

PROPOSED LIGHT INDUSTRIAL DEVELOPMENT AT OLD FOUNDRY ROAD, PONTARDAWE

Planning Statement



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PLANNING STATEMENT

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Prepared by:

RPS

Ross Irvine
Senior Planner

2 Callaghan Square
Cardiff
CF10 5AZ

T [REDACTED]
E [REDACTED]

Prepared for:

Bluefield Land Ltd

Paul Markey
Managing Director

T [REDACTED]
E [REDACTED]

Contents

1	INTRODUCTION	1
2	THE APPLICATION SITE AND SURROUNDINGS	2
	Site Context	2
	Planning History	2
3	PROPOSED DEVELOPMENT	5
4	PLANNING POLICY FRAMEWORK	6
	Introduction	6
	Development Plan	6
	Supplementary Planning Guidance	11
	National Legislation and Policy	11
5	PLANNING POLICY ASSESSMENT	14
	Principle of Development	14
	Previously Developed Land	15
	Design	15
	Engineering	15
	Air Quality	16
	Flood Risk & Drainage	17
	Noise..	17
	Highways	17
	Ecology and Biodiversity	20
	Welsh Language	20
6	SUMMARY AND CONCLUSIONS	22

1 INTRODUCTION

- 1.1 This Planning Statement has been prepared on behalf of Bluefield Land Ltd in support of a full planning application for:
- 1.2 *'The development of light industrial/commercial units (Use Class B2/B8) with associated parking, servicing, hard and soft landscaping and drainage infrastructure'* on land adjacent to Old Foundry Road in Pontardawe.
- 1.3 The proposed development site falls within the Local Authority area of Neath Port Talbot Borough Council (NPTBC). A site location plan which includes the application site and development boundaries is included at Appendix A.
- 1.4 This planning statement supports the planning application and comprises the following sections:
- **Section 1: Introduction** – introduces the applicant and the basic principle of the proposals and sets out the structure of the statement.
 - **Section 2: The Application Site and Surroundings** – describes the characteristics of the application site.
 - **Section 3: Proposed Development** – describes the proposals in detail.
 - **Section 4: Planning Policy Framework** – sets out the relevant local and national planning policy framework and any other material considerations, applicable to the proposed development.
 - **Section 5: Planning Assessment** – assesses the proposed development against the relevant planning policy framework detailed in Section 4 having regard to all material considerations, concluding that the proposed development should be granted planning permission.
 - **Section 6: Summary and Conclusions** – concludes and summarises the preceding sections.
- 1.5 The planning application is supported by a number of technical documents and this Planning Statement should be read in conjunction with those documents.

2 THE APPLICATION SITE AND SURROUNDINGS

Site Context

- 2.1 The application site is located in the Alloy Industrial Estate to the east of Pontardawe Town Centre, approximately 5km to the north of Neath and 12km to the north east of Swansea. The site is accessible via the A4067, which connects to the M4 approximately 6.5km to the south.
- 2.2 The application site is in a sustainable location and well connected to nearby public transport links and pedestrian access to the amenities in Pontardawe town centre. The application site is well positioned in relation to education, healthcare and community facilities.
- 2.3 The land immediately surrounding the site to the north east and south east is predominantly employment/industrial use. There is a small section of residential use on Old Foundry Road immediately to the south west of the site. The site is bounded to the north west by Swansea Canal footpath, with residential uses beyond. Nearby Pontardawe town centre includes a range of retail and community facilities. The surrounding land uses is a mix of commercial/Industrial and residential, although the immediate context of the site itself is more industrial in nature.
- 2.4 The majority of the site is located within a C1 flood zone. Therefore, according to Natural Resources Wales (NRW) Development Advice Maps, the site is therefore served by significant infrastructure including flood defences. A small portion of the eastern part of the site is located in Zone B, which comprises areas known to have flooded in the past. A Flood Consequences Assessment (FCA) included with the application shows that the risk of flooding is low and the depth of any potential flooding is within the requirements of Welsh Government's Technical Advice Note (TAN) 15.
- 2.5 Although the site is within an existing industrial area, it is currently allocated for housing in the NPTBC Local Development Plan (LDP). The case for the proposed employment use is set out in Section 5 of this statement.
- 2.6 More detail on the site context analysis is provided in the attached Design and Access Statement (DAS).

Planning History

- 2.7 Bluefield Land Ltd (The Applicant) own the application site and have previously considered developing the site for residential use. A planning application (P2019/5708) was submitted on the 19th December 2019 and subsequently withdrawn on the 16th March 2020 due to localised air quality issues, meaning a residential scheme was not considered a viable option.
- 2.8 The application site is currently vacant. It was formerly used as a foundry, but all previous buildings have been demolished.
- 2.9 In addition to the 2019 planning application, the site has the following relevant planning history:

Ref.	Description	Decision	Date
P2019/5708	Construction of 36 affordable residential units, highways access, parking, landscaping and associated infrastructure works	Withdrawn	16.03.2020
P2014/0550	Prior approval for the demolition of redundant foundry building	Prior notification not required	01.07.2014
P2008/1337	Removal of condition 11 of planning permission p2007/0215	Refused Appeal Allowed	22.12.2008 12.05.2009

	in respect of provision of affordable housing		
P2007/0215	Outline planning application for residential development with associated access and engineering works	Approved	30.06.2008
P2005/0061	Outline planning application - demolition of existing works buildings and construction of mixed residential development	Disposed of	11.04.2006
L1995/0162	Use of disused church building as a pattern shop with attendant landscaping and car parking	Refused	27.07.1995
L1986/0106	Proposed construction of car park demolition of vestry construction of access	Approved	14.05.1986

- 2.10 As a result of the withdrawn residential planning application (P2019/5708), the applicant is proposing a development to provide a series of small commercial/light industrial units. A series of site surveys and investigations have been carried out as part of the previous residential scheme, which have been used to inform the current proposals and make the site ready for development.
- 2.11 Pre-application advice has been obtained and the principle of commercial development has generally been accepted, subject to evidence being provided that the site is no longer suitable for residential development as per the current allocation in the LDP. This is dealt with in more detail below.

Pre-Application Advice

- 2.12 A pre-application advice enquiry was submitted to NPTBC on the 27th May 2022. A formal response was provided on the 20th June 2022 (Q2022/0093), which stated the following:
- The application would require the submission of a planning application. If an outline only planning application is submitted (as opposed to a full application) then, as a minimum, the plan/drawing requirements of Article 3 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 must be provided. This states:*
- (3) Where layout is a reserved matter, the application for outline planning permission must state the approximate location of buildings, routes and open spaces included in the development proposed.*
- (4) Where scale is a reserved matter, the application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed.*
- (5) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.*
- 2.13 The advice identified key information such as local context and constraints, relevant planning history and policy and an analysis of the proposal.
- 2.14 The advice concluded that as the site is currently allocated for housing under Policy H1 of the Adopted Neath Port Talbot Local Development Plan. Accordingly, a development of the site for industrial units would not accord with the provisions of the development plan. Therefore, sufficient

evidence to support allowing a departure from residential to commercial use would need to be provided with a planning application if the principle of an industrial development is to be acceptable. This could comprise marketing or viability evidence as well as consideration and analysis of the known site constraints and suitability of an alternative land use in light of up-to-date surveys, planning policy requirements, planning history and/or any other material considerations (e.g. known environmental factors affecting a residential use, such as air quality and flood risk). It was stated that a detailed planning statement should therefore accompany any formal application.

- 2.15 In addition to the advice on a number of topics, a list of required supporting documentation was provided. The full pre-application advice is appended to this planning statement.
- 2.16 Prior to application, statutory pre-application consultation was carried out for the requisite period of time, the detailed results of which are set out in the supporting report on consultation.
- 2.17 As a result of consultation feedback from Natural Resources Wales in respect of the Flood Consequences Assessment and the Preliminary Ecological Appraisals being for the previous residential application, new assessments have been prepared accordingly in support of the application. They endorse the positive findings of the previous assessments.

3 PROPOSED DEVELOPMENT

- 3.1 A full planning application is to be submitted for *'the development of light industrial/commercial units (Use Class B2/B8) with associated parking, servicing, hard and soft landscaping and drainage infrastructure'*.
- 3.2 As set out in the development description, the proposed development seeks to provide a series of light industrial/commercial units with associated vehicle access doors and external parking to meet a growing demand for start-up businesses.
- 3.3 The proposed development is for 15, single storey units with a Gross Internal Floor Area (GIFA) of 129m² set out in three separate blocks. The total Gross Internal Area (GIA) of the combined units is 1,935m². The overall area of the site is 7,635m² (0.76 hectares). This gives an overall site density of 20 units per hectare.
- 3.4 In addition, each unit has 2 dedicated car parking spaces and larger space for a long wheelbase van in front of the roller shutter vehicle access door. This gives a total of 45 parking spaces, which equates to a 1 space per 43m². The parking numbers are in accordance with the Parking Standards SPG, which requires 1 van space and 2 car spaces per unit up to 235m².
- 3.5 Each unit will have the facility for an electric charging point to serve both car parking spaces and the van space as they are located immediately adjacent to the units. This is well in excess of the 10% provision required by Policy 12 of Future Wales as it equates to 100% of car and van parking.
- 3.6 For more detail on the design and full extent of the proposed development, please see the enclosed DAS.

4 PLANNING POLICY FRAMEWORK

Introduction

- 4.1 The following section provides an overview of the relevant policy framework relating to the application proposals. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this application should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The development plan area within which the application site is positioned is NPTBC.
- 4.2 Other key 'relevant material considerations' including Government policy guidance contained within the National Development Framework, known as Future Wales – The National Plan 2040, Planning Policy Wales (PPW) (Edition 11) (PPW11) and associated Technical Advice Notes (TANs) need to be taken into account in the determination of this planning application.
- 4.3 The primary objective of PPW11 and Future Wales 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, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.
- 4.4 The key planning policies of relevance to the determination of the application are outlined below. A detailed assessment of the accordance of the proposed development with these policies is provided in Section 5 of this Statement.

