph 3.1.2 that 'in determining individual planning applications ... considerations relating to the use of the Welsh language may be taken into account so far as they are material.' It also states that 'When a LPA receives a proposal for a large development on a windfall site in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken.

Policy SP22 of the Neath Port Talbot LDP together with the associated 'Development and the Welsh Language' SPG address the need to protect and develop the Welsh language including identifying 'language sensitive areas' where the Welsh language will be safeguarded and promoted. This includes the community of Crynant in the Dulais Valley (south of the site), although does not include Seven Sisters or Onllwyn. Nevertheless, while Policy SP22 is therefore not strictly relevant, it is notable that it is an area where the Welsh Language is important as it immediately adjoins areas (in Powys) which are defined as LSAs (i.e. Coelbren, Abercrave and Ystradgynlais. As a result the impact of the proposed development on the Welsh language is an important consideration.

Assessment

The proposed GCRE development would create new employment opportunities during construction and operation in proximity to Welsh speaking strongholds, as well as creating new training and education opportunities in the Dulais Valley. Both of these impacts would be likely to contribute to the retention of Welsh speaking people in this area, particularly among the younger population, helping to mitigate issues related to outward migration thereby safeguarding the continued use and prevalence of the Welsh language.

There is considered to be no doubt that the project has potentially far-reaching economic and social benefits, and that these would extend to cultural benefits in respect of the Welsh language.

The submissions emphasise that the applicant will work with the local authorities and other partner organisations to consider suitable further mitigation and support measures at detailed design stage, having regard to approved guidance including the Council's SPG. This will include the need (in accordance with statutory requirements) for all signage and promotion in relation to the site to be bilingual, with additional mitigation measures including: -

- Welsh language awareness courses for all employees,
- Courses to ensure frontline staff can deliver a Welsh Language Service
- Suitable support structures in place for the provision of bilingual signage and announcements

All of the above would need to be developed in conjunction with local groups, which may also be able to identify opportunities for off-site gain relating to Welsh language/ heritage/ cultural assets or projects.

The application submissions also indicate that the GCRE would include measures to improve the interpretation and understanding of cultural heritage assets surrounding the site. As noted by the Future Generations Commissioner for Wales, cultural heritage in Wales is very much connected to the Welsh language. This would benefit both populations working and living in the local area, as well as visitors to the area, enhancing the tourism offer.

Given that all such measures would need to be developed, it is considered that these can be achieved through a two-stage condition which would require a Welsh language assessment / strategy to be submitted with first reserved matters (outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities), and a detailed Welsh Language Action Plan approved prior to first operation, with the operator required to implement all such measures identified within the approved plan.

Overall it is considered that, particularly with additional support measures in place, GCRE would have a positive impact on the Welsh language, and for the reasons outlined above would serve to contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need to promote the Welsh language.

OTHER MATTERS

Open Space Provision

Policy OS1 (Open Space Provision) states that in the case of employment or commercial development proposals of over 1,000 sq.m, provision will be sought for associated amenity space. The explanatory text emphasises (at 5.1.57) that this is to allow employees to access outdoor amenity space close to the workplace in the interests of health and well-being.

The overall development site is considered to provide ample opportunity for such outdoor space to be provided, with the provision of such outdoor space for staff being of benefit to them especially in terms of their health and wellbeing. As such it is considered that the development would comply with the requirements set out within Policy OS1.

CUMULATIVE EFFECTS

The ES has also considered whether there would be any cumulative effects in respect of other projects under construction or permitted within the scheme area, as consideration needs to be given as to whether in combination these impacts would result in greater impacts than they would should they occur independently.

For the purpose of this project, two developments were considered in relation to cumulative effects, namely:

- Nant Helen Restoration works (committed development); and

- Nant Helen Earthworks (committed development).

With respect to both of the above approvals, the baseline for the ES is, in most cases, already the restored site, while the assessment for GCRE has already included consideration of the restoration works in the assessment. Accordingly it is agreed that no further assessment is required to identify cumulative effects.

SECTION 106 PLANNING OBLIGATIONS

LDP 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”*.

In this case, and in view of the type and form of development proposed in this location, and the conclusions in this report which indicate that identified impacts can be mitigated by condition or are outweighed by the potentially transformational benefits arising from the development, it is considered that there is no requirement for any planning obligations to make the development acceptable in planning terms.

OVERALL ASSESSMENT – ‘THE PLANNING BALANCE’

PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

Paragraph 3.38 of PPW states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources. The need to conserve these attributes should be balanced against the economic, social and recreational needs of the local communities and visitors.

There may be occasions when one benefit of a development proposal outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

Key factors in the assessment process include:

- *Social Considerations*, including: - who are the interested and affected people and communities; who will benefit and suffer any impacts from the proposal;

what are the short and long-term consequences of the proposal on a community;

- *Economic Considerations* including: - the numbers and types of long term jobs expected to be created or retained; whether, and how far, the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing local employment opportunities;
- *Cultural Considerations* including: - how far the proposal supports the conditions that allow for the use of the Welsh language; whether or not the development protects areas and assets of cultural and historic significance; have cultural considerations and their relationships with the tourism industry been appropriately maximised; and
- *Environmental Considerations* including: - will important features of the natural and built environment be protected and enhanced; are the environmental impacts of development on health and amenity limited to acceptable levels and the resilience of ecosystems improved.

At 2.29 it further refers to the need to have an integrated approach to balancing priorities against policy on an individual basis, which enables the full range of costs and benefits over the lifetime of development to be taken into account.

Section 5 of PPW11 provides further emphasis on the need to develop 'Productive and Enterprising Places' which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development.

