

Lidl GB Ltd

Pre-Application Consultation (PAC) Report

Briton Ferry Road, Neath

by CarneySweeney

Date: March 2022



CARNEYSWEENEY
PLANNING



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Checked by:	Rob Mitchell



1.0 Introduction

1.1.1 This Pre-Application Consultation (PAC) Report has been prepared by CarneySweeney (CS) on behalf of the Applicant Lidl GB Ltd in relation to an application for Full Planning Permission for the following proposal: *Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.*

1.1.2 The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 ("the 2016 Order") sets out the requirements to undertake pre-application consultation in respect of all planning applications for 'major' development. Major development is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO), as follows:

"major development" means development involving any one or more of the following —

(a) the winning and working of minerals or the use of land for mineral-working deposits

(b) waste development;

(c) the provision of dwellinghouses where—

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more."

1.1.3 In line with the above statement, the application is categorised as 'major development' and therefore the development proposals are accompanied by this Pre-Application Consultation Report (PAC) as required by Article 2F(1) of the 2016 Order.



1.2 Content of Report

1.2.1 The brief of the PAC report is structured as follows:

- **Section 2** – outlines the background to the proposals;
- **Section 3** – sets out the statutory requirements of the PAC report;
- **Section 4** – provides a summary of PAC responses and outlines how these have been addressed;
- **Section 5** – provides a summary of the PAC process and conclusions.



2.0 Background

2.1 The Proposed Development

2.1.1 The site comprises the existing Lidl supermarket, Vitality Health & Fitness, Poundstretcher and associated car park at Briton Ferry Road.

2.1.2 The total site area measures approximately 1.12ha.

2.1.3 The proposed development is the demolition of existing buildings and construction of a replacement Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.

2.2 The PAC consultation Package

2.2.1 Article 2C of the 2016 Order requires the draft planning application to be made available for a 28-day consultation period. The documentation should include:

- All information that would be required to be submitted as part of a formal planning application. This includes all the information on the relevant planning application form, except the ownership certificates.
- Scaled plans, with north arrow, to identify the land to which the application relates.
- All other scaled plans, drawings and information that would be required to describe the proposed development – this includes any technical documents that would be needed in order to validate any subsequent application.
- Design and Access Statement; and
- Any information that would be needed in order to comply with any local validation requirements of the relevant local planning authority.

2.2.2 In line with the above guidance, the following draft application documents were made available to the public from 1st February 2022:

- Planning Application Forms
- Application Plans and Drawings (HTC Architects)
 - Proposed Floor Plan (Reference: 2782-P104 Rev A)



- Proposed Roof Plan (Reference: 2782-P105 Rev A)
- Proposed Areas Plan (Reference: 2782-P106 Rev /)
- Existing Elevations (Reference: 2782-P200 Rev A)
- Proposed Elevations (Reference: 2782-P201 Rev B)
- Existing Site Section Lines (Reference: 2782-P300 Rev /)
- Existing Site Sections A-A, B-B (Reference: 2782-P301 Rev /)
- Proposed Site Section Lines (Reference: 2782-P302 Rev A)
- Proposed Site Sections A-A, B-B (Reference: 2782-P303 Rev /)
- Existing Site Plan (Reference: 2782-P407 Rev /)
- Proposed Site Plan (Reference: 2782-P408 Rev A)
- Proposed Levels Plan (Reference: 2782-P409 Rev A)
- Proposed Surfacing Plan (Reference: 2782-P410 Rev A)
- Proposed Tracking Site Plan (Reference: 2782-P412 Rev A)
- Existing Site Location Plan (Reference: 2782-P415 Rev /)
- Provisional Landscaping to be removed or retained (Reference: 2782-P416 Rev A)
- Proposed Travel Distances (Reference: 2782-P417 Rev /)
- Existing Floor Plan (Reference: P100 Rev /)
- Existing Roof Plan (PDF Overlay) (Reference: P101 Rev /)
- Planning Support Statement
- Design & Access Statement (HTC Architects)
- Transport Assessment (Corun)



- Ecological Assessment, including a roost suitability assessment of the building to be demolished (Just Mammals)
- Flood Consequences Assessment and Drainage Strategy (Waterco)
- Tree Survey/Arboricultural Report – David Rice Forestry
- Landscaping Management Plan (HTC Architects)
- Ground Investigation Report (Remada)
- Planting Schedule (Corscadden Associates)
- Coal Mining Risk Assessment (Remada)
- Geo-Environmental Investigation Report (Opus)
- Landscape Proposals (Corscadden Associates)
- Landscape Sections (Corscadden Associates)

2.2.3 Under Part 1A Article 2D (3) of the 2016 Order indicates that where an applicant is required to consult a specialist consultee the applicant must enclose each of the documents referred to in article 2C(1)(b) or provide a link to a website on which those documents can be found. Moreover in respect to publicity the Welsh Government Development Management Manual (DMM) advises that “developers are encouraged to use web-based material when such technology is available” (paragraph 6.4.19). As such, the relevant information listed above has been made available to view on the following website: <https://www.carneysweeney.co.uk/consultations/briton-ferry-road-neath-port-talbot.html>

2.2.4 In cases when the developer has made the relevant information available on a website, the location for public viewing can be a library or other public building where computer facilities are made available to the general public” (paragraph 6.4.21 DMM). In accordance with this guidance, the consultation letter confirmed where computer facilities were available to the general public in the locality i.e. Neath Library, 35 Victoria Gardens, Neath, SA11 1HE, and set out the relevant opening hours.

2.2.5 This PAC Report has been prepared in accordance with the 2016 Order. In order to meet the statutory requirements, the following is contained within this report:

- a) copy of the site notice;



- b) a declaration that the site notice was displayed in accordance with the statutory requirements;
- c) a copy of the notice given to owners and occupiers of adjoining land;
- d) copies of all notices provided to councillors, town and community councils, and specialist consultees;
- e) a summary of all issues raised in response to the statutory publicity (i.e. site notice and letters to owners, occupiers) – the developer must confirm whether the issues raised have been addressed and, if so, how they have been addressed; and
- f) copies of all responses received from specialist consultees with an explanation of how each response has been addressed by the developer.