Development Plan

- 4.5 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan is the NPTBC Local Development Plan (LDP) which was adopted in January 2016 and covers the period 2011 to 2026.

The Neath Port Talbot Local Development Plan 2011-2026 (January 2026)

- 4.6 The NPTBC LDP provides a broad introduction to the area and the key economic, social and environmental characteristics of the County Borough, including background information, the policy context and identified key issues for the area. The following section details the LDP strategic policies relevant to the proposed development.
- 4.7 **Policy SP1 (Climate Change)** advises that the causes and consequences of climate change will be addressed by implementing a range of measures. These include enhancing the efficiency and sustainability of the County Borough's settlements through developing more cohesive and efficient settlements and settlement patterns, and consequently more sustainable travel patterns. Also dependence on the private car and the need to travel in general will be reduced through promoting alternative means of transport and more efficient use of existing facilities, co-location and joint use of facilities. In relation to the consequences of climate change the policy advises that likely increased food risk will be taken into account and addressed by ensuring that there is greater resilience by avoiding development on land that is at risk from flooding in the first instance in accordance with the sequential approach set out in national guidance or in locations that could increase the risk of flooding elsewhere.
- 4.8 **Policy SP2 (Health)** advises that the following measures will be taken in relation to the high levels of poor long term health and sickness in NPTBC.
 1. The development of sustainable, safe and confident communities will be promoted through the colocation of jobs and facilities and the development of community facilities and services in accordance with the settlement framework;
 2. People's exposure to those elements that can have an adverse impact on their health (such as their social, economic or physical environment) will be reduced where possible through consideration of the environmental and safety impacts of new developments;

3. Healthier, more active and safer lifestyles will be encouraged through the retention of a range of accessible leisure, recreational, health, retail, social, cultural and community facilities throughout the County Borough;

4. Accessibility within and between communities will be improved to encourage active travel;

5. The provision of new employment opportunities will be promoted to reduce unemployment and economic inactivity rates.

4.9 **Policy SP3 (Sustainable Communities)** explains that the delivery of sustainable, healthy and cohesive communities and the conservation of the countryside will be promoted by the identification of a settlement hierarchy that reflects the role and function of settlements.

4.10 **Policy SP4 (Infrastructure)** requires developments to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable.

4.11 **Policy SP6 (Development in the Valleys Strategy Area)** requires that the local economy and communities will be enhanced and reinvigorated and the distinctive environment will be protected through the following area-specific measures:

1. Identifying Pontardawe and the Upper Neath Valley as Strategic Growth Areas (SGAs);

2. Making provision for the majority of new valleys residential development within the identified SGAs;

3. Safeguarding employment sites and uses;

4. Promoting a mixed use regeneration scheme at Glynneath;

5. Undertaking public realm improvements in Glynneath and Pontardawe Town Centres;

6. Identifying Rheola as a tourism site and safeguarding key tourism amenities;

7. Taking a flexible approach to encourage employment uses, including live-work units;

8. Taking a flexible approach to encourage small scale retail proposals; 9. Protecting cultural identity including areas of importance for the Welsh language.

4.12 **Policy SP7 (Housing Requirement)** states that in order to deliver the 7,800 new dwellings required to meet the economic-led growth strategy, provision will be made for the development of 8,760 additional dwellings between 2011-2026 including a 12.31% flexibility allowance.

4.13 **Policy SP10 (Open Space)** requires that provision will be made to ensure that all residents have access to adequate open space by ensuring that new development addresses local needs and retaining and protecting existing open space.

4.14 **Policy SP11 (Employment Growth)** states that existing employment uses will be supported and safeguarded and new and expanding employment developments will be encouraged through the following measures:

1. 96 hectares of land for employment and business purposes will be allocated for development within the Plan period in the Coastal Corridor Strategy Area to meet economic development and employment needs;

2. Additional employment provision will be made within the Strategic Regeneration Areas as part of mixed use, sustainable development in these locations;

3. Existing employment areas will be safeguarded for employment uses;

4. Premises in existing appropriate lawful employment use will be safeguarded for employment purposes;

5. Employment uses will be encouraged in principle within settlement limits;

6. In the Valleys Strategy Area, a flexible approach will be taken to employment proposals and 'live-work' units within or immediately adjacent to settlement limits.

- 4.15 **Policy SP15 (Biodiversity and Geodiversity)** requires Important habitats, species and sites of geological interest to be protected, conserved, enhanced and managed. **Policies EN6 (Important Biodiversity and Geodiversity Sites)** and **EN7 (Important Natural Features)** fall under Policy SP15.
- 4.16 **Policy SP16 (Environmental Protection)** advises that air, water and ground quality and the environment generally will be protected and where feasible improved.
- 4.17 **Policy SP18 (Renewable and Low Carbon Energy)** requires that a proportionate contribution to meeting national renewable energy targets and energy efficiency targets will be made while balancing the impact of development on the environment and communities. This will be achieved by:
1. Encouraging where appropriate, all forms of renewable energy and low carbon technology development;
 2. Encouraging energy conservation and efficiency measures in all new major development proposals;
 3. Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents.
- 4.18 **Policy SP20 (Transport Network)** states that the transport system and infrastructure will be developed in a safe, efficient and sustainable manner.
- 4.19 **Policy SP21 (Built Environment and Historic Heritage)** requires the built environment and historic heritage will, where appropriate, be conserved and enhanced through the following measures:
1. Encouraging high quality design standards in all development proposals;
 2. Protecting arterial gateways from intrusive and inappropriate development;
 3. Safeguarding features of historic and cultural importance;
 4. The identification of the following designated sites to enable their protection and where appropriate enhancement: (a) Landscapes of Historic Interest; (b) Historic Parks and Gardens; (c) Conservation Areas; (d) Scheduled Ancient Monuments; and (e) Listed Buildings and their curtilage.
- 4.20 **Policy SP22 (Welsh Language)** states that the Welsh language will be safeguarded and promoted in the following language sensitive areas: 1. Amman Valley. 2. Swansea Valley. 3. Pontardawe. 4. The community of Crynant in the Dulais Valley.
- 4.21 Other relevant 'topic-based' policies include:
- 4.22 **Policy SC1 (Settlement Limits)** advises that development within settlement limits that is proportionate in scale and form to the role and function of the settlement will be acceptable in principle. The supporting text to this policy explains that settlement limits are an important tool for managing the shape and extent of the urban area. They define the areas within which development which accords with the role and function of the settlement will be permitted in principle; they allow for development which would contribute towards the creation and maintenance of sustainable communities in accordance with the strategy; they prevent the coalescence of settlements, ribbon development and fragmented development and also prevent inappropriate development in the countryside (para. 3.0.13). The application site is also shown on the Proposals Map as lying within the settlement limit.
- 4.23 **Policy I1 (Infrastructure Requirements)** states that, in addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for:
- Affordable housing;
 - Open space and recreation facilities;
 - Welsh language Infrastructure (in Language Sensitive Areas);

- Community facilities including community hubs;
 - Biodiversity, environmental and conservation interests;
 - Improving access to facilities and services including the provision of walking and cycling routes;
 - Historic and built environment and public realm improvements;
 - Community and public transport; and
 - Education and training.
- 4.24 **Policy H1 (Housing Sites)** identifies land for residential development. Site (Reference H1/LB/32) on Holly Street for 45 housing units is located within relative proximity to the application site.
- 4.25 **Policy OS1 (Open Space Provision)** requires that where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings
- 4.26 **Policy EC2 (Existing Employment Areas)** seeks to protect the employment function of the County Borough's employment areas by enforcing that uses on the identified sites will be restricted in accordance with **Policy EC3 (Employment Area Uses)**.
- 4.27 **Policy EN8 (Pollution and Land Stability)** states proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk due to the following will not be permitted:
- Air pollution;
 - Noise pollution;
 - Light pollution;
 - Contamination;
 - Land instability;
 - Water (including groundwater) pollution.
- 4.28 Proposals which would create new problems or exacerbate existing problems detailed above will not be acceptable unless mitigation measures are included to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level
- 4.29 **Policy TR2 (Design and Access of New Development)** advises that development proposals will only be permitted where all of the following criteria, where relevant, are satisfied:
1. The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation;
 2. Appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of any service vehicles associated with the planned use;
 3. The development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes;
 4. Transport assessments and travel plans are provided for developments that are likely to create significant traffic generation.
- 4.30 The supporting text explains that new development will be required to demonstrate that it will have no adverse effect on the existing highway network and traffic or congestion will not be increased to unacceptable levels. The LDP goes on to advise in the interests of creating more sustainable communities new development proposals should be accessible by a variety of means, not just the private car. Walking, cycling and public transport play an important role in reducing the number of shorter journeys taken by car and contribute towards the Plan's aim to provide a sustainable and more integrated transport network. Where appropriate, new developments will be required to demonstrate how they connect to existing, adjacent settlements.

4.31 **Policy BE1 (Design)** requires that all development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. The Policy further advises that proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;
6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);
7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
8. It uses resources, including land and energy, as efficiently as possible through:
 - a. Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;
 - b. The layout and form of the development does not preclude the reasonable use of other adjacent land;
 - c. Developing brownfield land in preference to greenfield land where possible;
 - d. Minimising building exposure while maximising solar gain.
9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;
10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.