The role of the Local Planning Authority is therefore to balance the weight to be attributed to each of the positive and negative impacts of the development and come to a balanced conclusion as to whether the development is acceptable or not.

Balancing Environmental, Social and Economic Impacts

The assessment above has concluded (amongst other things) that: -

- For that part of the site located within Neath Port Talbot, the development broadly complies with Future Wales, and although there are identified impacts from the development (see below), it would also in principle accord with the Neath Port Talbot Local Development Plan.
- The proposed development would have no adverse impacts on biodiversity in the long term subject to implementation of the proposed mitigation and enhancement measures which can be required by condition;
- Amenity impacts from both construction and operation of the facility can be adequately controlled via planning conditions in order to avoid unacceptable impacts;
- There would be no unacceptable impact on other matters including Highways, drainage, and heritage.

However, as described earlier in this report the proposed development will have adverse **landscape / visual impacts**, Notably the assessment has identified major

adverse visual impact for at least 15 years when viewed from the north and Brecon Beacons National Park in particular, and also from VP18 (within NPT) in views across the site towards the National Park. This will potentially have adverse impacts on one of the National Park's statutory purposes namely "to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park". The NPA have also expressed significant concern that the proposal will adversely impact on two of the Special Qualities of the Park – its "sweeping grandeur and outstanding natural beauty" and the "working, living "patchwork" of contrasting patterns, colours, and textures".

The earlier assessment has noted that the magnitude and severity of such impacts will soften over time through strategic landscaping (controlled by condition), and could subsequently be mitigated by year 15. However, it is also essential to note that the earthworks required for the development have already been approved under earlier consents, and these works in themselves have already been accepted despite them introducing large-scale and permanent landscape and visual change.

Set against these significant impacts, however, are the wider economic benefits that would arise from the creation of a Global Centre of Rail Excellence. For planning purposes the Welsh Government defines economic development as "the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes". Such *potential* benefits (i.e. at that time there was no application for the GCRE) have already been accepted by Members in determining the previous earthworks application as justifying the extent of landscape change. This application, however, now brings forward the GCRE, with a wide-ranging set of local and national economic and environmental benefits which need to be weighed in the planning balance.

Having regard to the above and all identified impacts within this report, the following matters are of particular note and should be given appropriate weight in the 'planning balance': -

- As outlined in the socio-economic section above, the potential economic benefits of the GCRE proposal are significant, and this application proposes a world-class development of national importance as part of the Welsh Government's plans to transform our valley communities, putting them at the heart of a new world-class global industry. This will help create the next generation of high quality jobs, attracting new investment and opportunities for local people, driving new technologies and innovation.
- Such a facility will be unique in Europe and put Wales 'on the map' for train manufacturers, network operators, the wider industry, supply chain and academia, to research, test and develop innovative new technologies that underpin de-carbonisation and development for the global rail industry. It will also be a magnet project for further new opportunities – bringing more quality jobs and investment to our communities.

As part of the generally positive and permissive National Policy context, Technical Advice Note 23 (Economic Development) emphasises (2.1.2) that where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration of the economic benefits will be necessary. It further notes that "*there will of course be occasions when social and environmental considerations will outweigh economic benefit*", but then emphasises the need to

answer the following three questions in order to help clarity and balance the economic, social and environmental issues.

1. **Alternatives:** if the land is not made available (i.e. the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where?

In this case, no viable alternative sites have been identified in Wales for a proposed rail centre of excellence. Moreover, this project on this site now has the financial backing of both UK and Welsh Governments.

2. **Jobs accommodated:** how many direct jobs will be based at the site?

The assessment indicates that the proposal will generate between 44 and 81 direct jobs, and up to 217 indirect jobs. There is also the potential for additional academic jobs to be created alongside the main project, while the GCRE would encourage learning and training opportunities for those in the local area to develop rail industry expertise. This could lead to an increase in potential for more local jobs at the site in the future

3. **Special merit:** would the development make any special contribution to policy objectives?

It is clear from the assessment above that the proposal has 'special merit', notably in providing a unique facility which responds to the existing lack of appropriate testing sites in the UK for railway infrastructure, delivering benefits to the entire railway industry, the railways' end users, and the national economy.

The GCRE will deliver nationwide economic benefits, forming a key piece of infrastructure which will open opportunities to all kinds of firms within the railway sector, from rail parts suppliers to innovation centres and public bodies such as Network Rail. It will also support the UK's growing knowledge economy by making its facilities available to knowledge-intensive private and public organisations, helping to increase the pace at which new rail technologies are adopted and widen the scope of the railway sector's R&D capabilities. In this respect, the GCRE is expected to contribute to growth in productivity and export markets for Wales and the UK, both of which are important to maintaining national economic success.

An objective of the site is also to *"act as a catalyst for the creation of a rail technology hub in Wales"*, which could be transformational for the rail industry in the UK.

TAN23 also states that industrial development in a disadvantaged area could help fight social exclusion, improve run-down places and create job opportunities for people at high risk of unemployment. In addition, PPW advises that the planning system should particularly support the low-carbon economy, and innovative business / technology clusters and that developments that will provide space for these categories of businesses count as making special policy contributions. The GCRE clearly fits into such a category, helping to create a prosperous community in a deprived part of Wales by providing

modern infrastructure and allowing people to develop their skills, ultimately creating a resilient community and reducing inequalities, while also supporting low carbon transport initiatives.

The GCRE also offers a chance to deliver local socio-economic benefits that could be transformational for the local area, particularly as existing activities at the site come to an end. This is especially the case given the site's location away from existing concentrations of economic activity and away from the major centres of employment NPT and Powys.