3.0 Statutory Requirements

3.1 Site Notice

3.1.1 A copy of the site notice is attached at **Appendix A**. The notice was displayed in accordance with the statutory requirements i.e. in at least one place on or near the development site for no less than 28 days. The site notice was posted in one location – on a single lamp post in close proximity to the pedestrian access and entrance to the application site, adjacent to Briton Ferry Rd.

3.1.2 The notice was displayed from 1st February 2022.

3.2 Notice to Adjoining Occupiers/Owners

3.2.1 Consultation letters were sent to all owners and/or occupiers adjoining the application site, in accordance with the statutory requirements, as set out in the schedule at **Appendix B**.

3.3 Notice to Community Consultees

3.3.1 Copies of all letters provided to Local Members are attached at **Appendix C**. Those issued with a letter are set out in the schedule below:

Name	Address	Date Letter Sent	Date Response Received
Councillor Sheila Perry	32 Walters Road Flats Melyn Neath SA11 2DP	31.01.2022	N/A
Councillor Sandra Miller	39 Pantyrheol Penrhiwtyn Neath SA11 2HN	31.01.2022	N/A
Councillor John Miller	39 Pantyrheol Penrhiwtyn Neath SA11 2HN	31.01.22	N/A
Clerk: Mrs Kathryn Charles	Neath Town Council 10 Orchard Street Neath SA11 1DU	31.01.22	N/A



3.4 Notice to Statutory Consultees

3.4.1 Copies of all letters provided to the Specialist Consultees and other relevant departments are attached at **Appendix D**. Those issued with a letter are set out in the schedule below:

Name	Address	Date Letter Sent	Date Response Received
To the appropriate person/s at	Developer Services Dŵr Cymru Welsh Water P.O. Box 3146Linea Fortran Road Cardiff CF30 0EH	31.01.2022	17.02.2022
To the appropriate person/s at	Highways Department Neath Port Talbot CBC Civic Centre Port Talbot SA13 1PJ	31.01.2022	N/A
To the appropriate person/s at	Natural Resources Wales Maes Newdd Llandarcy Neath Port Talbot SA10 6JQ	31.01.2022	01.03.2022
To the appropriate person/s at	The Welsh Ministers Cadw Welsh Government Plas Carew Unit 5/7 Cefn Coed Parc Nantgarw Cardiff CF15 7QQ	31.01.2022	N/A
To the appropriate person/s at	The Coal Authority 200 Lichfield Lane Mansfield Nottinghamshire NG18 4RG	31.01.2022	14.02.2022
To the appropriate person/s at	Mid and West Wales Fire and Rescue Service Headquarters Lime Grove Avenue Carmarthen Carmarthenshire SA31 1SP	02.02.2022	02.02.2022



4.0 Summary of Responses

4.1 Statutory Consultees

- 4.1.1 This section provides an overview of pre-application responses received from specialist consultees which have been appended at **Appendix E** for reference. a summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and articles 2C and 2D(2), including confirmation of whether the issues raised have been addressed, and, if so, how

Mid and West Fire and Rescue Service

- 4.1.2 A response was received from Mid and West Fire and Rescue Service on the 2nd of February 2022. The respondent has no objections to the proposed development and also has no comment to make on access for fire appliances or water supplies. Moreover, the letter states that *“the developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site”* and general guidance on this matter is given in the appendices and links that’s included in the letter is shown on **Appendix E**.
- 4.1.3 CS Response: We note the response which raises no adverse comments. No further action is required.

Coal Authority

- 4.1.4 A response dated 9th February 2022 was received from Coal Authority on the 14th of February 2022. The letter from the Coal Authority states acknowledges the findings of the Coal Mining Risk Assessment, dated May 2020 prepared by Remada. The Coal Authority raises no objection to the development but comments that the assessment has been prepared for a different site area and it would be prudent to have this document updated. An updated Coal Mining Risk Assessment should support any formal planning application.
- 4.1.5 CS Response: An update to the CMRA will be provided at planning application stage.

Dwr Cymru Welsh Water

- 4.1.6 Dwr Cymru Welsh Water responded on the 17th of February and provided a letter and a water plan (map). Dwr Cymru Welsh Water states that *“Having reviewed the details submitted I would advise there is no objection to the proposed development and offer the following standing advice Community Consultees”* on sewerage” which focuses on sewerage, sewage treatment and water supply. The key points of the standing advice are as follows:



- **Sewerage:** In January 2019 the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. Therefore, the proposed development requires approval of Sustainable Drainage Systems (SuDs) features. Subsequently, the letter states that *“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. It’s important to also note that some public sewers and later drains may not be recorded on the map that’s provided by Dwr Cymru Welsh Water, this is due to the application site being “originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011”.*
- **Sewage Treatment:** *No problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site.*
- **Water Supply:** *A water supply can be made available to service this proposed development.*

CS Response: We note the response which raises no adverse comments. No further action is required.

NRW

- 4.1.7 **Flood Risk** – The FCA & Drainage Strategy (ref:13099- FCA & Drainage Strategy-03) fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below. If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we will object to this application.
- 4.1.8 **Ground conditions** – The preliminary risk assessment has been undertaken, but the site investigation is limited. Sample locations all appear around the edge of the current slab – clarification is required as to why only these locations were sampled. Appendix C of the report is missing, therefore this should be provided for review. Reference should be made to NRW. The information provided in both reports is incomplete and currently insufficient for us to make an assessment of the risks to controlled waters. We therefore require additional information to be submitted in support of the application.
- 4.1.9 **Ecology** - We have reviewed the report entitled ‘A Preliminary Ecological Appraisal’ by Just Mammals



Limited, dated January 2022 (Revision 1) which concluded that no protected species under our remit were found on the development site. We welcome the recommendations set out in section 10 of the report which include the retention of a buffer zone along the Cryddan Brook due to proximity of works to the watercourse, and appropriate pollution prevention measures in place to protect it.

- 4.1.10 **CS Response** - We note NRW's response and in respect to flood risk an update Flood Consequences Assessment is being prepared and will support the planning application.
- 4.1.11 In respect to ground conditions, it is important to note the site is presently occupied/working site; this naturally inhibits access for intrusive ground works to be carried out. Moreover, we understand further intrusive site works is not, necessarily, required prior to application determination. Indeed, this work is typically secured by way of planning condition(s). Accordingly, we do not consider further intrusive ground works to be appropriate at this stage. The applicant would be agreeable to further intrusive site investigation to be secured post-determination should this be considered necessary.
- 4.1.12 In respect to Ecology we note NRW's comments and recommendations. No further action is considered to be required.