4.32 **Policy BE3 (The Canal Network)** requires that:

1. In order to protect and conserve the canal network, the following lengths of canal will be safeguarded:
 - (a) The Swansea Canal at Trebanos from the County Borough boundary to the southern edge of the playing fields;
 - (b) The Swansea Canal from Pontardawe Town Centre to Godre'r Graig;
 - (c) The Tennant Canal;
 - (d) The Neath Canal from Briton Ferry to Ysgwrfa Bridge, Aberpergwm.

Proposals which would prejudice the conservation, restoration and operation of these safeguarded lengths of canal will be resisted. Proposals will need to demonstrate that they would not adversely affect the setting of the canals or prevent or discourage the use of the canals for recreation and water supply;

2. Developments affecting locations where lengths of canal have been drained, infilled, culverted, obstructed or cut off from the remainder of the network, but where there is the possibility of future reinstatement, will be expected to take into account the historic line of the canal and to avoid the introduction of buildings or structures that would prevent reinstatement.

4.33 **Policy WL1 (Development in Language Sensitive Areas)** states that the following development proposals within the identified language sensitive areas will be required to submit a Language Action Plan, setting out the measures to be taken to protect, promote and enhance the Welsh language:

- (a) Residential development for 10 or more dwellings;
- (b) Retail, commercial or industrial development with a total floorspace of 1,000 sqm or more.

Supplementary Planning Guidance

4.34 The following Supplementary Planning Guidance (SPG) is also of relevance to this application:

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Biodiversity and Geodiversity (May 2018)
- Pollution (October 2016)
- Open Space & Greenspace (July 2017)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)
- Schedule of Designated Canal Structures (April 2019)
- Development and the Welsh Language (July 2017)

National Legislation and Policy

Future Wales – The National Plan 2040

4.31 The Planning Act requires the Welsh Ministers to produce and keep up to-date the National Development Framework (Future Wales). Future Wales must cover a 20-year period accommodating Government priorities into a single, coherent direction, indicating the land use implications of key goals and objectives. Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to coordinate the delivery of Welsh Government policies to maximise positive outcomes.

Well-being of Future Generations Act 2015

4.32 The Well-being of Future Generations (Wales) Act 2015 was adopted in 2014 and places a duty on public bodies to place the principles of sustainability and sustainable development at the heart of its decision-making processes. The objectives of the Act are as follows:

A Prosperous Wales

- *Promoting resource-efficient and climate change resilient settlement patterns which minimise land take and urban sprawl, especially through the reuse of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Play an appropriate role to facilitate sustainable building standards;*
- *Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities;*

- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness.*

A Resilient Wales

- *Contributing to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems;*

A Healthier Wales

- *Contribute to the protection and, where possible, the improvement of people's health and wellbeing as a core component of achieving the well-being goals and responding to climate change;*

A More Equal Wales

- *Promoting access to, inter alia, employment, shopping, education and community facilities and open and green space, maximising opportunities for community development and social welfare;*
- *Promote quality, lasting, environmentally-sound and flexible employment opportunities;*
- *Respect and encourage diversity in the local economy;*

A Wales of Cohesive Communities

- *Locating development so as to minimise the demand for travel, especially by private car;*
- *Fostering improvement to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity;*
- *Fostering social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that the development is accessible by means other than the private car;*

A Wales of Vibrant Culture and Thriving Welsh Language

- *Helping to ensure the conservation of the historic environment and cultural heritage;*
- *Positively contribute to the well-being of the Welsh language;*

A Globally Responsive Wales

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy."*

4.33 The goals relating to a more prosperous and a Wales of Cohesive Communities are particularly relevant to the proposed development.

Planning Policy Wales (PPW) Edition 11 (February 2021)

4.34 National planning policy is contained within the 11th edition of Planning Policy Wales (PPW), published by the Welsh Government in February 2021. PPW is supported by 20 topic-based Technical Advice Notes (TANs), which are also relevant. These are assessed further in the section below.

4.35 Figure 5 of PPW identifies five key planning principles aimed at 'achieving the right development in the right place' as follows:

- Growing our economy in a sustainable manner;
- Making better use of resources;

- Facilitating accessible and healthy environments;
- Creating and sustaining communities; and
- Maximising environmental protection and limiting environment impact.

- 4.36 Placemaking now forms the core of PPW11 and must be embraced in development management decisions to achieve the creation of sustainable places. PPW11 explains that planning decisions must seek to support the well-being of people and communities across Wales. Planning applications such as this one is delivering development in established places. The key factor for the applicant and the decision maker in this respect, therefore, is the ability of this development to contribute to achieving what is regarded as 'a sustainable place'.
- 4.37 PPW11 specifies that: *'Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities'*. Integration is a fundamental component to ensure the right development is in the right place.
- 4.38 Figure 6 of PPW sets out how development proposals should be assessed. Stage 1 should assess the proposal against the "Strategic and Spatial Choices". Stage 2 should assess the detailed impact and contribution the proposal will make to "Active and Social Places", "Productive and Enterprising Places" and "Distinctive and Natural Places". PPW is clear that the considerations within each of the themes will vary on a case by case basis, depending on the proposal concerned but, that the merits or otherwise of a proposal need to be considered in the public interest. Approaching a proposal in this manner should result in a proposal that contributes to the sustaining of or creation of sustainable places, thereby delivering on the national sustainable placemaking outcomes.

Sustainable Development

- 4.39 PPW outlines the Welsh Government's duty under the Well-being of Future Generations (Wales Act) 2015 (WBFGA 2015) to deliver sustainable development: "Sustainable Development" means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals (PPW page 9).
- 4.40 PPW advises that local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. PPW suggests that a broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, reached by walking or cycling, or which are or can be well served by public transport.

Other relevant policies in PPW include:

- 4.41 Chapter 3 "Strategic and Spatial Choices" is centred on good design and its fundamental contribution to creating sustainable places where people want to live and work. Good design should consider the following: Environmental Sustainability, Movement, Access, Character and Community Safety.
- 4.42 PPW advises that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking.
- 4.43 Chapter 5 (Productive and Enterprising Place) deals with a, amongst other themes, making best use of material resources and promoting the circular economy. Placemaking embraces the interrelationships between the built and natural environment. Choices about the use of material resources should be based on making the most appropriate and sustainable use of finite resources and promoting the principals of a circular economy.

5 PLANNING POLICY ASSESSMENT

- 5.1 National and local planning policy encourages employment-based development which would contribute to creating a more economically stable population. Sustainable development is identified in PPW as a key thread running through the planning system.
- 5.2 The following section provides justification for the proposed development, demonstrates relevant planning compliance and summarises any mitigation or enhancement measures.

Principle of Development

- 5.3 The proposed development constitutes new industrial facilities adjacent to the existing Alloy Industrial Estate (predominantly B1, B2 and B8 use). The development seeks to make best use of an area of vacant brownfield land situated in amongst similar building types and activities/uses on the estate.
- 5.4 The application site is located within a LDP 'settlement limit' complying with Policy SC1 of the NPTBC planning policy. Policy SC1 states that *'sustainable new development that is proportionate in scale and form to the role and function of the settlement will be acceptable in principle, subject to compliance with all other requirements and policies'*.
- 5.5 The LDP seeks the efficient use of land, this means increasing development density on existing sites where it is appropriate (Policy SP11). The proposed development will create a highly efficient use of the site; in accordance with key sustainability objectives and market requirements.
- 5.6 It is recognised that the application site is currently allocated for housing under Policy H1 of the NPTBC LDP. A previous application for residential use was submitted for the application site. This application (P2019/5708) was subsequently withdrawn, despite the site being allocated for housing in the LDP (H1/LB/32). There were a number of factors that led to the withdrawal of the application for residential use, that are explored in more detail later in this section.
- 5.7 Despite previous residential proposals and local plan policy commitment, the principle of this development is established given that the site is adjacent to an area allocated for employment use (Policy EC2/18 Alloy Industrial Estate) within the adopted LDP, as indicated on the Proposals Map. The application site's proximity to the LDP employment allocation and its position within the natural boundary of the wider industrial estate area, means the proposed development is considered entirely appropriate to its location.
- 5.8 In order to consider an industrial development over the allocated housing use, the pre-application advice (Q2022/0093) provided by NPTBC, required sufficient evidence to support a departure to be provided with a planning application if the principle of the new development is to be acceptable. Such evidence is provided in the supporting documentation of this planning application. The technical reporting identifies the significant constraint to housing on this site, linked to air quality issues locally, such that there is no likelihood of being able to deliver the LDP allocation within the current lifetime of the Plan. A replacement LDP is currently in evolution and is the subject of consultation on candidate sites. As existing allocations will not be automatically 'rolled over' into the next LDP and the landowner has expended significant time and cost in unsuccessfully promoting a residential application at the site, the allocation cannot be implemented. The air quality issues which are well documented are strategic and beyond the landowner's control and an industrial use is a more compatible and less sensitive use in comparison.
- 5.9 Compliance with Future Wales is demonstrated through the provision a variety of working environments which will accommodate a diverse range of employment types. PPW promotes a principle of 'right development in the right place' which this proposal clearly is. Further, the development also assists in PPW's aim to encourage development which generates economic prosperity and regeneration.
- 5.10 Prevailing development plan policy and other material considerations clearly support the principle of industrial development at the site.

Previously Developed Land

- 5.11 The application site comprises previously developed land which falls within the defined LDP settlement limits. The application offers the opportunity to transform a currently vacant, brownfield site into a modern extension to an existing industrial area, creating a new, high quality supply in the local market.
- 5.12 PPW sets out the preference for the use of previously developed land and buildings, including the use of vacant or underused land, commercial property in and around settlements. This is clearly demonstrated by this proposal.

