

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(WALES) ORDER 2012**

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Natural Resources Wales - William Cooke
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff

DATE REGISTERED: 12 January 2022

APPLICATION NO: P2022/0045

LOCATION: River Neath Swing Bridge

PROPOSAL: Consultation from Natural Resources Wales under the marine
and Coastal Access Act 2009: Part 4 Marine Licensing in
respect of River Neath Swing Bridge Refurbishment

I refer to the above consultation referred to this Council in accordance with the above Act. Please see attached a copy of the Officer's Report which outlines our observations regarding the application P2022/0045.

Should you require any further assistance please contact Rhodri Griffiths on the case officer number above.

Signed: 
Ceri Morris – Head of Planning & Public Protection

Date: 5 April 2022

SITE AND CONTEXT

The application site consists of a bridge over the River Neath which was originally constructed as a centrally-pivoted swing bridge in 1892. It is a Grade II listed six-deck underbridge carrying the two non-electrified lines of the Swansea District Line (SDI1) railway over River Neath. The swing span is centrally supported on a circular cluster of nine wrought iron caissons / piers with concrete infill, masonry abutments and wingwalls. After declining use of the swing facility, the central span was permanently welded shut in 1985.

The structure spans the River Neath West to East and is still within the tidal reach. The western shore and beyond is largely dominated by a Waste Management Facility and other industrial sites with narrow woodland corridor/boundaries present between the industrial sites.

The proposed access route from the main compound crosses a portion of the Tennant Canal. To the east appears to be a relatively large wetland habitat north of the rail corridor and a larger semi reclaimed site, which was the Giants Grave Landfill.

DESCRIPTION OF DEVELOPMENT

The application is a consultation from Natural Resources Wales (NRW) under the marine and Coastal Access Act 2009: Part 4 Marine Licensing in respect of River Neath Swing Bridge Refurbishment.

The consultation relates to The River Neath Swing bridge. Submitted information indicates that currently, the structure is in generally fair to poor condition, mainly due to significant corrosion to structural elements. The overhead elements and the underslung gangway are severely corroded. Consequently, remedial measures are required to improve the structures longevity and ensure its continued service life for the SDI1 rail network

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

NEGOTIATIONS

None.

PLANNING HISTORY

Planning History

Reference: P2021/0912

Proposal: Listed Building Consent for repairs, strengthening, refurbishment and replacements to river Neath swing bridge including steelwork repairs and replacement (including the replacement of bracing members; cutting back the corroded sections to sound material and over plating and replacing pin headed and missing rivets and replacement of overhead bracing of the swing bridge), bearing repairs, steelwork surface preparation and repainting, masonry repairs and repointing to all embankments and abutments, waterproofing of the swing span (span 4) and like for like replacement of corroded spigots beyond repair and missing downpipes

Status: Approved with conditions (22-DEC-21) [CONSULTATIONS](#)

Biodiversity: No comment to make (comments provided direct to NRW)

Contaminated Land: No objection, subject to conditions

Coastal Officer: No response received therefore no observations to make.

Head of Engineering and Transport (Design): No response received therefore no observations to make.

Head of Engineering and Transport (Highways): No objection.

Head of Engineering and Transport (Drainage): No objection.

Sustainable Transport: No response received therefore no observations to make.

Glamorgan Gwent Archaeological Trust: No objection REPRESENTATIONS
The application is a Consultation from NRW so there is no neighbour consultation or site notice requirements.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

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

Future Wales 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.

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 place making 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 place making principles are a tool to achieving this through both plan making and the decision making process.

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies :

- [Policy SP1 Climate Change](#)
- [Policy SP2 Health](#)
- [Policy SP5 Development in the Coastal Corridor Strategy Area](#)
- [Policy SP14 The Countryside and the Undeveloped Coast](#)
- [Policy SP15 Biodiversity and Geodiversity](#)
- [Policy SP16 Environmental Protection](#)
- [Policy SP21 Built Environment and Historic Heritage](#)

Topic Based Policies:

- [Policy SC1 Settlement limits](#)
- [Policy TO1 Tourism Development in the Countryside](#)
- [Policy EN1 The Undeveloped Coast](#)
- [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 TR2 Design and Access of New Development](#)
- [Policy BE1 Design](#)

Supplementary Planning Guidance

- [Landscape & Seascape](#) (May 2018)
- [Biodiversity and Geodiversity](#) (May 2018)
- [Pollution](#) (October 2016)

Due to the nature and location of the proposed development, the determining Authority should also screen the development against the policies of the Welsh National Marine Plan, where all policies apply to development unless specifically screened out of consideration.