4.2 Community Consultees

- 4.2.1 The community consultees contacted as part of the pre-application consultation were Councillor Sheila, Councillor Sandra, Councillor John and Clerk Mrs Kathryn Charles.
- 4.2.2 No response to the statutory pre-application consultation was received from the above community consultees.
- 4.2.3 No response is required.

4.3 Adjoining Landowners and General Public

- 4.3.1 In regard to consultation with adjoining landowners, letters were issued to all occupiers/landowners adjoining the site (as outlined in **Appendix B**), and notices were placed at the application site advising local residents of the proposals.
- 4.3.2 No consultation responses were received from any adjoining occupiers/landowners, or other members of the public.



5.0 Conclusion

- 5.1.1 In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 a pre-application consultation was undertaken from the 1st of February 2022 until 1st of March 2022.
- 5.1.2 All responses to the consultation have been recorded and reported, appropriately responded to where necessary and relevant technical and non-technical reports updated where further clarity has been requested.
- 5.1.3 It is considered that the content of this pre-application consultation report demonstrates a robust pre-application consultation process has been undertaken to ensure the content of the application is suitable. As such, the planning application can be validated and registered promptly.



APPENDIX A – Site Notice

English Version:

**Town and Country Planning (Development Management Procedure) (Wales)
Order 2012**

**PUBLICITY AND CONSULTATION BEFORE APPLYING FOR PLANNING
PERMISSION**

NOTICE UNDER ARTICLES 2C AND 2D

(to be served on owners and/or occupiers of adjoining land and community consultees; and displayed by site notice on or near the location of the proposed development)

Purpose of this notice: This notice provides the opportunity to comment directly to the developer on a proposed development prior to the submission of a planning application to the local planning authority ("LPA"). Any subsequent planning application will be publicised by the relevant LPA; any comments provided in response to this notice will not prejudice your ability to make representations to the LPA on any related planning application. You should note that any comments submitted may be placed on the public file.

Proposed development at (a): **Briton Ferry Road, Neath**

I give notice that (b): **Lidl GB Ltd**

is intending to apply for planning permission to (c): **Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.**

You may inspect copies of:

- the proposed application;
- the plans; and
- other supporting documents

online at (d) <https://www.carneysweeney.co.uk/consultations/> and computer facilities are available to view this information online at (e): **Neath Library, 35 Victoria Gardens, Neath, SA11 1HE**

between the hours of (f): **9am – 6pm Mon to Fri and 9:30am – 1pm Saturday**

Anyone who wishes to make representations about this proposed development must write to the agent at rahma.dwimunali@carneysweeney.co.uk or Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

by (k): **1 March 2022**

Signed:

Date: **1 February 2022**



Welsh Version:

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012
diwygiedig
CYHOEDDUSRWYDD AC YMGYNGHORIAID CYN CYFLWYNO CAIS
AM GANIATÂD CYNLLUNIO
HYSBYSIAD DAN ERTHYGLAU 2C A 2D

Diben yr hysbysiad hwn: mae'r hysbysiad hwn yn darparu cyfle i roi sylwadau'n uniongyrchol i'r datblygwr ar ddatblygiad arfaethedig cyn cyflwyno cais cynllunio i'r awdurdod cynllunio lleol (ACLI). Rhoddir cyhoeddusrwydd i unrhyw gais cynllunio dilynol gan yr ACLI perthnasol; ni fydd unrhyw sylwadau a ddarperir mewn ymateb i'r hysbysiad hwn yn niweidio eich gallu i gyflwyno sylwadau i'r ACLL ar unrhyw gais cynllunio perthynol. Dylech nodi y gellir rhoi unrhyw sylwadau ar ffeil gyhoeddus.

Dymchwel adeiladau presennol a gosod siop fwyd Dosbarth A1 yn ei lle gyda gwaith maes parcio, tirlunio, peirianeg a draenio cysylltiedig.

Yr wyf yn hysbysu bod: Lidl GB Ltd yn bwriadu gwneud cais am ganiatâd cynllunio llawn i Cyngor Castell-nedd Port Talbot am Dymchwel adeiladau presennol a gosod siop fwyd Dosbarth A1 yn ei lle gyda gwaith maes parcio, tirlunio, peirianeg a draenio cysylltiedig.

Gallwch archwilio copïau o:

- y cais a gynigir;
- y cynlluniau; a
- dogfennau cefnogol eraill

ar-lein yn: <https://www.carneysweeney.co.uk/consultations/>

Mae cyfleusterau cyfrifiadurol ar gael i edrych ar y wybodaeth hon ar-lein yn Llyfrgell Castell-Nedd, 35 Victoria Gardens, Nedd, SA11 1HE, rhwng oriau'r cyfnod; 9am – 6pm o ddydd Llun i ddydd Gwener a 9am – 1pm dydd Sadwrn

Gellir anfon eich ymateb drwy'r post atom yn y cyfeiriad uchod neu drwy e-bost i: rahma.dwimunali@carneysweeney.co.uk