Design

- 5.13 The proposed development of 15 high quality light industrial units on a site in Alloy Industrial Estate, Pontardawe meets the following requirements:
- A high-quality development to address an identified need for small light industrial space in the area.
 - An accessible site in a sustainable location with easy access to many local facilities and public transport options.
 - Minimal impact on adjacent occupiers and amenity of nearby residents.
 - Sustainable units through construction and operation.
 - Proposed design in line with all policies identified in national planning policy, the adopted LDP and Supplementary Planning Guidance.
- 5.14 The attached DAS demonstrates the planning policy compliance of the proposed development in relation to design standards.

Engineering

- 5.15 The site is bounded along its north-western side by the canal embankment. Herein we present an overview of levels and slope information.
- 5.16 The proposed development is located south of the Swansea Canal, which are separated by the canal embankment. The canal is recorded on the first available OS maps of 1877 onwards, with the site use recorded as *foundry* from that date with the embankment appearing to have remained primarily unchanged, with the foundry demolished post 2006.
- 5.17 From the base of the canal embankment the site is fundamentally level with some shallow banded spoil heaps. The proposed development unitises the available level land, with levels reducing gradually towards Old Foundry Road.
- 5.18 The rear of the development is proposed to be bounded by the side elevation of Units 1 and 12 and the rear of Units 4-11. Units 4-11, which have been positioned as close as practicable to Old Foundry Road, will still provide the required zones for SuDS surface water runoff attenuation features and the required vehicle circulation space within the development.
- 5.19 The side elevation of Unit 1, adjacent to the historic foundry access onto Holly Street, at the western end of the site, and south of Holly Street and the bridge abutment of the road bridge spanning over the canal. As such, it is beyond the influence of the canal and adjacent embankment. Some changes in level and retaining walls will be required in this area to provide the proposed pedestrian access from the development onto Holly Street and the town centre and beyond.
- 5.20 The side elevation of Unit 12 is within a shallow spoil heap area with a level between 32.4m and 32.9m for a zone of 6m between the proposed building and the base of the canal embankment, which itself is typically between 32.88m and 33.18m in this area, where there is an existing freestanding wall. As such, the proposed development is beyond the influence of the canal and adjacent embankment.

- 5.21 The rear elevation of Units 4-11 is parallel with the bank of the canal, which is typically 14m to 16m from the units. The units will have a 1.5m access zone to the rear for construction and long-term maintenance. The scenario on site is a level area adjacent to the canal followed by a boundary wall or steep slope, historic concrete access road from the foundry to Holly Street and a steep slope into the development site. The proposed development would require a retaining wall to the rear of the 1.5m maintenance zone to the rear of Units 4-8, of up to 1.3m. The theoretical linear batter from the canal bank to the 1.5m access zone (set at 32.45m), would result in a 1 in 2.7 slope which is within the generally accepted batter gradients, and be the theoretical case during the retaining wall construction phase.
- 5.22 Supplementary to the initial assessment above, further consideration and assessment will be undertaken during detailed design relating to the canal and the existing embankment, for both construction stage and the proposed permanent works.

Air Quality

- 5.23 As stated above, localised air quality was identified as an issue in the proposed residential scheme (P2019/5708). There has been a wealth of in-depth, technical assessment material submitted to the Council for the previous residential application by Dauson Environmental Group, supported by Counsel opinion. As all of this is already with the Council on the matter, we do not resubmit it here.
- 5.24 In summary however, there were local emission limit exceedances in 2016 and 2018. This is the ambient concentration being exceeded because of emissions.
- 5.25 Whilst there is a difference between emission and ambient concentration, the air quality concerns led to a decision by NPTCBC that residential use was deemed unacceptable. The applicant considered pursuing it any further to be an unviable option as the mitigation of the problem was beyond its control and timeframe and the application was subsequently withdrawn.
- 5.26 Policy EN8 of the LDP states that “*Pollution of all types can cause significant damage to human health, biodiversity, quality of life and residential amenity*” and Policy EN8 is intended to ensure that developments “*will not exacerbate existing problems, cause new problems or result in more people being routinely exposed to unacceptable pollution levels of any type*”. A residential use on the application site would be contrary to this policy and increase the long-term human exposure to poor air quality.
- 5.27 Turning to the proposal in hand, any air quality issue that relates to land use and its development is capable of being a material planning consideration. The weight, however, given to air quality in making a planning application decision, in addition to the policies in the development plan, will depend on such factors as: • the severity of the impacts on air quality; • the air quality in the area surrounding the proposed development; • the likely use of the development, i.e. the length of time people are likely to be exposed at that location; and • the positive benefits provided through other material considerations.
- 5.28 With respect to a commercial use, the surrounding context is of an existing, active commercial area, to which the proposal seeks to add a similar commercial/industrial use. We are aware of planning permissions having been issued in the locality for a range of uses within the timeframe of the air quality issue, including residential and a school expansion.
- 5.29 An impact is the change in the concentration of an air pollutant, as experienced by a receptor. This may have an effect on the health of a human receptor, depending on the severity of the impact and other factors that may need to be taken into account. Judging the severity of an impact is generally easier than judging the significance of an effect. As such, it is assumed, that the conclusions on those applications was that whilst there have been issues of emission exceedances, background ambient concentration levels in terms of the significance of the effect and harm arising, were deemed to be acceptable.
- 5.30 Based on consistency of decision making, we conclude that this matter should therefore be similarly determined, and air quality is not deemed a consideration of such weight so as to refuse planning permission in this case.

Flood Risk & Drainage

- 5.31 The application is supported by a Flood Consequences Assessment (FCA) commissioned in December 2022, which is a new assessment, updating the situation at the site location from that of a previous assessment carried out in 2019 in support a residential application. The new FCA includes updated policy and modelling for an industrial/commercial site and updated site levels.
- 5.32 The site falls within Zone C1 of NRW's Development Advice Map (DAM). Zone C1 describes areas of the floodplain '*served by significant flood defence infrastructure*'. A residential development in nature is classified as '*highly vulnerable development*' as defined in TAN-15. An industrial development as proposed, is considered '*less vulnerable*' and is permissible within Zone C1 subject to the application of a justification test, including acceptability of consequences.
- 5.33 The new TAN 15 will replace the DAM with the Flood Map for Planning (FMfP). Whilst the new TAN is not a material consideration until implemented, it does illustrate the current policy thinking of Welsh Government and in some cases the FMfP may constitute best available information.
- 5.34 Consequently, information on the FMfP is provided for information only. The development site is mainly located within Flood Zone 3 of the Flood Map for Planning for Rivers as shown in Figure 3-2. Flood Zone 3 represents areas which have a greater than 1 in 100 (1%) chance of flooding in a given year with a consideration of climate change impacts. Localised areas of the site fall into Flood Zone 2 which represents areas which have a less than 1 in 100 (1%) but greater than 1 in 1000 (0.1%) chance of flooding in a given year, including an allowance for climate change.
- 5.35 The development site is located within Flood Zone 1 for the Flood Map for Planning for the Sea due to its location inland. Flood Zone 1 represents areas which have less than 1 in 1000 (0.1%) chance of flooding in a given year with a consideration of climate change. The development site is largely located within Flood Zone 1 for the Flood Map for Planning for surface water and small watercourses. The site is not located within a 'Defended zone'.
- 5.36 The new TAN-15 states that less vulnerable development in Flood Zone 3 is compatible subject to the application of the updated justification test and acceptability of consequences test. Both of these are confirmed in the FCA as being able to be met.
- 5.37 Based on this it is considered that the application proposals are in accordance with LDP Policy SP1 (Climate Change).
- 5.38 A SAB pre-application response is included with the application which supports the principles of the intended drainage design strategy.

Noise

- 5.39 A noise survey, prepared in support of the previous residential application (a use deemed to be a more sensitive receptor to noise) is included to demonstrate any potential noise issues for the commercial proposal can be mitigated by standard construction methods.
- 5.40 Policy EN8 states that '*potentially noisy proposals should not be located close to sensitive uses (such as hospitals, schools and housing) and new noise-sensitive developments should not be located near to existing noisy uses (including industry and existing or proposed transport infrastructure) unless it can be shown that adverse effects can be dealt with through mitigation measures incorporated into the design*'.
- 5.41 By designing the units in an internally facing arrangement, it both helps to shield the site from external noise and creates a natural buffer to any noise made on site to residential receptors beyond the site boundary.

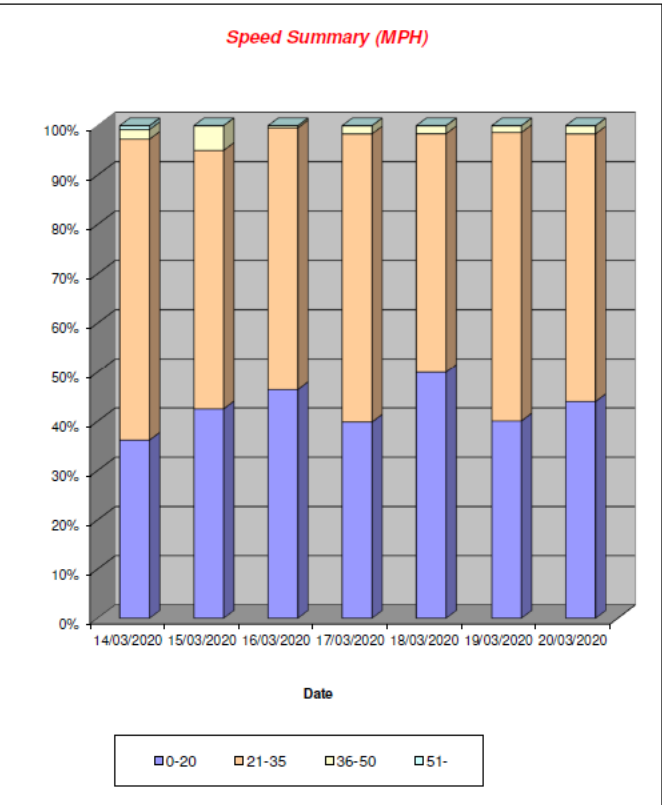
Highways

- 5.42 Car and cycle parking at the site will be provided in accordance with the standards set out in NPTBC guidance. In accordance with Policy 12 of Future Wales, a minimum of 10% space provision for Electric Vehicle Charging has been complied with, through 100% on this scheme.