Re-Use of Previously developed Land

As noted earlier in this report, a core principle of achieving sustainable development is using previously developed land in preference to greenfield land where possible. The washery site satisfies the definition of previously developed land, and it is indisputable that this development will bring forward substantial and significant new development onto a previously-developed site, giving it life for future generations. The reuse of the site for such purposes is therefore considered to amount to an additional material consideration of significant weight.

Post Covid-19 Recovery

The above arguments are considered to be put into even greater focus at the present time, with the application considered against a backdrop of the Covid-19 pandemic. In this respect it is notable that on 16th July 2020 the Welsh Government published [Building Better Places: The Planning System Delivering Resilient and Brighter Futures](#) which provides planning policy guidance for local planning authorities and the development industry on priorities for the planning system to deliver post Covid-19.

Notably the guidance includes a WG a commitment to follow through on infrastructure obligations which will go a long way in ensuring that the developments envisioned are delivered and the wider public benefits are maximised, and commitment that WG will play its role in supporting the vibrancy of places and helping this people-focussed and placemaking-led recovery.

Most pertinent to the economic benefits considered above, it states as follows: -

“Through effective planning we can create a more resilient Wales where social, economic and environmental inequalities are identified and effectively addressed to create a more resilient and brighter future for all. This is a once in a generation opportunity for planning to have a positive effect on the future wellbeing of people in Wales and these policy considerations should be applied immediately to ensure we affect change in the most positive way possible.”

Within this immediate context, and one which has seen the Valley communities especially hard hit (see NPT Community Impact Assessment), the opportunities that could come to fruition as a result of granting planning permission for the GCRE could have a hugely positive effect on the future wellbeing of people in this part of Wales.

In this regard, and having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: *Building Better Places: The Planning System Delivering Resilient and Brighter Futures*, and having

considered the likely significant effects of the development on the environment – which can largely be mitigated by conditions – it is concluded that in the overall planning balance the proposal, in addition to providing a world class facility, would create significant social, economic, cultural and environmental benefits which would contribute towards ‘reinvigorating the Valleys’, and outweigh the identified impacts caused by the development. Having regard to the above, it is also noted that even had the development been found (in NPT) to be contrary to the Development Plan, such benefits would have been sufficient to outweigh any harm caused by reason of a failure to accord with Policy.

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 Future Wales – the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016. In addition, the Council, in accordance with Section 3(3) of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, has taken all the environmental information into consideration.

Having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: *Building Better Places: The Planning System Delivering Resilient and Brighter Futures*, and having considered the likely significant effects of the development on the environment – which can largely be mitigated by conditions – it is concluded that in the overall planning balance the proposed GCRE would create a potentially world class facility, which would create significant social, economic, cultural and environmental benefits which would contribute towards ‘reinvigorating the Valleys’, and outweigh the identified impacts caused by the development.

Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP6, SP11, SP14, SP15, SP16, SP20, SP21, SP22, SC1, I1, EC5, TO4, EN2, EN6, EN7, EN8, M1, M3, TR2, TR3, TR4, and BE1

It is further considered that the decision complies with Future Wales - the National Plan 2040 and 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 subject to conditions

CONDITIONS

Time Limits

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Addendum unless provided for in any other conditions attached in this permission.

Reason:

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the principle impacts of the development in the preparation of the detailed design and operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

Approved Plans

5. The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by other conditions, schemes or approvals by the Local Planning Authority:

- ES – Volume I – Main Text – Combined
- ES Volume II Front Cover and Table of Contents
- ES Volume III Front Cover and Table of Contents
- Drawing 001 Site Location Plan
- Drawing 002 Parameter Plan
- Drawing 004 Proposed Demolition Plan

Reason: Required to be imposed pursuant to Section 71ZA of the Town and Country Planning Act 1990 (as amended).

Pre-Commencement Conditions

6. Before beginning any development at the site, you 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

7. Prior to the submission of any application for the approval of reserved matters, the applicant / developer shall have submitted to and had approved in writing by the Local Planning Authority a plan sub-dividing the overall site area into phased development areas to substantially accord with the illustrative masterplan and parameters submitted to and approved as part of this application, together with details of the supporting information which is to be submitted for each phase under the relevant conditions of this consent

Reason:

To allow the sub division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

8. As part of the submission of the first reserved matters application for each phase of development as agreed under Condition 7 which proposes new buildings, a schedule of external materials (including samples where requested) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.

Reason:

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan

9. Prior to the commencement of work on each phase of development as agreed under Condition 7, and notwithstanding the submitted details which refer to palisade fencing, full details of all boundary enclosures / treatments within the site and on the site boundaries including their siting, design and materials, together with an assessment of ecological impacts (including upon wildlife movement and collisions and details of how wildlife corridors and movement will be accommodated) shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments within each phase shall be carried out in accordance with the details as approved before the use of the associated land within that phase is commenced or buildings occupied and thereafter retained as approved.

Reason:

In the interests of health and safety and visual amenity of the area, to ensure all ecological mitigation measures are applied in line with the ES, and to ensure the development complies with PPW, Future Wales, TAN5 and Policies EN6, EN7 and BE1 of the Neath Port Talbot Local Development Plan.

10. No development shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Glamorgan Gwent Archaeological Trust for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and generally to protect the historic environment as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan.