Erbyn: 1 Mawrth 2022

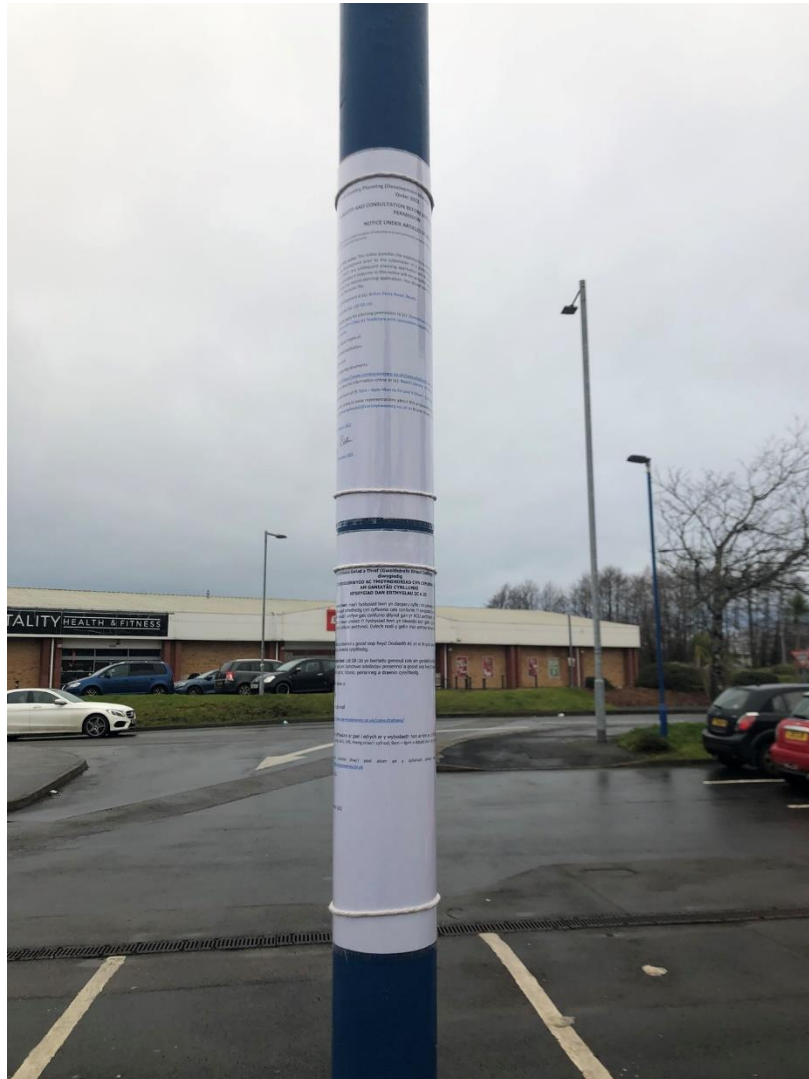
Arwyddwyd:



Dyddiad: 1 Chwefror 2021



Photo of Site Notice:



APPENDIX B – Schedule of Adjoining Occupiers/Owners

To the Appropriate Owner/Occupier	To the Appropriate Owner/Occupier Network Rail 1st Floor Temple Point Redcliffe Way Bristol BS1 6NL
To the Appropriate Owner/Occupier	To the Appropriate Owner/Occupier The Highways Department Neath Port Talbot CBC Civic Centre Port Talbot SA13 1PJ
To the Appropriate Owner/Occupier	To the Appropriate Owner/Occupier Esso Mile End 188 Mile End Row Neath SA11 2ED
To the Appropriate Owner/Occupier	To the Appropriate Owner/Occupier Castle Bingo Briton Ferry Rd Neath SA11 1AS



APPENDIX C – Copies of Letters Sent to Community Consultees

English Version:

CARNEYSWEENEY

Brunel House
2 Fitzalan Road
Cardiff
CF24 0EB

rahma.dwimunali@carneysweeney.co.uk

1 February 2022

Address

Dear #,

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED

PUBLICITY UNDER ARTICLES 2C AND 2D BEFORE APPLYING FOR PLANNING PERMISSION

PROPOSED DEVELOPMENT AT BRITON FERRY ROAD, NEATH

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended, we write to give you notice that Lidl GB Ltd is intending to apply to Neath Port Talbot County Borough Council for permission for the following development:

Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.

Please find enclosed the relevant notice for the above, which invites a pre-application consultation response on the proposed development to be provided to us by **1st March 2022**. Your response may be sent by post to us at the address above or by email to: rahma.dwimunali@carneysweeney.co.uk

CarneySweeney complies with the Data Protection Act 1998 and the General Data Protection Regulation 2016 (GDPR) and is a registered Data Controller. For further information on CarneySweeney's approach to personal data, please request a copy of our Privacy Policy.

The draft planning application form, application drawings and supporting reports may be viewed online at: <https://www.carneysweeney.co.uk/consultations/>. Should they be required, computer facilities are available to view this information online at Neath Library, 35 Victoria Gardens, Neath, SA11 1HE, between the hours of; 9am – 6pm Mon to Fri and 9:30am – 1pm Saturday.

Yours sincerely,

Rahma Dwimunali
CarneySweeney

www.carneysweeney.co.uk



Welsh Version:

CARNEYSWEENEY

Brunel House
2 Fitzalan Road
Cardiff
CF24 0EB

rahma.dwimunali@carneysweeney.co.uk

1 Chwefor 2022

Address

Annwyl Syr/Madam,

GORCHYMYN CYNLLUNIO GWLAD A THREF (GWEITHDREFN RHEOLI DATBLYGU) (CYMRU) 2012 FEL Y'I DIWYGIWYD

CYHOEDDUSRWYDD O DAN ERTHYGLAU 2C A 2D CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO

DATBLYGIAD MawrthYN BRITON FERRY ROAD, CASTELL-NEDD

Yn unol â Deddf Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 fel y'i diwygiwyd, ysgrifennwn atoch i roi hysbysiad i chi fod Lidl GB Ltd yn bwriadu gwneud cais i Cyngor Castell-nedd Port Talbot am ganiatâd cynllunio ar gyfer y datblygiad canlynol:

Dymchwel adeiladau presennol a gosod siop fwyd Dosbarth A1 yn ei lle gyda gwaith maes parcio, tirlunio, peirianeg a draenio cysylltiedig.

Fe welwch amgaeëdig yr hysbysiad perthnasol ar gyfer yr uchod, sy'n gwahodd ymateb ymgynghori cyn cyflwyno cais ar y datblygiad arfaethedig i'w ddarparu i ni erbyn dydd **1 Mawrth 2022**. Gellir anfon eich ymateb drwy'r post atom yn y cyfeiriad isod neu drwy e-bost at rahma.dwimunali@carneysweeney.co.uk

Mae CarneySweeney yn cydymffurfio â Deddf Diogelu Data 1998 a Rheoliad Cyffredinol Data Diogelu Data 2016 (GDPR) ac mae'n Rheolwr Data cofrestredig. Am ragor o wybodaeth am ymagwedd CarneySweeney at ddata personol, gofynnwch am gopi o'n Polisi Preifatrwydd.

Gellir anfon eich ymateb drwy'r post atom yn y cyfeiriad uchod neu drwy e-bost i: <https://www.carneysweeney.co.uk/consultations/>

Os oes angen iddynt, mae cyfleusterau cyfrifiadurol ar gael i weld yr wybodaeth hon ar-lein yn Llyfrgell Castell-Nedd, 35 Victoria Gardens, Nedd, SA11 1HE, rhwng oriau'r cyfnod; 9am – 6pm o ddydd Llun i ddydd Gwener a 9am – 1pm dydd Sadwrn.