- 5.43 An assessment of the access and circulation context to and within the site is illustrated on tracking plans and illustrates that the site operates for its intended use and visitation/servicing by the likely commercial, waste and emergency services vehicles expected.
- 5.44 An automatic traffic count (ATC) speed survey over seven days in 2020 on Old Foundry Road (summary extracts over) shows that the overall speed context is such that the visibility splay at the site is sufficient for the proposed use based on the 85%tile vehicle speed.

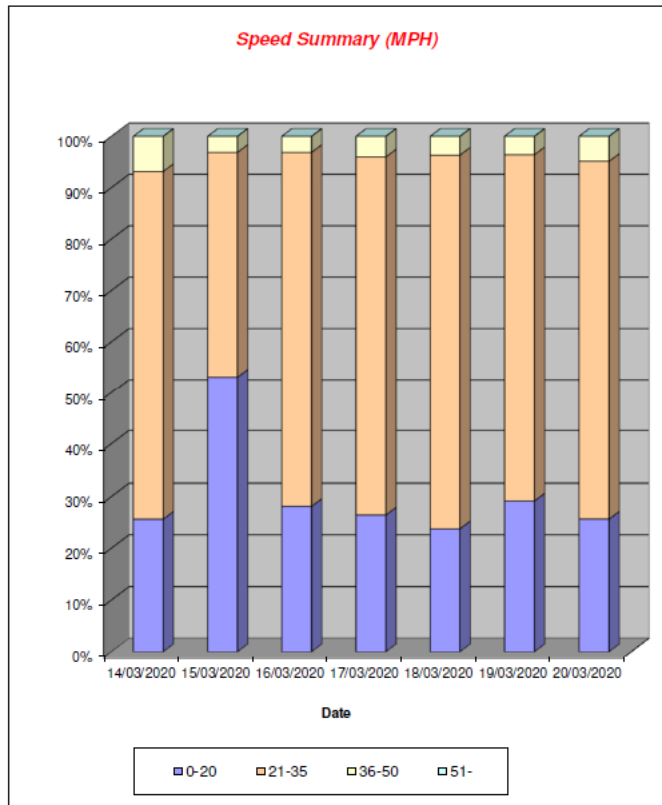
Pontardawe ATC, Old Foundry Road

Channel 1 - Southwestbound				Speed Summary			Week 1
	14/03/2020 Saturday	15/03/2020 Sunday	16/03/2020 Monday	17/03/2020 Tuesday	18/03/2020 Wednesday	19/03/2020 Thursday	20/03/2020 Friday
Speed (MPH)							
0-20	93	17	214	145	185	145	187
21-35	157	21	245	213	179	212	231
36-50	5	2	2	6	6	5	7
51+	2	0	0	0	0	0	0
TOTAL	257	40	461	364	370	362	425



Pontardawe ATC, Old Foundry Road

Channel 2 - Northeastbound				Speed Summary			Week 1
Speed (MPH)	14/03/2020 Saturday	15/03/2020 Sunday	16/03/2020 Monday	17/03/2020 Tuesday	18/03/2020 Wednesday	19/03/2020 Thursday	20/03/2020 Friday
0-20	30	17	54	46	39	48	58
21-35	79	14	132	121	119	113	157
36-50	8	1	6	7	6	6	11
51+	0	0	0	0	0	0	0
TOTAL	117	32	192	174	164	168	226



5.45 Accordingly, it is considered that the application proposals are in accordance with LDP Policies SP20 (Transport Networks) and TR2 (Design and Access of New Development).

Ecology and Biodiversity

5.46 This application is supported by a Preliminary Ecological Appraisal (PEA) Report which presents the findings of an ecological appraisal of the site and an assessment of the potential ecological considerations and constraints on its future development.

5.47 Based on the ecological survey work undertaken to date there is nothing to suggest that the proposed development will lead to a significant impact on any known protected species or ecological features. It is considered that with careful design considerations and appropriate mitigation measures as described above the development proposals will be in accordance with LDP Policy SP15 (Biodiversity and Geodiversity).

Welsh Language

5.48 Policy establishes that commercial development proposals within the identified language sensitive areas will be required to submit a Language Action Plan, setting out the measures to be taken to protect, promote and enhance the Welsh language.

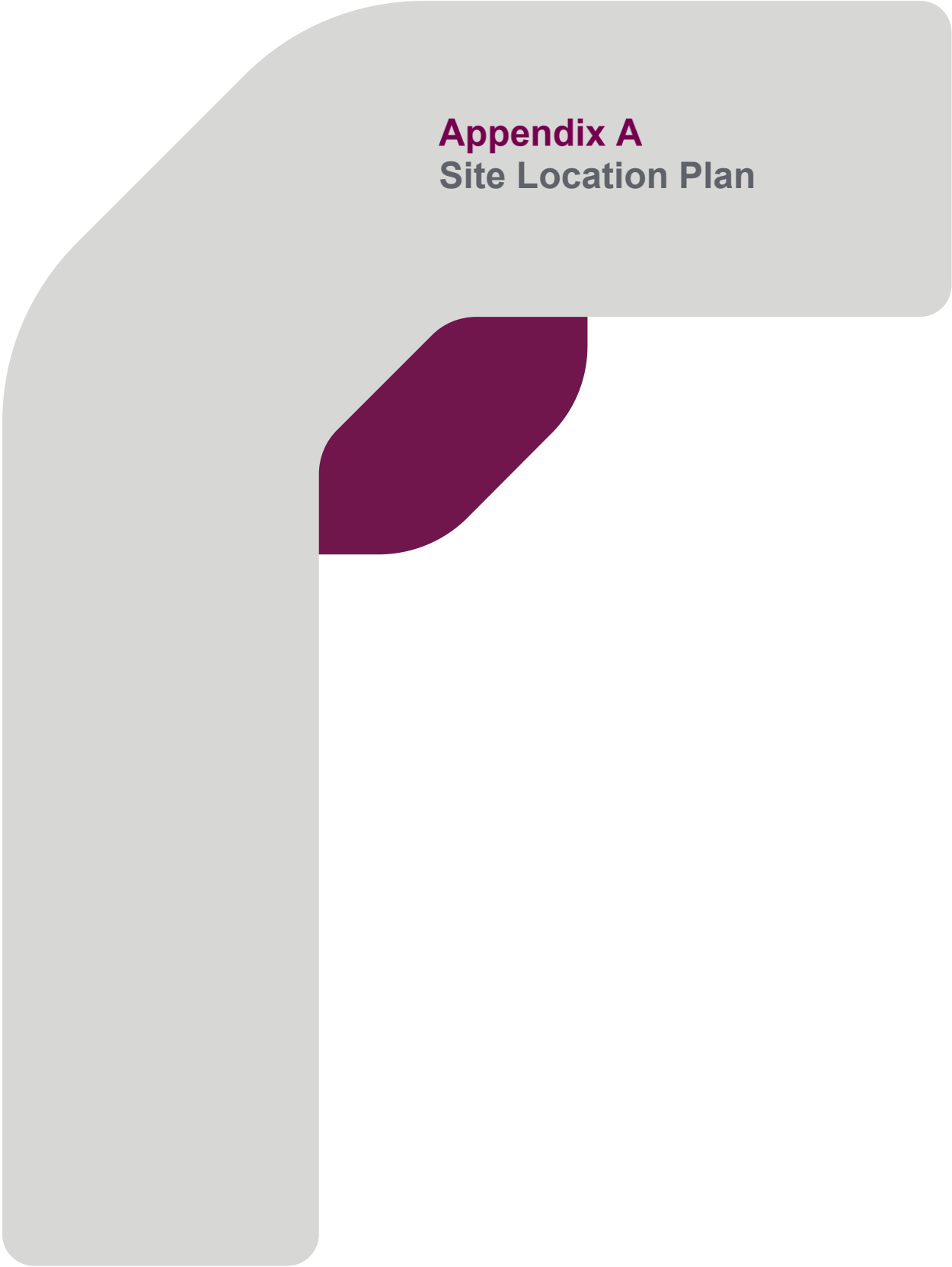
5.49 The area is served by a Welsh medium school, namely Ysgol Gynradd Gymraeg Pontardawe and the choice of parents to educate their children through the medium of Welsh is, therefore shown to

be popular in the area. There is no evidence that the approval of this application will in any way prejudice that parental choice or the popularity of learning through the medium of the Welsh language.