NOTE: Please see associated Condition 7 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

11. Notwithstanding the draft Construction Environmental Management Plan (CEMP), no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an updated phase-specific 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 as a minimum the following information: -

- Risk assessment of potentially damaging construction activities.
- Construction methods: details of construction materials or techniques to be used;
- General Site Management: details of the construction programme including timetable; details of site clearance; details of complaint investigation procedures.
- Resources Management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater, and energy use.
- 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).
- Pollution Prevention Plan: demonstrating how relevant Guidelines for pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Invasive Non-Native Species Management Plan.
- Details of task and security lighting to avoid disturbance of habitats of importance to crepuscular or nocturnal species.
- Responsible persons and lines of communication and emergency contact details.
- Use of protective fences, exclusion barriers and warning signs.
- 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; details of dust & odour control measures and measures to control light spill.
- 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.
- Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- All items listed under para. 7.16.1 – 7.16.5 of the ES

The approved CEMP shall be adhered to and implemented throughout the site preparation and construction period strictly in accordance with the approved details.

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, and to ensure all

ecological mitigation measures are applied in line with the ES, and to accord with Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Policies SP15, SP16, EN6, EN7 and EN8 of the Neath Port Talbot LDP.

NOTE: Please see associated Condition 8 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

12. No development shall commence until a Construction Method Statement/Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:
 - (i) Details of the traffic management to be provided to protect the highway network and NCN 43, including details of the approved route for construction traffic (which should seek to avoid heavy vehicles using the route through Seven Sisters);
 - (ii) Details of wayfinding and pedestrian/cycle (active travel) routes to serve the site during the construction phase.
 - (iii) Details on vehicle and cycle parking for site operatives and visitors.
 - (iv) Detail on loading and unloading areas for plant and materials.
 - (v) Detail on storage of plant and materials during the construction phase.
 - (vi) Details covering the erection and maintenance of security hoarding.
 - (vii) Wheel washing facilities

The approved Statement shall be adhered to throughout the construction period.

Reason:

In the interest of highway safety and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

13. No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an Ecological Protection Plan (EPP) has been submitted to and approved in writing by the local planning authority. The EPP shall include but is not limited to the measures set out in 7.16.5 and 7.21.3 of the ES.
 - Risk assessment of potentially damaging construction activities.
 - Details of Pre-commencement Surveys, including methodologies and timing.
 - Identification of “biodiversity protection zones”.
 - Reptile trapping and relocation method statement including details of receptor sites.
 - Vascular Plant Species translocation method statements (specifically common wintergreen, lesser bulrush, floating bur-reed, greater tussock sedge and spiked water milfoil, royal fern and viviparous fescue).
 - Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to retained features of ecological

importance during construction (may be provided as a set of method statements).

- The location and timing of sensitive works to avoid harm to ecological features of importance.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved EPP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

NOTE: Please see associated Condition 9 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

14. No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of the proposed site-wide strategy to maintain and enhance wildlife corridors supporting wildlife movement within and without of the development site has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:

- Detailed specification of culverts
- Locations of culverts
- A plan showing key wildlife corridors across the site, as informed by up to date ecological surveys
- Details of landscaping and fencing to encourage use
- Monitoring of use

The scheme shall be implemented as approved.

Reason:

To ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6 and 7.

15. No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a scheme to maintain and enhance wildlife corridors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with, implement and demonstrate compliance with the approach set out in the strategy agreed under condition 14, and shall be implemented as approved.

Reason:

To ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6 and 7.

16. No development shall take place (including demolition, ground works, site or vegetation clearance) until a scheme for the conservation of reptiles has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:

- Location of any receptor sites to be used and detail of landownership/control of the sites
- Suitability of receptor sites for reptiles that will include estimated existing populations presented based on up to date survey information.
- Enhancement measures to be implemented on receptor sites
- Re-location methodologies and timing
- Monitoring proposals
- Details of any necessary agreement with landowner.

The scheme shall be fully implemented as approved in accordance with the agreed methodologies and timescales.

Reason:

In the interests of ecology and as reptiles are afforded protection under the Wildlife and Countryside Act (1981) as amended. To ensure the ecological mitigation measures to be applied in line with the ES; in compliance with wildlife legislation particularly Wildlife and Countryside Act (1981) as amended, PPW, Future Wales, TAN5 and LDP Policies EN6 and EN7.

17. No development shall take place (including demolition, ground works, site or vegetation clearance) until a Barn Owl Compensation Scheme that includes the provision of a minimum of 2 Barn Owl boxes, 1 in NPT and 1 in Powys has been submitted to and approved in writing by the LPA. The scheme will include but is not limited to:

- Details of locations and details of landownership
- Box design/specification
- Demonstration of agreements with relevant landowners
- Details of monitoring use
- Provisions for replacement where damage or deterioration prevents intended use

The scheme shall be implemented as approved.

Reason:

To contribute towards the mitigation of loss of wild bird habitat to the development and to comply with the Conservation of Habitats and Species Regulations 2017 (as amended). To ensure the ecological mitigation measures to be applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP policies EN6 and EN7.

18. No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Strategic Biodiversity Plan (SBP) has been submitted to and approved in writing by the Local Planning Authority. The SBP shall set out the approach to be taken to the production of phase-specific Biodiversity Plans (PBP) under condition 18. The SBP shall include but is not limited to the following:

- Methodologies and principles for scheduling of pre-commencement ecological checks and where necessary update to ecological surveys, particularly for protected species, taking account of CIEEM Advice note on the Lifespan of Ecological Report and Surveys.
- Methodology to update and confirm the quantitative assessment of habitat loss and creation (updating ES 7.19.48, table 7.8 and Appendices 7T and 7V).
- A biodiversity enhancement scheme that will set out the approach to the design and implementation of enhancement measures including, but not limited to, the measures set out in 7.23.1-7.23.7 inclusive, of the Environmental Statement.
- Detail the mechanism, including principles to be applied, for the review of the adequacy of mitigation, compensation and enhancement measures in light of pre-commencement ecological checks and / or surveys. This will include the inclusion of new, revised and additional measures where necessary to ensure the scheme delivers an overall net benefit.