Yn gywir,

Rahma Dwimunali
CarneySweeney

www.carneysweeney.co.uk



*The community Consultees also received the Notices that is presented in Appendix A.



APPENDIX D – Copies of Letters Sent to Statutory Consultees

English Version:

CARNEYSWEENEY

Brunel House
2 Fitzalan Road
Cardiff
CF24 0EB

rahma.dwimunali@carneysweeney.co.uk

1 February 2022

Address

Dear #,

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED

PUBLICITY UNDER ARTICLES 2C AND 2D BEFORE APPLYING FOR PLANNING PERMISSION

PROPOSED DEVELOPMENT AT BRITON FERRY ROAD, NEATH

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Please find enclosed the relevant notice for the above, which invites a pre-application consultation response on the proposed development to be provided to us by **1st March 2022**. Your response may be sent by post to us at the address above or by email to: rahma.dwimunali@carneysweeney.co.uk

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Yours sincerely,

Rahma Dwimunali
CarneySweeney

www.carneysweeney.co.uk



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Brunel House
2 Fitzalan Road
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1 Chwefor 2022

Address

Annwyl Syr/Madam,

GORCHYMYN CYNLLUNIO GWLAD A THREF (GWEITHDREFN RHEOLI DATBLYGU) (CYMRU) 2012 FEL Y'I DIWYGIWYD

CYHOEDDUSRWYDD O DAN ERTHYGLAU 2C A 2D CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO

DATBLYGIAD MawrthYN BRITON FERRY ROAD, CASTELL-NEDD

Yn unol â Deddf Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012 fel y'i diwygiwyd, ysgrifennwn atoch i roi hysbysiad i chi fod Lidl GB Ltd yn bwriadu gwneud cais i Cyngor Castell-nedd Port Talbot am ganiatâd cynllunio ar gyfer y datblygiad canlynol:

Dymchwel adeiladau presennol a gosod siop fwyd Dosbarth A1 yn ei lle gyda gwaith maes parcio, tirlunio, peirianneg a draenio cysylltiedig.

Fe welwch amgaeëdig yr hysbysiad perthnasol ar gyfer yr uchod, sy'n gwahodd ymateb ymgynghori cyn cyflwyno cais ar y datblygiad arfaethedig i'w ddarparu i ni erbyn dydd **1 Mawrth 2022**. Gellir anfon eich ymateb drwy'r post atom yn y cyfeiriad isod neu drwy e-bost at rahma.dwimunali@carneysweeney.co.uk

Mae CarneySweeney yn cydymffurfio â Deddf Diogelu Data 1998 a Rheoliad Cyffredinol Data Diogelu Data 2016 (GDPR) ac mae'n Rheolwr Data cofrestredig. Am ragor o wybodaeth am ymagwedd CarneySweeney at ddata personol, gofynnwch am gopi o'n Polisi Preifatrwydd.

Gellir anfon eich ymateb drwy'r post atom yn y cyfeiriad uchod neu drwy e-bost i: <https://www.carneysweeney.co.uk/consultations/>

Os oes angen iddynt, mae cyfleusterau cyfrifiadurol ar gael i weld yr wybodaeth hon ar-lein yn Llyfrgell Castell-Nedd, 35 Victoria Gardens, Nedd, SA11 1HE, rhwng oriau'r cyfnod; 9am – 6pm o ddydd Llun i ddydd Gwener a 9am – 1pm dydd Sadwrn.

Yn gywir,

Rahma Dwimunali
CarneySweeney

www.carneysweeney.co.uk



Statutory Consultee Notice:

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

NOTICE UNDER ARTICLE 2D

(to be served on specialist consultees, as defined by article 2(1) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012)

Purpose of this notice: this notice comprises a formal request for a pre-application consultation response under article 2D of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

Proposed development at (a): **Briton Ferry Road, Neath**

I give notice that (b): **Lidl GB Ltd**

is intending to apply for planning permission to (c): **Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.**

A copy of the proposed application; plans; and other supporting documents can be viewed online at (d): <https://www.carneysweeney.co.uk/consultations/>

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to rahma.dwimunali@carneysweeney.co.uk by **1 March 2022**.

Signed: 

Date: 1 February 2022



APPENDIX E

Mid and West Wales Fire and Rescue Authority

Carney Sweeney Brunle House 2 Fitzalan Road Cardiff CF24 0EB	<i>Gofyrner am/ Please ask for:</i> <i>Rhif Est/Extn. No.</i> <i>E-bost/E-mail:</i>	Watch Manager A Hall 6611 bregs@mawwfire.gov.uk
FAO: Peter Waldren	<i>Fy Nghyf/My Ref:</i> <i>Eich Cyf/Your Ref:</i>	AJH/JS/00103534
	<i>Dyddiad/Date:</i>	2 nd February 2022



Dear Sir

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012

THE DEVELOPMENTS OF NATIONAL SIGNIFICANCE (PROCEDURE) (WALES) ORDER 2016

DEVELOPMENT PROCEDURE (CONSULTEES) (WALES) (MISCELLANEOUS AMANDMENTS) ORDER 2021 – FIRE AND RESCUE AUTHORITIES

RE: LIDL, BRITON FERRY ROAD, NEATH

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development

- The Fire Authority has no comment to make on access for fire appliances or water supplies.
- the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:

<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>

<https://www.ukfrs.com/index.php/promos/16847>

Prif Swyddog Tân
Chief Fire Officer
Chris Davies QFSM MBA

Y Pencadiys,
Heol Llwyn Pisgwydd,
Caerfyrddin,
Sir Gâr,
SA31 1SP
post@tancgc.gov.uk

Headquarters,
Lime Grove Avenue,
Carmarthen,
Carmarthenshire,
SA31 1SP
mail@mawwfire.gov.uk

Facs / Fax:
01267 220562
Ffôn / Tel:
0370 60 60 699

HOPPI DOLYR IARIANU
The
f t w
LIKE FOLLOW SHARE
Ein Negeseuon
Diogelwch
Our Safety
Messages

Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg - byddwn yn ymateb yn gyflartal i'r ddau ac yn ateb yn eich dewis i'w help oadi.