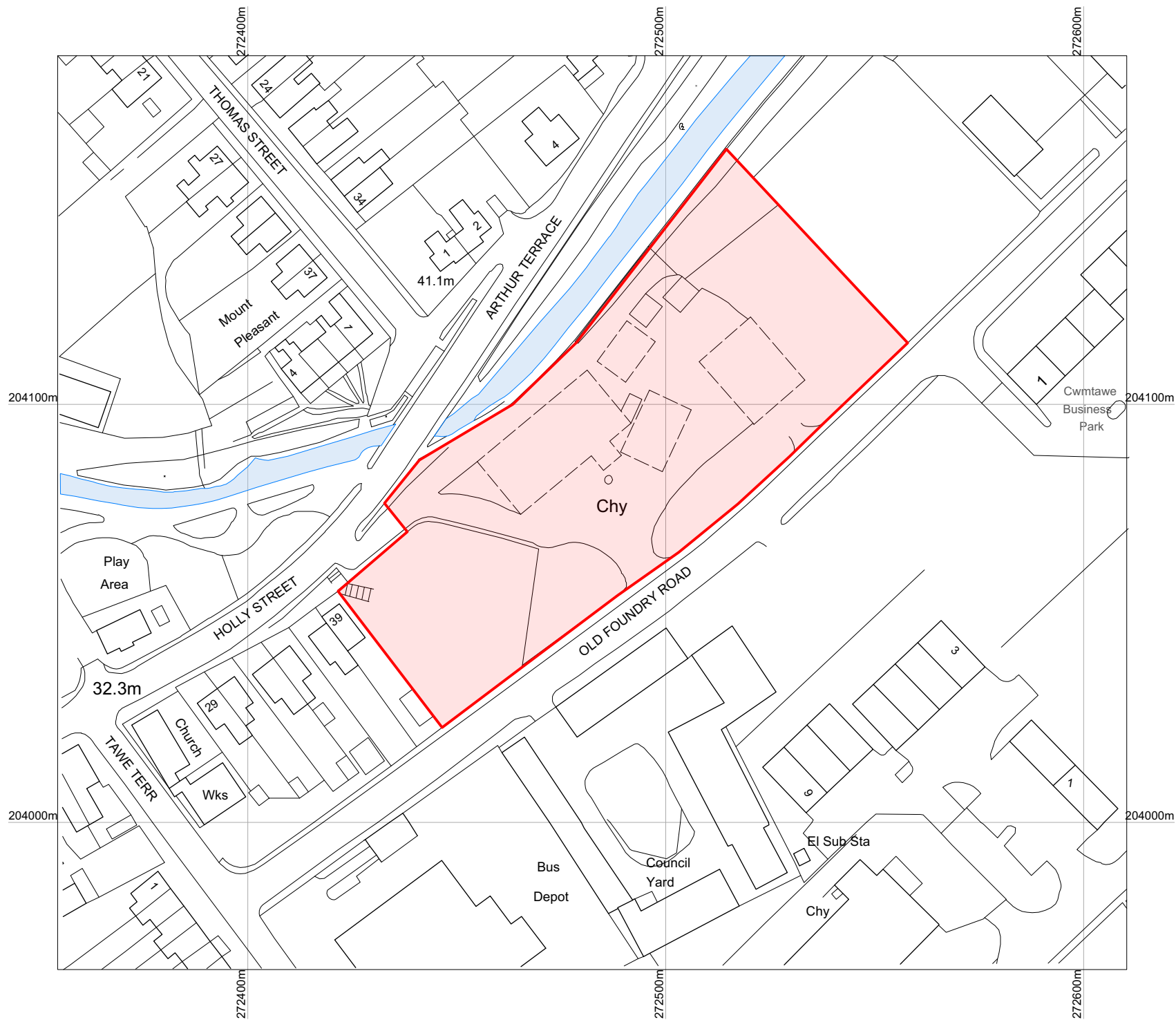
- 5.50 Turning to wider Welsh resources locally, the Ty'r Gwrhyd Welsh Language Centre has been operational since April 2016 under the control of Academi Hywel Teifi, and the center was officially opened by the Minister of Welsh and Lifelong Learning, Alun Davies AM, in July 2016.
- 5.51 Neath Port Talbot Welsh Language Initiative, Learn Welsh - Swansea Bay Area and Urdd Gobaith Cymru have offices in the Centre and there are other local groups that promote Welsh locally such as Merched y Wawr, Cwm Gwawr Crotesi'r Cwm and Llais Community Paper, that meet in the building. This has enabled the Centre to act as a one stop shop for Welsh language information and services in the area and have enriched the Centre's activity as the organisations plan and support each other's work. The Ty'r Gwrhyd Welsh language bookshop is successful in attracting visitors of all ages to the Centre and providing resources to support Welsh-medium education and Welsh learners of all ages. There are 10 Learn Welsh - Swansea Bay Area classes held in the Centre on a weekly basis as well as informal courses and learning sessions. Academi Hywel Teifi hold a variety of regular educational / cultural events, including book talks and launches that are suited and likely to attract a local audience. This demonstrates that various community organisations and groups also play an active role in community life and encourage the use of the Welsh language through life. Again, that objective is not prejudiced by the proposal.
- 5.52 The development of this site will provide new business unit supply into the market at the heart of a local population, close to a range of facilities and services that are already provided at least in part through the medium of the Welsh language. Improving and retaining employment opportunities locally can only help promote and sustain the Welsh language within the community by offering the opportunity for people to work locally. By increasing the ability of local people to gain employment in the community, it will protect and enhance those who by and large speak Welsh or contribute effectively to the culture of the locality. It therefore stands that the development will support the community and language as opposed to attracting a significant in-migration of people from outside of the area who are not Welsh speakers or sympathetic to Welsh culture. The proposal has the potential to contribute effectively to that beneficial objective.
- 5.53 In conclusion, the proposed development will provide a range and choice of new commercial units in a location already active for that purpose. It will as a result, offer the opportunity for retention of employment in the local area, supporting and sustaining the economic and social viability of local facilities and services, including Welsh language and culture. It is therefore considered that the proposed development will not adversely impact upon the linguistic character of the community in accordance with relevant policy.

6 SUMMARY AND CONCLUSIONS

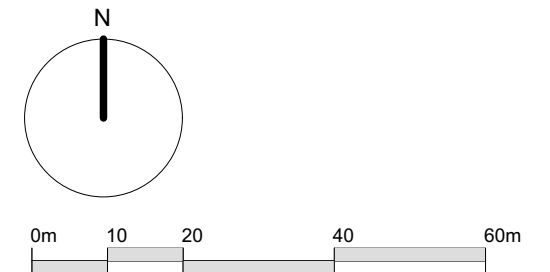
- 6.1 This Planning Statement is produced in support of proposed light industrial development at Alloy Industrial Estate, off Old Foundry Road in Pontardawe.
- 6.2 This statement presents the case for the acceptability of the principle of development and together with the DAS articulates and illustrates how the development integrates into the existing industrial context of its locality. The proposed design is in keeping of the site's location and the intended commercial use. The design of the scheme has been carefully considered to ensure minimal impact on environmental factors such as flooding, light and noise and promotes energy efficiency. The development will bring a long-term vacant site into beneficial use within a vibrant, active employment area.
- 6.3 The planning application is supported by various technical documentation. These conclude that there are no significant constraints identified in respect of ecology, landscape, highways and flood risk/drainage. There is an acknowledged, strategic and ongoing issue locally with air quality with no obvious solution to addressing over a reasonable timeframe and planning permissions have been forthcoming within this ongoing context. Based on a process of consistent decision making and the wider material considerations, it is contended that this proposal offers an opportunity for employment in a sustainable location, on previously developed land, delivering on the LDP in the round as outlined herein and in the accompanying DAS.



Appendix A Site Location Plan



Green line showing site for information only



SITE ADDRESS:
Old Foundry Road
Pontardawe
Swansea
SA8 4EZ

Easting: 272498
Northing: 204097

Grid Ref: SN 72498 04097

SITE AREA: 7635m²
1.87 acres

Rev : Date Description

Kennedy James Griffiths
Chartered Architects and Project Managers
Project



T 02920 545100
10 Victoria Park Court
516 Cowbridge Road East
Cardiff
CF5 1DB

Commercial Development
Old Foundry Road, Pontardawe

Title Date
Site Location Plan 05 03 2023

Status Scale @ A3
Planning Application 1:1250

Drawing Number Revision Drawn by
1618-PL1-01 CKG

Use figured dimensions where possible. Do not scale for construction purposes.
This drawing is copyright.



Appendix B

Pre-Application Advice



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Date Dyddiad	30th June 2022
Direct line Rhif ffôn	01639 686727
Email Ebost	c.hall@npt.gov.uk
Contact Cyswllt	Claire Hall
Your ref Eich cyf	
Our ref Ein cyf	Q2022/0093

Ceri Griffiths
KJG Architects
10 Victoria Park Court
516 Cowbridge Road East
Cardiff
CF5 1DB

BY EMAIL ONLY

Dear Sir/Madam

Town and Country Planning Act 1990

Pre-App. Ref.: Q2022/0093
PROPOSAL: Construction of 15 light industrial/Storage units
LOCATION: Land At Old Foundry Road Pontardawe Swansea Neath Port Talbot SA8 4ET

I refer to your correspondence received on 27 May 2022, concerning the above and your request for pre-application advice. Having considered the nature of submission, I respond as follows.

The application would require the submission of a planning application. If an outline only planning application is submitted (as opposed to a full application) then, as a minimum, the plan/drawing requirements of Article 3 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 must be provided. This states:

(3) Where layout is a reserved matter, the application for outline planning permission must state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed.

Amgylchedd ac Adfywio

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd

Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG

Ffôn 01639 686868

Environment and Regeneration

Ceri Morris Head of Planning and Public Protection

The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

Tel 01639 686868

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

(5) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

Local Context and Constraints

- DAM Flood Zone C1 (FMfP Flood Zones 2 & 3)
- Contaminated Land
- Pollution Consultation Zone
- Public Right of Way
- SINC Watercourse
- Canal & River Trust Consultation Zone
- Low Risk Coal Area

Please note that this information is based on our current records and is, as far as possible, accurate. Nevertheless, we reserve the right to advise you of any additional constraints that may be identified at the time of your application.