The Plan shall be implemented as approved.

Reason:

To update and clarify the ecological impacts predicted and inform the ecological mitigation, compensation and enhancement measures to be applied in line with the ES; in compliance with wildlife legislation, particularly the Environment Wales Act 2016, PPW, Future Wales, TAN5 and LDP policies EN6 and 7.

19. No development shall take place in each individual phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Phase Biodiversity Plan (PBP) has been submitted to and approved in writing by the Local Planning Authority. The PBP shall be in line with, implement and demonstrate compliance with the approach set out in the SBP agreed under condition 18. The Plan shall be implemented as approved.

Reason:

To update and clarify the ecological impacts predicted and inform the ecological mitigation, compensation and enhancement measures to be applied in line with the ES; in compliance with wildlife legislation, particularly the Environment Wales Act 2016, PPW, Future Wales, TAN5 and LDP policies EN6 and 7.

20. No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance, or machinery being brought onto site) until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan and Ecological Protection Plan. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

Reason:

To comply with Neath Port Talbot Council Policies SP15, SP16, EN6 and EN7 in relation to the Natural Environment and meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

NOTE: Please see associated Condition 11 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

21. Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A non-intrusive site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 13 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

22. Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. A mine gas risk assessment should form part of the overall assessment.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of 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 offsite receptors in accordance with Policies SP16 and Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 14 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

23. Notwithstanding those works already permitted and approved in accordance with planning approval P2020/0362, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policies SP16 and Policy EN8 of the Local Development Plan.

NOTE: Please see associated Condition 15 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

24. No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) where foul connections are required until a foul water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

25. No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) – where such phase affects sewers and water mains - until details of a method statement and risk assessment for the protection of the structural condition of the public sewers and watermains 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 sewerage and water supply system in the interests of public health and safety.

26. No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):

- i) A statement setting out the design objectives and how these will be delivered;
- ii) any earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials; and
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.
- vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (native only), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Development thereafter must be completed in full accordance with the details and implementation programme as agreed, and the landscaping shall thereafter be maintained in accordance with the approved management plan.

Reason:

To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP Policies EN6, EN7 and BE1 of the Local Development Plan.

27. Prior to the submission of any application for approval of reserved matters, a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity. As part of (or alongside) the first reserved matters submission full details shall be submitted detailing (a) the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings; and (b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy as may be necessary, which should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.

The intrusive site investigations and remedial works shall be carried out in accordance with the approved details and with authoritative UK guidance.

Reason:

To ensure that the scheme is designed and implemented with regard to the need to address the risks posed to the development by past coal mining activity, and to ensure compliance with Policies SP16 and EN8 of the Local Development Plan.

28. As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide landscape Strategy and associated scheme of Landscape Mitigation Planting (to include a timetable for implementation; shall be submitted to the Local Planning Authority for its approval in writing. Such landscape strategy shall cover a period of no less than 20 years, and shall include a mechanism for review and extension in the event planting has not mitigated the impacts on the National Park to the extent identified in the Environmental Statement. This strategy will include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development. No development shall commence until such landscape strategy has been approved in writing, and thereafter the scheme shall be implemented in accordance with the approved details.

Reason:

To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, PPW, Future Wales, TAN5 and LDP policies EN6, EN7 and BE1 of the Local Development Plan.

NOTE: Please see associated Condition 17 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

29. As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a detailed light pollution/dark skies assessment shall have been undertaken and submitted to the local planning authority for its approval in writing. The result of such assessment shall be used to inform and influence the final external lighting scheme required under condition 56.

Reason: To ensure the extent, form and use of external lighting is minimised in the interest of protecting nearby Brecon Beacons National Park (Dark Sky Reserve) and to ensure compliance with Planning Policy Wales, Future Wales, and Policies SC1 and BE1 of the Neath Port Talbot Local development Plan.

30. As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide Energy Strategy shall be submitted to the LPA for its approval in writing. Thereafter, for each phase of development as agreed under Condition 7, the first reserved matters submission for that phase shall be accompanied by an Energy Assessment which shall include, but not be limited to proposed methods of energy

production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction, to demonstrate compliance with the overarching energy strategy for the site. The development of each phase shall thereafter be operated in accordance with the scheme as approved.

Reason:

In the interest of sustainability and to comply with the decarbonisation objectives of Planning Policy Wales and Future Wales, and the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

31. As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide / overarching waste management strategy / Plan shall be submitted to the LPA for its approval in writing, detailing the control, management, storage and disposal of any waste material generated during the demolition and construction of the development. The development of each phase shall thereafter be undertaken in accordance with the scheme as approved.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

32. At commencement (stage 2), completion (stage 3) and 12 months after completion (stage 4), all highway works required off Wembley Road onto Onllywn Road to allow for safe access for Pedestrians, cyclists, crossing points and bus stop locations shall be subject to a Road Safety Audit in accordance with Design Manual for Roads and Bridges HD19/03 and shall at each stage of the Audit be submitted to and approved in writing by the Local Planning Authority. All measures arising from the audit shall be implemented on site in accordance with the agreed details and timetable.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

33. In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme detailing the phasing approach for the development reflecting the car parking (including a minimum of 10% spaces with Vehicle Charging Points for Ultra Low Emission Vehicles (ULEV)), delivery and manoeuvring requirements on site for that phase, to include shall be submitted to the Local Planning Authority for its approval in writing. The approved scheme shall be implemented on site prior to any related part of the development being brought into beneficial use, in accordance with the agreed scheme and phasing.