Rydym yn croesawu galwadau yn y Gymraeg a'r Saesneg.

We welcome correspondence in Welsh and English - we will respond equally to both and will reply in your language of choice without delay.
We welcome calls in Welsh and English.

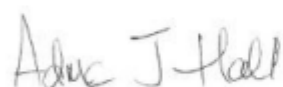
 www.tancgc.gov.uk
www.mawwfire.gov.uk



Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

The plan/s has been retained for record purposes.

Yours faithfully



Watch Manager A Hall
Authorised Fire Safety Inspecting Officer
On behalf of the Mid and West Wales Fire and Rescue Authority

Enc.



MID AND WEST WALES FIRE AND RESCUE SERVICE

Advice on Water Supplies

1. WATER SUPPLIES FOR FIREFIGHTING

The existing output of the statutory water supply network may need to be upgraded in certain parts of the local plan area to care for firefighting needs of new developments. It is recommended that this provision be a condition of planning consent.

Reference to the National Guidance Document on the Provision of Water for Fire Fighting 2007.

Access to Open Water Supplies

Where development of water-front sites takes place, the need for permanent and unobstructed access for firefighting appliances to the water should be made a condition of any planning consent.

Consultation must take place with the Fire and Rescue Authority during the earliest planning stages of any development to ensure access for fire pumping appliances is satisfactory.

1.1. HOUSING

Minimum main size 100 millimetres. Housing developments of units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any hydrant on the development.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.2. TRANSPORTATION***Lorry/Coach Parks - Multi-Storey Car Parks-Service Stations***

Minimum main size 100 millimetres. All of these amenities should have a water supply capable of delivering a minimum of 25 litres per second through any hydrant on the development or within a vehicular distance of 90 metres from the complex.

1.3. INDUSTRY

In order that an adequate supply of water is available for use by the Fire and Rescue Authority in case of fire, it is recommended that the water supply infrastructure to any commercial industrial estate is as follows:



Light Industrial/Commercial

Up to one hectare, 20 litres per second - Minimum Main Size 100 millimetres

Up to two hectares, 35 litres per second - Minimum Main Size 150 millimetres

High Risk Industrial

Up to three hectares 50 litres per second - Minimum Main Size 150 millimetres

Over three hectares, 75 litres per second - Minimum Main Size 150 millimetres

In rural areas it may not be possible to provide sufficient mains water. To overcome this, static or river supplies would be considered on site if they are capable of supplying the above flow rates for at least one hour.

The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements, as high-risk premises may require a greater flow.

1.4. SHOPPING, OFFICES, RECREATION AND TOURISM

Commercial developments of this type should have a water supply capable of delivering a minimum of 20 to 75 litres per second to the development site. The Fire and Rescue Authority should be consulted at the outline planning stage of any proposed projects to ascertain the exact requirements.

1.5. EDUCATION, HEALTH AND COMMUNITY FACILITIES

Village Halls

Should have a water supply capable of delivering a minimum of 15 litres per second through any hydrant on the development or within a vehicular distance of 100 metres from the complex.

Primary Schools and Single Storey Health Centres

Should have a water supply capable of delivering a minimum of 20 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

Secondary Schools, Colleges, Large Health and Community Facilities

Should have a water supply capable of delivering a minimum of 35 litres per second through any hydrant on the development or within a vehicular distance of 70 metres from the complex.

1.6. DISTANCES BETWEEN FIRE HYDRANTS



The distance between fire hydrants should not exceed the following:

Residential areas	-	200 metres
Industrial Estates	-	150 metres
Town Centre Areas	-	90 metres
Commercial (Offices & Shops)	-	100 metres
Residential Hostels	-	Adjacent to access
Hotels	-	Adjacent to access
Institutional (Hospitals & Old Persons Home)	-	Adjacent to access
Old Persons Home	-	Adjacent to access
Educational (Schools & Colleges)	-	Adjacent to access

1.7. CONCLUSION

Developers should hold joint discussions with the relevant Water Authority or the Environmental Agency and the Fire and Rescue Authority to ensure that adequate water supplies are available in case of fire.

The Fire and Rescue Authority reserve the right to ask for static water supplies for firefighting on site, as a condition of planning consent, if the supply infrastructure is inadequate for any given risk.

2.



The Coal Authority:

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority



The Coal
Authority

For the Attention of: Rahma Dwimunali

[By Email: rahmadwimunali@carneysweeney.co.uk]

9th February 2022

Dear Rahma

RE: Pre-Application Enquiry - Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works; Briton Ferry Road, Neath, Neath Port Talbot, SA11 1AF

Thank you for your notification received on the 1st February 2022 in respect of the above.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that a coal outcrop runs through the site and that this may have been subject to historic unrecorded workings at shallow depth. If shallow coal workings are present then they may pose a potential risk to surface stability and public safety.

It is noted that a Coal Mining Risk Assessment, dated May 2020 has been prepared for a Lidl development by Remada. This appears to have been informed by an appropriate range of sources of information. It is noted however, that this appears to have been



prepared for a different site area and different layout and it would be prudent to have this document updated so that it can provide commentary on the development layout submitted for formal consideration.

Any formal planning application submitted should be supported by an updated Coal Mining Risk Assessment that provides commentary on the extent of the site (red line boundary) and the layout proposed for consideration by the planning authority, at that time.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk

2

Protecting the public and the environment in mining areas



Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Protecting the public and the ³ environment in mining areas



Dwr Cymru Welsh Water:



Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel: +44 (0)800 917 2652
Fax: +44 (0)2920 740472
E.mail: developer.services@dwrcymru.com

Gwasanaethau Datblygu
Blwch Post 3146
Caerdydd
CF30 0EH

Ffôn: +44 (0)800 917 2652
Ffacs: +44 (0)2920 740472
E.bost: developer.services@dwrcymru.com

Carney Sweeney
Brunel House,
2 Fitzalan Road
Cardiff
CF24 0EB

Date: 17/02/2022
Our Ref: PPA0006433

Dear Sir/Madam

Grid Ref: 274661 196470

Site Address: Briton Ferry Road, Neath

Development: 2D – Demolition of existing buildings and replacement with Class A1 foodstore and drainage works

We refer to the Schedule 1C - Article 2D notice received and your formal request for a pre-application consultation response before applying for planning permission from Dwr Cymru Welsh Water as a 'Specialist Consultee' as defined by Paragraph (y) of Schedule 4 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. It is acknowledged that the consultation request relates to a major development site and thus seeks a substantive response within 28 days from the date of the notice, as per the requirements of Article 2E. This request includes our views on the capacity of our network of assets and infrastructure to accommodate your proposed development.