Relevant Planning History

From an examination of our records, the application site/ property has the following relevant planning history:

Ref.	Description	Decision	Date
P2019/5708	CONSTRUCTION OF 36 AFFORDABLE RESIDENTIAL UNITS, HIGHWAYS ACCESS, PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS	Withdrawn	16.03.2020
P2014/0550	PRIOR APPROVAL FOR THE DEMOLITION OF REDUNDANT FOUNDRY BUILDING	Prior notification not required	01.07.2014
P2008/1337	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION P2007/0215 IN RESPECT OF PROVISION OF AFFORDABLE HOUSING	Refused	22.12.2008
P2007/0215	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND ENGINEERING WORKS	Appeal Allowed	12.05.2009
P2007/0215	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND ENGINEERING WORKS	Approved	30.06.2008
P2005/0061	OUTLINE PLANNING APPLICATION - DEMOLITION OF EXISTING WORKS BUILDINGS AND CONSTRUCTION OF MIXED RESIDENTIAL DEVELOPMENT	Disposed of	11.04.2006
L1995/0162	USE OF DISUSED CHURCH BUILDING AS A PATTERN SHOP WITH ATTENDANT LANDSCAPING AND CAR PARKING	Refused	27.07.1995
L1986/0106	PROPOSED CONSTRUCTION OF CAR PARK DEMOLITION OF VESTRY CONSTRUCTION OF ACCESS	Approved	14.05.1986

Relevant Planning Policies

In addition to national guidance contained within Planning Policy Wales and national planning policies contained within Future Wales: The National Development Plan 2040 (February 2021), any application would be considered against the Policies within the Adopted Neath Port Talbot Local Development Plan, details of which are available on the Council's web site by visiting www.npt.gov.uk/ldp. The relevant local plan policies would include:

Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable Communities
- **Policy SP4** Infrastructure
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP10** Open Space
- **Policy SP11** Employment Growth
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP22** Welsh Language

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy H1** Housing Sites (Reference H1/LB/32)
- **Policy OS1** Open Space Provision
- **Policy EC2** Existing Employment Areas (Reference EC2/18)
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy BE3** The Canal Network
- **Policy WL1** Development in Language Sensitive Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application:

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Biodiversity and Geodiversity (May 2018)
- Pollution (October 2016)

- Open Space & Greenspace (July 2017)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)
- Schedule of Designated Canal Structures (April 2019)
- Development and the Welsh Language (July 2017)

All of the above SPG can be viewed on the [Council's website](#).

Analysis of Proposal

Principle of Development

The site is located within settlement limits, as defined in the LDP, and Policy SC1 states that sustainable new development that is proportionate in scale and form to the role and function of the settlement will be acceptable in principle, subject to compliance with all other requirements and policies. The site is currently allocated for housing under Policy H1 of the Adopted Neath Port Talbot Local Development Plan. Accordingly, **a development of the site for industrial units would not accord with the provisions of the development plan**, would constitute a departure and need to be advertised as such in the local press and possible referral to Welsh Government. Sufficient evidence to support allowing a departure would therefore need to be provided with a planning application if the principle of an industrial development is to be acceptable. This could comprise marketing or viability evidence as well as consideration and analysis of the known site constraints and suitability of an alternative land use in light of up-to-date surveys, planning policy requirements, planning history and/or any other material considerations (e.g. known environmental factors affecting a residential use, such as air quality and flood risk). A detailed planning statement should therefore accompany any formal application.

Environmental Risks (flooding, ground stability, contamination, air & noise pollution)

Planning policy requires new developments to take into account the nature, scale and extent of risks from environmental factors including flooding, ground instability, contamination and pollution.

The site is located in an area of risk of flooding from both fluvial and man-made water features. In accordance with national and local planning policies, new developments must take into account environmental risks and, where relevant, provide appropriate mitigation measures to protect both existing assets and the proposed development itself.

The site is located in Zone C1 of Natural Resources Wales' Development Advice Maps (DAM) as currently referred to in Technical Advice Note 15: Development & Flood Risk (2004). Accordingly any application will need to be accompanied by a Flood Consequences Assessment (FCA). The proposal is for less vulnerable development which is acceptable in principle in Zone C1, subject to demonstrating a satisfactory FCA. A new TAN 15 ('Development, Flooding & Coastal Erosion', due to come into effect in June 2023) has already introduced a new Flood Map for Planning (FMfP), which takes into account the effects of climate change and the potential extent of flooding assuming no defences are in place. This places the site in Zones 2 (undefended areas of low risk) and 3 (areas of higher risk). You are strongly advised to obtain NRW's pre-application advice on your proposals in this regard (see further details at end of this response letter).

The proposed development is also below the level of the existing Swansea Canal, which has a past incidence of failure (in October 1998) near to the site. Given the topography of the land and the site's proximity to the existing canal infrastructure, any alterations to the profile of the land or provision of new retaining features (as is suggested by the submitted plan) risks destabilising the existing embankment and thus increase the potential for a breach of the canal. It appears from the previously submitted site investigation report that the stability of the existing canal embankment has not been investigated. This further investigation work must be undertaken and include an assessment of the likely impact and implications of the development in accordance with Policy BE3. A geo-technical survey of the embankment including slope stability analysis and details of any ground level changes and foundation design within the embankment's zone of influence will be required in accordance with Policy EN8.

Given the site's past heavy industrial use(s) and proximity to known pollutants in the local area, an assessment of the risk(s) from contamination, air and noise pollution will be required as part of any planning application in order to comply with Policy EN8. There is a nearby factory that operates different processes at different times and the noise assessment should be conducted in a way to get the most representative analysis. The air quality assessment should have particular regard to the elevated Nickel levels in the area and any industrial use(s) that would be likely to add to the existing Nickel levels would not be supported. Further information on the type and size of proposed industrial operations should be provided with any formal planning application.

Design/Amenity

No elevation drawings have been provided therefore advice on the proposed building design or proposed means of enclosure of the site cannot be offered at this time. Please refer to the Design SPG for further advice in this regard. Chapter 7 deals specifically with commercial and industrial developments.

The relationship with the adjacent canal/towpath and existing residential and industrial buildings on either side of the site will be an important design consideration. You are also advised to maximise opportunities to achieve energy efficiency and ecological resilience, e.g. by incorporating renewable or low carbon energy features and sustainable building materials in the building design as well as maintaining green corridors along site boundaries in order to provide ecological connectivity. A green roof(s) can help manage surface water and provide the necessary biodiversity enhancements for the site (as detailed below). There should be a greater separation/landscaped buffer/acoustic protection to both the residential units on the S/W boundary and the canal towpath on the N/W boundary, in order to protect amenity (both visually and in terms of noise/disturbance from the proposed industrial use). Tree removal should be avoided but any mature native trees that are proposed to be removed will be requested to be replaced on a 2:1 basis.

Policy OS1 requires a development of this size to provide on-site outdoor amenity space for the health and wellbeing of employees (5.5sqm per employee), which does not appear to have been considered in the submitted layout. Further details on how open space contributions are calculated can be found in the Planning Obligations and Open Space & Greenspace SPGs. Advantage should also be taken of the site's proximity to the canal/towpath and any on-site SuDS soft landscaping features in this regard.

The separate SuDS application should be designed to achieve sustainable surface water management and can provide a hard and soft landscaped setting for the buildings and contribute

to outdoor amenity space provision. The design for the SuDS-compliant drainage strategy should be shown (indicatively at least) at planning application stage, in accordance with national planning policy requirements. However, whilst the submitted drainage layout plan is noted, please be advised that we are unable to provide comment on this under the planning process - this must be carried out via the SAB pre-application process (see later section of this response).

Given the current high costs of energy, desire to achieve low or zero carbon and to increase marketability for the proposed new industrial units, you should consider installing air and/or ground source heat pumps, solar arrays and fibre broadband connectivity as part of the development, as well as providing basic office and welfare (toilet/kitchen) facilities for future employees. Infrastructure providers are keen to get connectivity into new build developments and it is a strong selling point if new units are constructed to include this - digital connectivity is now considered to be essential for businesses.

Biodiversity

As identified above, Policies EN6 and EN7 will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Accordingly, you are advised of the need to undertake an up-to-date Extended Phase 1 habitat survey of the site for submission as part of your application (**NB the previous PEA and reptile survey undertaken for a proposed housing development of site in 2019 is now more than 2 years old so can no longer be relied upon**). This survey should include the identification of the presence of s7 Environment (Wales) Act habitats and species, and sites that meet SINC criteria, in addition to protected species. A balance of s7/ SINC habitat loss/gain to the scheme should be included, and the surveys should cover all areas that may be impacted by the scheme.

It will be important to follow any recommendations made within the phase 1 survey, insofar as they relate to the need for further more specific surveys (e.g. reptile and/or bird surveys) since failure to submit such additional surveys would mean that your application would be invalid. Given that the survey seasons can be limited, failure to plan ahead may also lead to a significant delay in registration, and consequently impact on project timescales. You will need to undertake a biodiversity record search from SEWBRc to inform the required surveys and assessments, and assess the impact on identified SINCs and bird habitats in accordance with section 10 of The Conservation and Habitats and Species Regulations 2017 (as amended). You will also need to put forward proposals for mitigation/compensation for any adverse impacts identified in the above assessments.

In accordance with planning policy requirements we will require biodiversity enhancements as part of this development and these will need to be incorporated into the design/proposals. Advice from a suitably qualified ecologist should be sought. Enhancements will also be required as part of the separate SuDs process but must be detailed in the planning application.

There appears to be a significant amount of Japanese Knotweed ('JK') on the site. It is recommended that a proposed Method Statement/Report for removing this invasive species (in accordance with specialist advice and best practice) is submitted as part of any planning application to develop the site and care taken not to disturb or spread the JK if and when any preparatory site investigation/survey work is being undertaken. Further JK advice and a JK treatment/eradication service can be sourced on the Council's website via the following link:

<https://www.npt.gov.uk/15684>

Highways & Drainage

The parking layout must comply with the NPTCBC Parking Standards and Guide to the Layout of Development Roads. **In accordance with Policy 12 of Future Wales you are also required to make a minimum of 10% space provision for Electric Vehicle Charging**, and this may require provision of a communal parking area for the benefit of all future occupiers of the site unless each unit is provided with its own EVC space. Clarification is needed on whether the units are intended to be single storey or include a mezzanine/second storey as the latter will require the provision of additional car parking spaces in order to comply with adopted parking standards as set out in the SPG.