Reason:

In the interest of highway safety and to ensure the development accords with the sustainability objectives of Planning Policy Wales and Future Wales: The National Development Plan, and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

34. In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme shall be submitted to the LPA for its approval in writing detailing the provision of cycle parking and facilities, which shall include covered shelters, appropriate lighting and CCTV, staff lockers, and changing and showering facilities.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Development Plan.

35. In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme shall be submitted to the Local Planning Authority for its approval in writing detailing the provision of outdoor amenity space to benefit the staff employed within that phase / part of the site. No building in each phase shall be operated until such amenity space has been provided in accordance with the approved details, and such amenity space shall thereafter be maintained and retained for its approved purpose.

Reason:

To ensure appropriate amenity space is provided to serve the staff at the site, and to comply with Policy OS1 of the Neath Port Talbot Local Development Plan.

Action Conditions

36. No later than six months before the development is first brought into beneficial use, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:
- The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 56 (lighting), 17 (barn owls).
 - Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.
 - Description and evaluation of features to be managed.
 - Ecological trends and constraints on site that might influence management
 - Aims and objectives of management
 - Appropriate management options for achieving aims and objectives
 - Prescriptions for management actions

- Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).
- Details of the body or organisation (and funding thereof) responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The use hereby approved shall not commence until such Ecological Management and Monitoring Plan (EMMP) has been approved in writing, and thereafter the EMMP shall be implemented in accordance with the approved details.

A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason:

To ensure all ecological mitigation/enhancement and compensation measures are applied in line with the ES, and to comply with Policies SP15, SP16, EN6 and EN7 of the Neath Port Talbot LDP, and meet the requirements of Future Wales, Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Planning.

NOTE: Please see associated Condition 10 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

37. No less than three months prior to the first beneficial use of the facility hereby approved, a scheme shall be submitted detailing:
1. The predicted nature and type of trains using the facility, which as a minimum should ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement;
 2. updated air quality modelling and assessments relating to statutory, non-statutory sites and ancient woodland based upon such identified parameters; and
 3. Any necessary mitigation and long-term monitoring measures to be implemented to minimise adverse impacts upon the ecology of these sites.

The development shall not be brought into beneficial use until such scheme has been approved, with any mitigation and long-term monitoring identified within the assessments thereafter implemented in accordance with the agreed details and timescales.

Reason:

To update and clarify the ecological impacts from air quality predicted and inform the ecological mitigation measures to be applied in line with the ES; in

compliance with wildlife legislation, particularly the Conservation of Habitats and Species Regulations 2017 (as amended), PPW, Future Wales, TAN5 and LDP Policies EN6 and EN7.

38. The approved remediation scheme under condition 23 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. *The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.*

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policies SP16 and EN8 of the Local Development Plan.

NOTE: Please see associated Condition 19 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

39. Following submission of a remediation strategy, if deemed necessary as part of that strategy a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

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 offsite receptors in accordance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

NOTE: Please see associated Condition 18 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

40. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on the affected area of the 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 in accordance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

NOTE: Please see associated Condition 19 of Planning Permission ref. P2019/5455 in respect of the advanced earthworks.

41. Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority an Operational Noise Management Plan (ONMP) detailing the necessary controls to ensure compliance with the agreed noise criteria set out within the Environmental Statement. As a minimum it shall include any assumptions that have been made regarding the operation of the site in deriving the predicted noise levels as detailed in Appendix 10C of the Environmental Statement. The ONMP shall be subject to periodic review not less than every 12 months, with the results of such review submitted to the Local Planning Authority for its approval in writing, and any recommended changes to operational activities that may be recommended within such revised ONMP thereafter implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority. .

All operations at the site shall be carried out in full accordance with the ONMP (as approved or revised) for the duration of its operation.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

42. Prior to the facility being brought into beneficial use, all acoustic barriers identified on Figures 10.1 to 10.3 within the Environmental statement shall have been constructed/ provided on site in full accordance with a detailed location plans and specification, which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter all acoustic barriers shall remain in place for the life of the development.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

43. Prior to the installation of any fixed plant or machinery an updated BS4142 assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must demonstrate that the approved noise criteria specified in condition 64 (based on Table 10.1 of the Environmental Statement) can still be achieved at any noise sensitive receptor (and shall include details of any necessary mitigation to achieve such levels). All fixed plant or machinery and identified noise mitigation measures shall thereafter be maintained as approved and operated at all times to ensure that the approved noise criteria in condition 64 are not exceeded.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

44. For the purposes of demonstrating compliance with Condition 64 and the “*Total overall predicted scheme noise level with noise fence barriers*” stated in Table 10.5 of the Environmental Statement (reproduced below) during the first 12 months of operation the operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the site, according to a measurement protocol which shall first have been agreed in writing by the Local Planning Authority.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level LAeq (15 mins) with noise fence barriers			
	Daytime LAeq (15 mins)	Evening LAeq (15 mins)	Night Time LAeq (15 mins)	L _{Amax} , F
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54

R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

No later than 13 months after the development is first brought into beneficial use, a noise emissions assessment completed at the expense of the developer shall be submitted to the Local Planning Authority for approval. Should the assessment conclude that the predicted noise levels as identified within Table 10.5 of the Environmental Statement are being exceeded, then a scheme for further mitigation shall accompany any assessment and shall thereafter be implemented within three months following the written approval from the Local Planning Authority. The mitigation as approved shall thereafter be retained and maintained in accordance with the details as approved.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