Having reviewed the details submitted I would advise there is no objection to the proposed development and offer the following standing advice which should be taken into account within any future planning application for the development:

SEWERAGE

Firstly, we have considered the impact of foul flows generated by the proposed development and concluded that flows can be accommodated within the public sewerage system.

Turning to surface water drainage, 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'. In this instance, we acknowledge receipt of a 'Drainage Strategy' which indicates proposals to dispose surface water flows to a local brook and in principle offer no objection subject to applicants' consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB) and Lead Local Flood Authority (LLFA), in relation to their proposals for SuDS features.



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dwr Cymru yn eiddo i Glas Cymru – cwmni 'not-for-profit'.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyl, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treherria, Mid Glamorgan CF46 6LY

Rydym yn croeso awer gohebiaeth yn y
Cymraeg neu yn Saesneg

Dŵr Cymru Cyl, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestrdell: Heol Pentwyn
Nelson, Treherria, Morgannwg Ganol CF46 6LY.



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; for completeness, no amount of surface water flows will be permitted to connect to the public sewerage system. In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system.

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.

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.

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.

SEWAGE TREATMENT

No problems are envisaged with the Wastewater Treatment Works for the treatment of domestic discharges from this site.

WATER SUPPLY

A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 250mm diameter DICL watermain in 274635, 196391 location. The cost of providing new on-site watermain can be calculated upon the receipt of detailed site layout plans which should be sent to the above address.

A permit to work will be required for any work on the 250mm.



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharri, Mid Glamorgan CF46 6LY

Rydym yn croeso awu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharri, Morgannwg Ganol CF46 6LY.



I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application

Please note that our response is based on the information provided in your enquiry and should the information change we reserve the right to make a new representation. Should you have any queries or wish to discuss any aspect of our response please do not hesitate to contact our dedicated team of planning officers, either on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services

ENC. Water Plan

Please Note that demands upon the water and sewerage systems change continually; consequently, the information given above should be regarded as reliable for a maximum period of 12 months from the date of this letter.



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-aliw'.

We welcome correspondence in
Welsh and English

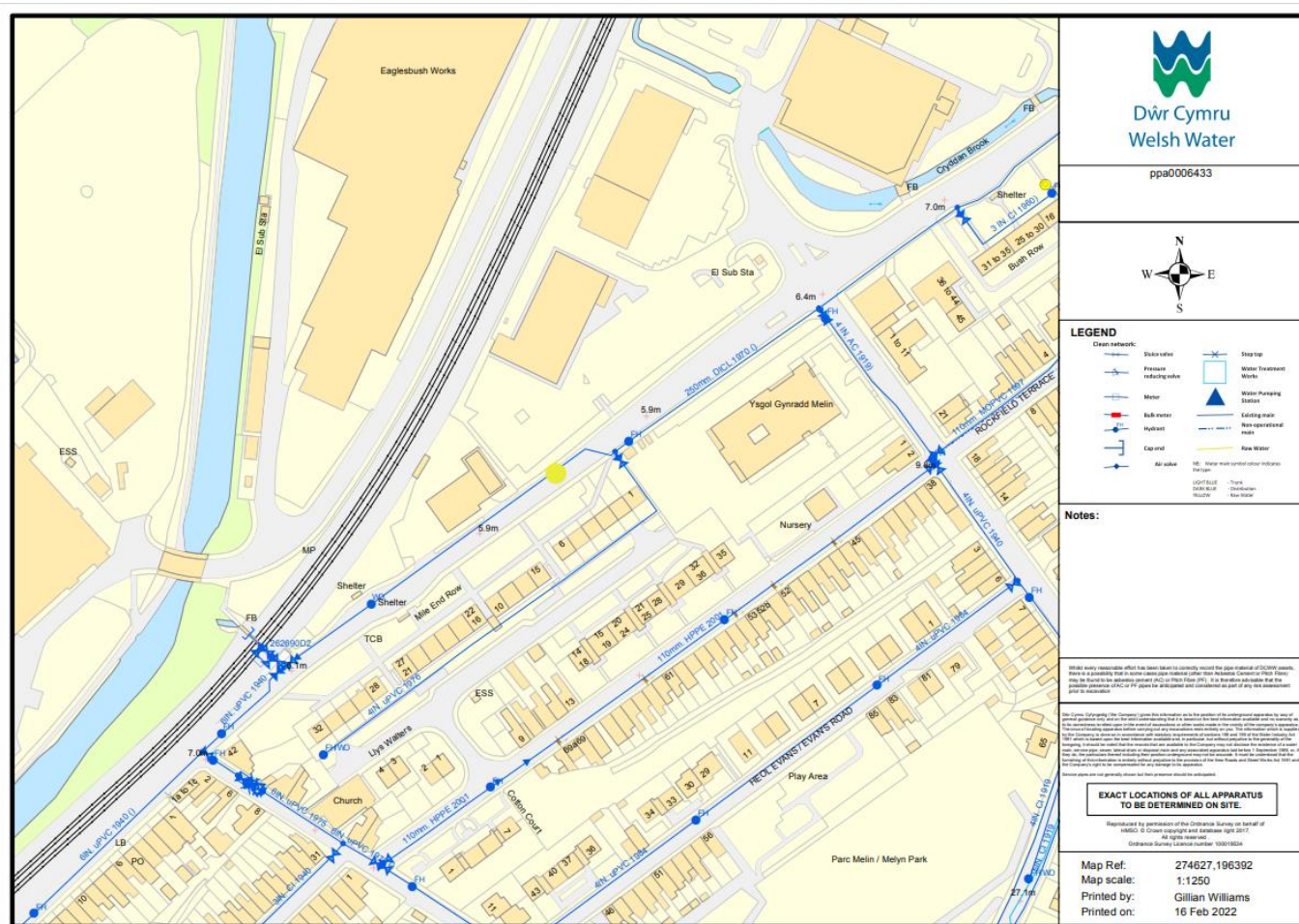
Dŵr Cymru Cyl, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Trehamis, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyl, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Trehamis, Morgannwg Ganol CF46 6LY.