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening.

The application is a consultation from NRW and as such we are not the determining body and therefore are not required to screen under the EIA Regulations or carry out Tests of Likely Significance on consultations.

Issues

The consultation request as asked for any comments in relation to the following list of topics:

protection of the environment,

- protection of human health,
- prevention of interference with other legitimate uses of the sea,
- protection of the local biodiversity,
- minimisation of noise and nuisance,
- potential impacts on navigation, such as obstruction or endangerment,
- need for any special lighting or markings,

- potential impacts on marine archaeology interests or sites.

Please assess the application over a calendar year to highlight any potential seasonal issues that could arise as a result of the proposal.

Assessment.

The proposed development appears to be seeking remedial measures are required to improve the structures longevity and ensure its continued service life for the SDI1 rail network. The proposals appear to be repair works only and as such a planning permission does not need to be secured prior to the works taking place.

Given that structure a grade II Listed, Listed Building Consent is required for the proposed works. Such an application has been submitted to the Local Planning Authority, referred to CADW for comment and subsequently approved subject to conditions.

Impact upon the Character and Appearance of the Area.

Given the nature of the works, there are no significant alterations or additions proposed to the structure. Furthermore, through the associated Listed Building Consent, the visual impact of the proposed works has been assessed in detail. It was determined to approve this application subject to conditions requiring more detail.

As such, given the requirements of the prevailing Listed Building Consent, it is considered that the proposed development would have no adverse impact upon the character and appearance of the surrounding area.

Impact upon the Residential Amenity.

Given the relatively isolated siting of the application site, together with the transient nature of the works proposed, it is considered that the proposed works would have no adverse impacts, through overlooking, overshadowing or overbearing or on the residential amenity in general.

Parking and Access Requirements and Impact on Highway Safety

The Head of Engineering and Transport (Highways) has raised no objection to the proposed development. Therefore the proposed development would have no adverse impact upon pedestrian and highway safety of the existing road network.

Biodiversity / Ecology

The Council's Biodiversity Officer has considered the proposed development and has raised no comment in relation to the submitted details.

Flood risk / Drainage

The application site is located within various flood zones – however given that this is a consultation from NRW, who are, themselves, responsible for managing flood risk from main rivers and the sea, it is considered that they are best placed to advise on this matter.

Contaminated Land

The Council's Contaminated Land Officer has responded to the consultation and have made the following observations:

'The historic industrial use of the surrounding area in close proximity to the development would warrant land contamination conditions attached.'

After careful review of the submitted application, please include LC01, LC03, LC04 and LC05 so that the land characteristics and contamination can be determined before approval is to be granted.'

As a result, it is clear that contaminated land is an issue that must be addressed in respect of the proposed development / works and NRW should be aware of this and address related matters prior to commencement of any development – were this a planning application, the aforementioned conditions that requires the submission of a Desktop Assessment, with potential for a remediation strategy and verification report to follow, as well as a further condition relating to unsuspected contaminated land would be imposed.

It should also be noted that the NRW's Contaminated Land Officers would also need to comment on the potential impacts upon ground waters.

Archaeology

The Council's Archaeological Consultants are Glamorgan Gwent Archaeological Trust who have responded to the consultation with the following observations:

'As suspected the Historic Impact Assessment (dated September 2021) had been submitted with the already determined Listed Building Consent you mentioned (P2021/0912). Overall, whilst the proposed repairs are likely to have an impact on historic fabric, they are unlikely to significant and are certainly justified. As a result we have no objection or comment on the current application.'

Given the comments above, it is considered that the proposed development would not result in an unacceptable impact upon Archaeology.

Noise and Disturbance.

All construction operations are likely to result in some degree of noise and disturbance but as this is of a temporary nature and can be managed and mitigated where appropriate through a Construction Environmental Management Plan, no objection would be raised to this aspect of the proposed development. However if the proposed works were to require piling a condition would also be recommended to require the submission of a Piling Method Statement.

Coal Mining Legacy

The application site is located within a Coal Authority Development Low Risk Area (Lower Risk Coal Area). Despite this, the developer should take note of the following advice:

'The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Other Matters

None. **CONCLUSION**

The Council's comments in relation to the proposed development are set out within the above report. The Authority raises no objection to the proposed development subject to the imposition of the identified conditions.

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.