The following highway concerns have been identified to the proposal submitted:

1. The proposed access to the site has narrow constraints. The access shall have a minimum kerb radius of 12 meters and a minimum carriageway width of 6.1 meters.
2. An adequate turning facility shall be provided within the site to enable a Heavy Goods Vehicle to park, turn and re-enter the highway in a forward gear. The traverse dimension of the turning head shall be a minimum length of 53 meters. All turning heads should be provided with swept path analysis to demonstrate that they are adequate for the development and can accommodate the appropriate size of vehicle.
3. Waste collection vehicles should be able to get within 25 meters of the storage point. Maximum reversing distance of 12 meters, reversing routes should be straight and free from any obstacles.
4. Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. **On-site, secure cycle parking spaces must be provided** as part of the development (as is indicated on the submitted plan) and suitable pedestrian/cyclist connectivity with the adjacent canal towpath secured as part of the design/layout, in accordance with Active Travel (Wales) 2013 requirements.
5. Vision splays of 2.4m by 90m onto existing public highways must be achieved. Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) must be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.
6. A Construction Method Statement will be required.

Other Considerations

You are strongly advised to contact Natural Resources Wales (NRW) and Glandwr Cymru, the Canal & River Trust in Wales (CRT) to seek further pre-application advice and agree the flood risk modelling and assessment for the site, including any S106 contribution(s) required to mitigate the potential flood risk from a canal breach.

Sustainable Drainage – Statutory Requirements w.e.f January 2019

Please note that all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards

for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#).

These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB) role **before construction work begins**. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. **You will not be allowed to start construction until both permissions have been approved.**

If you have not done so already, and your development would not fall into any of the relevant exceptions¹, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. **There is an additional charge of £250 for this service.** This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/planning.

Major Developments

Please be aware that as the proposal is a 'major' development there is now a statutory requirement (introduced by s17 of the Planning (Wales) Act 2015) for the applicant / developer to consult the community and relevant statutory consultees in advance of formal submission of an application.

Please note that a major application cannot be validated until such consultation has been undertaken and a Pre-Application Consultation (PAC) Report submitted with the application.

Best practice guidance for developers on Pre-application Community Consultation can be found on the [Welsh Government website](#).

Section 106 Planning Obligations (if applicable)

The Council's approved [Planning Obligations Supplementary Planning Guidance](#) (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in Neath Port Talbot. The Council's approved SPG is also available to view/ download at www.npt.gov.uk/planning.

Following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council will likely seek planning obligations

¹ Exceptions and exemptions, in summary, relate to:-

- Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter) or for which a valid application has been received but not determined by 7 January 2019. However, SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.

covering the following: -

- Biodiversity
- Open Space
- Canal Infrastructure
- Welsh Language

Viability

Where a developer/applicant indicates that they may be unable to provide the full planning obligations on viability grounds, they will need to submit a detailed financial assessment of the proposed development using the Council's Development Viability Model (DVM). For more information, please visit our [Viability Assessments for Planning Applications](#) page and/or read the Council's Viability Assessment Procedure Note: <https://www.npt.gov.uk/media/16366/section-106-obligations-viability-assessment-procedure-note-and-guidance-note.pdf>.

Before submitting an application, and as part of any further pre-application discussions (which may require further charges), the Planning Officer will discuss the Council's expectations, and offer you the opportunity for a completed viability assessment to be submitted and reviewed prior to the planning application (subject to payment of the relevant charges outlined on the Council's website at <https://www.npt.gov.uk/30472>). Alternatively this can be at application stage, though we would always recommend initiating discussions at pre-application stage.

Required Supporting Documentation

We would encourage you to submit your application electronically via www.gov.wales/planningapplications.

Having regard to the nature of your proposal, it is considered at this stage that in addition to the submission of standard mandatory supporting documentation such as application forms, plans and fee, any application for the above development should also be accompanied by the following additional documentation: -

- Pre-Application Consultation (PAC) Report (as the scheme is 'Major' development)
- Design and Access Statement (see TAN 12 Design, Appendix 1)
- Planning Statement to justify a 'departure' from a housing development of the site
- Welsh Language Impact Assessment/Action Plan (see our [Development and the Welsh Language SPG](#) for guidance – NB the previously submitted WLAP contains incorrect ward data so cannot be relied upon, the site is in the Pontardawe ward not Rhos ward)
- Statement of how development complies with TAN15 / Flood Consequences Assessment
- SuDS compliant Drainage Strategy
- Phase 1 Habitat Survey (and any identified follow-up surveys) less than 2 years old
- Reptile Survey less than 2 years old
- Details of biodiversity enhancements
- BS5837 Tree Survey (this should identify all existing trees on the site, those considered worthy of retention and their required root protection zones)
- Japanese Knotweed Eradication Method Statement/Report
- Geo-technical land stability survey of the canal embankment
- Contaminated Land Phase 1 Desk-top Assessment of the site

- Noise Impact Assessment
- Air Quality Impact Assessment
- Construction Method Statement
- Site survey identifying existing ground levels, plus details of proposed levels including sections / cross-sections

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

It is also this Authority's practice to recommend to applicants that detailed information is submitted at application stage to ensure that, in the event of planning permission being granted, that 'pre-commencement' conditions (which require approval of details prior to work starting on site) can be minimised. You are therefore encouraged to ensure that your initial submissions incorporate as much information as possible (for example materials, boundary treatment, ecology mitigation, Construction Management Plan, Travel Plan etc.), and address all matters raised in the advice given above.

Detailed guidance on the use of the national standard application form for planning permission and other associated consent regimes; and the information which must accompany a planning application so that the local planning authority can determine the validity of the application, can be found as follows: -

“Guidance on the use of the standard application form ('1app') and validation of applications”:

<https://gov.wales/sites/default/files/publications/2019-03/section-7-annex-planning-applications-lists-of-validation-requirements.pdf>

The Town and Country Planning (Development Management Procedure)(Wales) Order 2012: [http://www.legislation.gov.uk/wsi/2012/801/contents/made \(original Order\)](http://www.legislation.gov.uk/wsi/2012/801/contents/made (original Order)).

(Note subsequent Amendment Orders: [2014](#) ; [2015](#) ; [2016](#) ; and [2017](#)).

How we will deal with your planning application

As part of its emphasis on 'Delivering Quality Development Quickly', the Planning department prides itself on the service it offers our customers. Once your application has been received, this will include an allocated case officer making contact with you or your appointed agent within the first week and arranging a visit, following which we will contact you by phone or email to advise of any discrepancies with your application. We will also work with you to address any outstanding concerns, including any amendments required to make your proposal acceptable.

Once we are happy with the validity of your application, we will formally consult neighbours and relevant consultees. Provided there are no significant matters of concern resulting from such consultations, we will then seek to determine your application as swiftly as possible after the expiry of the statutory publicity period, and aim to do so within the 8 week statutory period.

While Officers will endeavour to ensure you are aware of the progress of your application, we would encourage you to contact the case officer should you wish to discuss any matter further.

Development Team Approach – Building Control

The Development Management and Building Control teams work closely to assist developers in improving the quality of their development and ensuring compliance with all appropriate conditions and Regulations. In particular, Building Control provide a competitive and highly professional service and seek to actively engage with developers at the earliest stage of their project. You are therefore encouraged to contact the Building Control team on 01639 686820 or by emailing building.control@npt.gov.uk to enter into early negotiations and understand the benefits of the Council's Development Team approach.

Requests for Further Advice

Following receipt of this initial advice, should you wish to discuss your scheme prior to formal submission, please contact the case officer on the direct number or email address given above. Further charges may apply.

Yours faithfully

Claire Hall

If you require this information in larger print, or in an alternative format, please contact the above named officer.

Seeking Pre-Application Advice from External Consultees

Natural Resources Wales (NRW)

Natural Resources Wales has a key role in the planning system and you may wish to hold pre-application consultation with them, utilising their pre-application service, so that environmental considerations are identified and addressed at the earliest opportunity. More information about Natural Resources Wales's pre-application service, including what advice can be sought for free, and what advice is subject to a fee can be found at:

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en>

Dŵr Cymru Welsh Water (DCWW)

Dŵr Cymru Welsh Water has a key role to play in the development and planning process as the services provided are at the forefront of public health and protection of the environment. Dŵr Cymru encourages all developers to engage with them as early as possible in order to address any issues that may arise during the planning/construction process.

To assist, Dŵr Cymru operates a pre-planning service in order to assess the impact of the proposed development. A written response will be provided advising whether the local network(s) can support the proposal, whether off-site water mains and/or sewers will need to be provided, and whether there are any apparatus located within the land you wish to develop and the requirements for these apparatus. This service is provided for a fee of £155+ VAT and can be submitted by post or by completing the online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers on 0800 917 2652.

Coal Authority

In line with many other statutory consultees, the Coal Authority no longer provides responses to pre-application enquiries without a charge. The Coal Authority therefore requests LPAs to direct applicants that are seeking pre-application advice regarding coal mining legacy issues because their site falls within the Development High Risk Area to them, so they may provide a quotation for providing advice.

Should only a small part of your site fall within the High Risk area, we would especially encourage you to engage with the Coal Authority, since they may advise in certain situations that a Coal Mining Risk Assessment is not required.

Further advice may be found at: <https://www.gov.uk/government/organisations/the-coal-authority>