

Our reference: NE04_001-ATK-GEN-SWMWREC-LN-LP-000001

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02 July 2020

Dear Sir / Madam,

Proposed Culvert at Caenant Terrace, Skewen Application for a Certificate of Lawfulness of Proposed Use or Development

This covering letter is to accompany an application for a certificate of lawfulness of proposed use or development (CLOPUD) on behalf of Neath Port Talbot County Borough Council (NPTCBC) for a proposed culvert at Caenant Terrace, Skewen. We are seeking a formal decision as to whether the development proposals are lawful for planning purposes under section 192 of the Town and Country Planning Act 1990 as amended by Section 10 of the Planning and Compensation Act 1991.

The application consists of the following documents and drawings:

- application form;
- this covering letter;
- proposed culvert overview; and
- site location plan.

An application fee of £285 will be paid by BACS.

Pre-application consultation

A pre application enquiry letter in respect of the proposals were submitted to NPTCBC on 04 March 2020. On 04 June 2020, a pre-application response was received which stated that the proposal was not EIA development and that the proposals are considered to be permitted development when assessed against the criteria of Schedule 2, Part 14 'Development by Drainage Bodies', Class A of the GPDO.

However, the advice set out above constituted an informal view and as such, a formal response is sought through the submission of this CLOPUD. Through gaining a formal response, the CLOPUD will be conclusive as to the lawfulness of the proposed development.

The proposals

The Scheme seeks to respond to a number of incidences of surface water flooding at the site in recent years. The existing culvert does not have the hydraulic capacity to convey the surface water during certain storm events. The changes will therefore provide increased protection from surface water flooding at the site through an effective upgrade of the flood alleviation system.

Site description

The site is approximately 300 m in length and is located at Caenant Terrace, Skewen centred on grid reference SS72689752. The site consists of a 90 m open water culvert that channels beneath hard standing (a car park) and continues through a residential area for 180 m (culvert diameter of 450 mm).

The open section of drainage channel is banked and vegetated with an active railway adjacent. Isolated patches of scrub are present to the western part of the site with isolated patches of amenity grassland and a planted treeline at the easterly end of the site.

Environmental impact

The proposed scheme does not fit within Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, for which a statutory EIA is mandatory. The proposals do not fall within a 'sensitive area' as defined by the Regulations. The proposed works do not fit into any of the development descriptions listed in Column 1 of the table in Schedule 2 of the Regulations. The closest description is found in Part 10 Infrastructure projects which includes 'urban development projects.' The site area for the works falls below the 1 ha size threshold in Column 2 of the table and thus it is concluded that the proposed works do not constitute Schedule 2 development. Nevertheless, the selection criteria in Schedule 3 of the Regulations have been considered in order to determine the likelihood of the Scheme giving rise to significant environmental effects.

An online search has been carried out in order to identify whether the site is located within or in proximity to any statutory or non-statutory designated sites or heritage assets.

The site is not within any statutory or non-statutory designated sites. The nearest designation, Ancient Semi Natural Woodland, is located approx. 330 m north-east of the site.

There are no designated heritage assets within the site. The nearest heritage asset, the Horeb Chapel Grade ii Listed Building, is located approx. 100 m to the south of the proposed culvert.

A preliminary ecological appraisal has also been previously undertaken in order to ascertain whether there are any key ecological receptors in relation to the proposals and any recommendations for mitigation and enhancement in relation to the potential impacts identified based on the available information. The assessment concludes that the site is not sensitive in ecological terms.

There will be little change to the amenity grassland alongside the footpath at the eastern end of the scheme, however some management of trees in that location will be necessary to allow construction plant to access that area.

Much of the anticipated impacts from the proposals relate to residents' access and parking during the construction phase. As the works have an anticipated duration of 16 to 20 weeks, the impacts will be temporary in duration and there will be no permanent adverse parking or access impacts as a result of the works.

Vehicular traffic on Caenant Terrace is two-way, however vehicles can only enter from the western end via Picton Road. There is a wide access lane at the rear of the properties on the southern side of the road. The south eastern end of Caenant Terrace permits one-way traffic to exit onto New Road, but with a height and width restriction.

In order to allow continued vehicular access for residents of Caenant Terrace during construction, the proposals will require a rolling road closure to be put in place. The works are anticipated to proceed in an east to west direction, with the lane to the south of Caenant Terrace providing access for residents of those properties to the east of the closure. Vehicles will then be able to exit Caenant Terrace at the south-eastern end towards New Road. Larger vehicles will also be able to exit via the lane to the south of Caenant Terrace towards Picton Road in order to avoid the height and width restrictions at the south-eastern exit.

The rolling road closure will necessitate the provision of temporary alternative parking for residents of Caenant Terrace. This will be provided within the car park of the currently vacant Skewen Snooker Club.

It is also intended for the car park to provide space for the contractor's site offices and a small storage compound. Any requirement for additional materials storage areas will be located off site.

There will be permanent loss of parking space within the car park to accommodate the intake structure. Once the Scheme is constructed the majority of the existing car park will still be available for car parking.

All footpaths will remain open, including the footpath which allows pedestrians to access Caenant Terrace under the railway, from the direction of Dynevor Road to the north of the site.

The Scheme is unlikely to result in significant environmental effects and thus any Permitted Development rights will still apply.

Local Authority development rights – Development by Drainage Bodies

Schedule 2, Part 14 'Development by Drainage Bodies', Class A of the GPDO states that permitted development includes:

“development by a drainage body in, on or under any watercourse or land drainage works and required in connection with the improvement, maintenance or repair of that watercourse or those works.”

Article 4 directions

A check of the Neath Port Talbot Borough Council Local Development Plan (2011-2026) was carried out in order to ascertain whether the proposals fell within land subject to article 4 of the GPDO. Article 4 enables the NPTCBC to withdraw specified permitted development rights across a defined area.

It is understood that there are no article 4 directions which are directly applicable to the land in which this application relates. As such, any permitted development rights will still apply to the proposals.

Permitted Development Considerations

We consider that the works fall within Schedule 2 Part 14 Class A of the GPDO due to the following:

- it is considered that NPTCBC is a drainage body by virtue of being a Lead Local Flood Authority; and
- the proposed works fall within the description in Part 14 Class A of the GPDO due to the local drainage body seeking to carry out land drainage works in connection with the improvement of existing below ground pipework.

Having set out the legislation within the pre-application enquiry, NPTCBC have confirmed that the works are considered permitted development in respect of the identified legislation above.

The pre-application response included a note on a contaminated land use constraint within the application site. The design team is assessing any potential land contamination risks; however, any significant environmental impacts relating to land contamination are unlikely. As such, the permitted development rights set out above will still apply to the proposals.

Conclusion

The proposals are regarded as land drainage works in connection with the improvement of existing below ground pipework. The works will be undertaken by NPTCBC in its role as a drainage body. This has been confirmed by NPTCBC through the pre-application response.

All potential environmental effects will be localised and temporary in nature. It has been demonstrated that these effects can be effectively mitigated and thus the Scheme is unlikely to have any significant environmental effects.

We consider that the works are permitted development. On behalf of NPTCBC we are submitting this CLOPUD application to establish conclusively that the proposed development of the land within the application site is lawful.

I look forward to receiving a decision on this application. If you require further information, please do not hesitate to contact me.

Yours faithfully



Neil Carpenter

Principal Planner, Atkins

Yours faithfully

Neil Carpenter