Water Plan:



NRW



Ein cyf/Our ref: CAS-181089-F7D7

Maes Newydd,
Llandarcy,
Neath Port Talbot,
SA10 6JQ

ebost/email:
swplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3358

Rahma Dwimunali
CarneySweeney
Brunel House
2 Fitzalan Road
Cardiff
CF24 0EB

1st February 2022

Annwyl / Dear Ms. Dwimunali,

STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED.

BWRIAD / PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND REPLACEMENT WITH A CLASS A1 FOODSTORE WITH ASSOCIATED CAR PARKING, LANDSCAPING, ENGINEERING AND DRAINAGE WORKS

LLEOLIAD / LOCATION: BRITON FERRY ROAD, NEATH

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 1st February 2022.

We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding flood risk and land contamination. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.

Flood Risk

The planning application proposes less vulnerable development (retail). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN)15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and partially falls into Flood Zones 2 and 3 for both Rivers and Sea.

Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, we refer the LPA to the tests set out in section 6.2 of TAN15. If the LPA consider the proposal meets the tests set out in criteria (i)

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg
Correspondence welcomed in Welsh and English



to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by Waterco, dated January 2022 (reference 13099-FCA & Drainage Strategy-03). Our advice to you is that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below:

- Natural Resources Wales' (NRW's) flood model outputs, rather than the flood model itself, have been obtained to inform the FCA, therefore firstly you will need to obtain our model to inform the planning application. Please note the model is from 2015 and will need to be updated to current modelling standards. The hydrology will need to be checked to ensure it is still accurate as the flows may have changed and if that is the case, the model would need to be re-run with these updated flows.
- The FCA states that a 20% climate change is included in our modelling and that no modelling data is available to assess the impact of 30% climate change. Please note that it is your responsibility to run the model with the correct climate change applied. The model should be run for 1% fluvial flood (with 30% allowance of climate change) and the 0.1% fluvial flood using the latest software version. The tidal flood risk also needs to assess the impact of climate change in both the 0.5% and 0.1% scenarios based on the latest tidal projections.
- We also expect several simulations runs for the model to ensure there is no impact during smaller flood events, these are detailed below:
 - For fluvial Q_{med} , 3.33%, 3.33% plus climate change, and 2% Annual Exceedance Probability (AEP).
 - For Tidal MHWS, 3.33% and 3.33% plus climate change AEP.
 - For climate change simulations all inputs must have climate change applied.
- Both fluvial and tidal scenarios should consider the baseline (existing site) conditions and the proposed site to assess any 3rd party impact and displacement of flood water. The FCA states that flood compensatory storage may be required to ensure the proposed development does not increase flood risk elsewhere, and that in order to provide a quantitative assessment of the impact, hydraulic modelling should be undertaken. This detail therefore needs to be provided in support of the application and any proposed mitigation measures must be quantified and be proven, to demonstrate compliance with TAN15.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we will object to this application.

We would ask the LPA to inform us, in accordance with paragraph 11.7 of TAN15, if they are minded to grant permission for the application contrary to our advice.

It is for the LPA to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, and we refer to them on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding.



Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Land Contamination

We have reviewed the report entitled '*Ground Investigation – Lidl Great Britain Ltd, Briton Ferry Road, Neath*' by Remada Ltd, dated August 2020, which covers the western part of the red line boundary. A preliminary risk assessment has been undertaken, however the site investigation is limited, made up of 3 hand dug trial pits (HDTP1-3) and 5 Bore hole (BH1, 1B, BH2, BH3 and BH3) all either on the boundary of the current building or in the north west of the plot. The sample locations all appear to be around the edge of the current slab – clarification is required as to why only these locations were sampled. Appendix C of the report on page 33 is missing, therefore this should be provided for review. We note there are references to the Environment Agency throughout the report – reference should be made to NRW, and relevant spatial data can be found on the Welsh Government's data portal 'Lle' available at: [Lle - Home \(gov.wales\)](https://lle.gov.wales)

We have also reviewed the report entitled '*Geo-Environmental Investigation Report – Briton Ferry Road, Neath*' by Opus, dated January 2016 which covers the eastern part of the red line boundary. Whilst the sample locations adequately cover the eastern part of the site, the investigation is from 2016 and will therefore require updating to demonstrate if there have been any changes on site since this date.

The information provided in both reports is incomplete and currently insufficient for us to make an assessment of the risks to controlled waters. We therefore require the following information to be submitted in support of the application:

- A site investigation adequately covering the whole site's red line boundary. We refer you to the guidance set out in British Standard 'BS:10175 Investigation of potentially contaminated sites: Code of Practice' for sample densities and layouts required on land affected by contamination.
- Groundwater investigations are required as trial pits and window samples in the Remada report did not sample any groundwater on the site. Section 5.3 of the report concludes that there is a low risk to controlled waters – we advise that no conclusions can be drawn on the risk to controlled water until there is adequate coverage of the whole site for both soil and groundwater samples.
- The Remada report references standards for 'made ground' to be able to compare soil data to. Please can it be explained what is meant by standards of made ground.
- Drainage - if surface water is to be dealt with via Sustainable drainage systems (SuDS) then this should be on a risk based approach, considering how close the site is in proximity to the Cryddan Brook. Ultimately it is a matter for the SuDS Approving Body (SAB) in this instance.

Please note that if further supporting contaminated land information and the clarifications as requested above are not provided, we may ask for land contamination conditions to be



applied to any planning permission granted on site to ensure that there is no risk to controlled waters.

Ecology

We have reviewed the report entitled '*A Preliminary Ecological Appraisal*' by Just Mammals Limited, dated January 2022 (Revision 1) which concluded that no protected species under our remit were found on the development site. We welcome the recommendations set out in section 10 of the report which include the retention of a buffer zone along the Cryddan Brook due to proximity of works to the watercourse, and appropriate pollution prevention measures in place to protect it. We advise that all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

Any ecological enhancement measures should be discussed and agreed with the LPA's Ecologist.

Advice to the Developer

Land Contamination Guidance

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
2. Refer to '[Land Contamination: a guide for developers](#)' (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the [Environment Agency's \(2017\) 'Approach to Groundwater Protection'](#)

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.



Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Hannah Roberts

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