45. Prior to the commencement of the use hereby permitted a scheme for the ongoing monitoring of noise during operation of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (but not be limited to);

- Access to monitoring data by the Local Planning Authority at no additional cost to the authority;
- A scheme for identifying exceedances and initiating an investigation and corrective action to address any exceedance of the agreed criteria set out in condition 64.
- A procedure for the reporting of the outcome of the investigation and any action taken to the Local Planning Authority within 24 hours of the exceedance

Once approved the scheme shall be implemented for the duration of the operation of the site. Development thereafter shall proceed in line with the approved scheme and shall remain as such for the duration of the operational use of the site.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

46. Not less than three months prior to the first operation of the facility/site, a community liaison scheme, which shall include (but not limited to):
- a) a mechanism for dealing with complaints from the Local Community;
 - b) Details of a nominated representative of the operator who will have the lead role in liaising with local residents and the relevant planning authority; and
 - c) the composition and operation of a regular Stakeholder Meeting (to include representatives of the communities surrounding the site)

shall be submitted to the local planning authority for its approval in writing. The facility/site shall not be operated until such time as the scheme has been approved in writing by the local planning authority, and the liaison and approved stakeholder meetings shall thereafter continue in accordance with the approved scheme for as long as the facility operates.

Reason:

To ensure that the operator has ongoing, formal engagement with the local community and specialist consultees, in the interest of fostering a positive community relationship, and particularly in the interests of protecting the amenity of nearby residential properties, and in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

47. At twelve months, three years and five years after the first beneficial operation of the facility hereby approved, additional traffic impact surveys shall be undertaken to ascertain the actual traffic flows, and such survey data and assessment of the need (if any) for further or additional traffic management or orders as required to be implemented (and including a timetable for implementation) shall be submitted within one month of the survey date to the Local Planning Authority for its approval in writing. The recommendations within the approved assessment shall be implemented in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

48. Prior to the commencement of the use hereby permitted a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembley Ave/Heol Gaer (A4109) and the Intervalley Road (A4221) (e.g TROs) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timetable agreed within the approved scheme.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

49. Notwithstanding the submitted plans, no part of the development hereby approved shall be brought into beneficial use until such time as a combined cycleway and pedestrian access, together with street lighting, linking Onllwyn Road to the main washery site, and an improved pedestrian crossing of Wembley Avenue to Onllwyn Road at the Wembley Avenue junction (to include as a minimum dropped kerbs and tactile paving) have been implemented in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

As such pedestrian / cycleway improvements are considered essential to facilitate safe and sustainable access to the site, and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

50. No part of the development hereby approved shall be brought into beneficial use until such time as a scheme of Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to the site has been submitted to and approved in writing by the Local Planning Authority. All identified improvements shall be implemented in accordance with a timescale approved under the scheme.

Reason:

In order to facilitate safe and sustainable access to the site, and to accord with Policy SP20 of the Neath Port Talbot Local Development Plan.

51. At twelve months and five years after the first beneficial operation of the facility hereby approved – or in the event a specific request is made in writing by the Local Planning Authority - a survey of the highways surrounding the site shall be undertaken to ascertain whether unplanned visitors to the facility are causing problems on the local highway network, with the results submitted to the Local Planning Authority for approval in writing. If such monitoring identifies adverse impacts, a scheme shall be submitted to the Local Planning Authority for its approval in writing within one month of the survey date detailing potential mitigation measures (which could include parking provision or regulations, or other visitor-related proposals). The recommendations within the approved scheme shall be implemented in accordance with the approved details and timescales.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

52. No part of the development hereby approved (or such phase that may be approved under condition 7) shall be brought into beneficial use until such time as a signed statement or declaration prepared by a suitably competent person confirming the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, and confirming that the site is, or has been made, safe and stable for the approved development, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a competent person has verified the works on site in order to mitigate any risks arising from the coal-mining legacy at the site, and to ensure compliance with Policy EN8 of the Neath Port Talbot Local Development Plan.

53. No later than six months before the development is first brought into beneficial use, a Welsh language Impact Assessment / strategy shall be submitted to the Local Planning Authority for its approval in writing, outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities arising from the proposed development.

Reason:

To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need for such major development to promote the Welsh language in accordance with Policy SP22.

54. Prior to first beneficial operation of any part of the development hereby permitted a detailed Welsh Language Action Plan, founded on the impacts and opportunities identified within the Impact Assessment approved under condition 53, and identifying specific measures and a timetable and implementation plan, shall have been submitted to and approved in writing by the local planning authority. All measures identified within the Action Plan shall be implemented in full accordance with the approved plan.

Reason:

To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need for such major development to promote the Welsh language.

55. Notwithstanding the submitted Travel Plan, no less than six months prior to first beneficial use of any part of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator, and incorporate the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport. The Plan should also include a detailed monitoring scheme/schedule, which shall incorporate regular reviews covering the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

56. No external lighting shall be installed or operated at the site other than in accordance with a detailed external lighting scheme, which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall take into account the Dark Skies Assessment required by condition 29, together with the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall also be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- An Environmental Lighting Impact Assessment against conservation requirements for protected species and designated landscapes.

All lighting installed at the site shall be in full accordance with the approved details.

Reason:

To ensure the extent, form and use of external lighting is minimised in the interest of protecting the wider countryside, nearby Brecon Beacons National Park (Dark Sky Reserve) and to ensure nocturnal wildlife are not adversely affected or disturbed by the lighting of the site and to ensure compliance with Planning Policy Wales, Future Wales, TAN5 and Policies SC1, BE1, EN6 and EN7 of the Neath Port Talbot Local development Plan.

57. Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority a scheme addressing any required areas of external storage, together with those area(s) identified for decommissioning of trains or similar rail related items. There shall be no external storage of materials or parts (including those arising from the decommissioning of trains or similar rail related items) other than in accordance with such agreed details.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

58. No less than three months prior to commencement of the development hereby permitted, full details of a Labour Recruitment Strategy, to include measures aimed at facilitating best available access for local people to the opportunities for employment arising from the construction and operation of the Global Centre of Rail Excellence, and identifying how the project can deliver benefits to Wales and to local communities through targeted recruitment and training, and supply chain initiatives, shall have been submitted to the Local Planning Authority for its approval in writing. The Strategy, which shall include a timetable for its implementation, shall thereafter be implemented as approved.

Reason:

To ensure that the developer undertakes best endeavours to facilitate best available access for local people to the opportunities for employment arising from the construction and operation of the GCRE.

Regulatory Conditions

59. The site access onto / from the Intervalley Road (A4221) shall be restricted solely to construction traffic, emergency vehicles and deliveries only, and shall at not times be used by staff or other persons working on or visiting the site. Prior to first beneficial use of any part of the former washery site, the access shall be provided with permanent gates and signage in accordance with details which shall first have been approved in writing under this condition or an associated reserved matters submission, with the gates and signage thereafter retained in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure compliance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

60. Construction and demolition works on the site of the former washery (also applying to the starting up and/or warming up of any vehicles, equipment and machinery) shall not occur outside of the following times:

07.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and;
08.00 to 13.00 hours on Saturdays

No construction or demolition activities shall occur on Sundays or Bank/Public Holidays.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

61. During the hours of 19.00 and 07.00 hours the following activities shall not take place within the former washery site;

- Use of the train wash facility
- Use of the maintenance shed without the air curtain switched off and doors closed

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

62. During the hours of 19.00 and 07.00 hours all train movements within the former washery site shall be electric-powered, unless the operator has first had submitted to and approved in writing a scheme (supported by appropriate noise assessment) dealing with the number, speed and specification of movement of trains during such defined period.

Reason:

To ensure that the impacts of any non-electric train movements are suitably assessed and controlled under an agreed scheme, in order to protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

63. Any buildings incorporating offices and / or staff accommodation, shall be constructed ensuring that the sound insulation performance of all such buildings achieves internal ambient noise levels that do not exceed the values detailed within British Standard BS8233:2014.

Reason:

To protect the amenity of those persons working at or visiting the approved use and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

64. The rating level of noise arising from operation of the test tracks shall not exceed the values set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	L_{Amax} , F
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53

R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Table specified as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling.

All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions (3.5 m from a reflective surface).

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

65. On receipt of a justified complaint to the Local Planning Authority the Local Planning Authority may request in writing that the applicant obtain an assessment of the noise arising from the operations on the site. The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant, who shall be a Member of the Association of Noise Consultants (ANC) or the Institute of Acoustics (IOA).

Prior to undertaking the noise assessment and within 14 days of receipt of the written request from the Local Planning Authority following receipt of a complaint, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards which shall include timeframes for the completion of the noise assessment.

Following the noise assessment, a copy of the report shall be submitted to and approved by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

Reason:

To protect the amenity of nearby residential properties and wider locality and to accord with Policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

66. Any residential accommodation (whether temporary staff facilities or permanent lay-down and mess facilities) provided at the site shall be for short-term accommodation of staff associated with the GCRE, or associated visitors to the site, and shall not be utilised as permanent residential accommodation, or occupied at any time by any person(s) as their sole or main place of residence.

Reason:

Since no justification for the provision of permanent residential accommodation within the countryside has been put forward, and to ensure compliance with Policy SC1 of the Neath Port Talbot Local Development Plan

67. Prior to the facility being brought into beneficial use, adequate water supplies for firefighting purposes shall have been provided on site

Reason:

To ensure that adequate water supplies are available on site for firefighting purposes on site as requested by Mid and West Wales Fire Service

INFORMATIVES

1. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot and Powys County Council, as the determining SuDS Approval Bodies (SABs), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.
3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

4. If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.
5. The archaeological work required by condition must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.
6. In order to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority and subsequently adopted you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter an adoption agreement and arrange onsite inspection of your works.
7. Any agreement to adopt the roads relating to this development should be entered into with the Council prior to the commencement of development. Such an agreement will be under Section 38 of the Highways Act 1980 relating to the specification, timescale and subsequent adoption of the roads and a Bond to ensure that the Authority can complete the works if the Developer defaults on the roadworks.
8. Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works.
9. Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into.
10. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority.

A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway.

11. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-

(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.

(ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.

(iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works.

As part of this process you are advised that any principle contractors and/or subcontractors that are on the Local Authority's framework approved list are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section on request.

12. Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established, as per Planning Policy Wales, Edition 11 and Future Wales – the National Plan 2040. All new walking and cycling infrastructure should be built to standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link to (where possible) routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. Further information on the Active Travel Guidance and Neath Port Talbot's Active Travel Network Map can be found here: www.npt.gov.uk/activetravel

13. All public footpaths crossing the site (in NPT - footpaths 15,32,33,34, along with an unnumbered path and Bridleway 28 Dylais Higher) shall remain open at all times with no alteration or change of condition to the PROW. Any damage caused to the Rights of Way as a result of the development hereby permitted, and notified to the developer / operator, shall be immediately rectified to the satisfaction of the LPA.

14. It is recommended that vegetation clearance should avoid the bird breeding season 1st March to 31st July inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended). A note should be added to the planning permission, if granted, to this effect.