
Pre-Application Consultation Report

North Site Reservoir, Coed Darcy

Pre-Application Consultation Report

North Site Reservoir, Coed Darcy



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1. Introduction

- 1.1. This Pre-Application Consultation Report has been prepared on behalf of St. Modwen Developments Ltd to accompany a full planning application for the discontinuance of the North Site Reservoir, Coed Darcy. The description of development is as follows:

‘Engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.’

- 1.2. The land subject to this application is owned by Coombe Tennant Estate. It was leased to British Petroleum for it to construct the North Site Reservoir. St Modwen Developments Ltd, as the current lessee, now have a legal obligation to the owner Coombe Tennant to discontinue the reservoir and to return the land back to its original condition as it is no longer needed for its original purpose.
- 1.3. This Pre-Application Consultation Report and the consultation process have been undertaken in accordance with legislation contained within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (the “DMPWO”).
- 1.4. The legislation requires all applicants of major developments to undertake a statutory Pre-Application Consultation, making available a final draft version of the application at least 28 days before the submission of the formal planning application. The draft application should be made available to specialist consultees, community consultees and members of the public through making the draft planning application documents available online and displaying site notices.
- 1.5. Having undertaken Pre-Application Consultation, applicants are then required to produce, and submit as part of the application, a Pre-Application Consultation Report which includes:
- Information about the method of public notification and how both community consultees and specialist consultees were made aware of the application.
 - A copy of the notice given to owners and occupiers of adjoining land.
 - A copy of the site notice and declaration that the site notice was displayed in accordance with the statutory requirements.
 - Copies of all notices provided to councillors, town and community councils and specialist consultees.
 - A list of addresses that notices were served.
 - A summary of issues raised in response to the statutory publicity (responses from members of the public), an overview of whether these issues have been addressed and, if so, how they have been addressed.

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- Copies of responses received from specialist and statutory consultees with an explanation of how each response has been addressed.

2. Overview of Pre-Application Consultation

- 2.1. This section details how the Pre-Application Consultation was undertaken with reference to the legislative requirements.

Public Notification

- 2.2. Part 1A, Paragraph 2C (1) (a) of the DMPWO states that that applicant must publicise the proposed application by:

Giving requisite notice:

- By site display in at least one place on or near the land to which the proposed application relates for not less than 28 days; and
- In writing to any owner or occupier of any land adjoining the land to which the proposed application relates.

- 2.3. The owners of the site and the surrounding land are the Coombe Tennant Estate. They were given requisite notice of the draft planning application submission in accordance with the Pre-Application Consultation process. The Coombe Tennant Estate are in full agreement to the proposed works.

- 2.4. The site notice displayed is required to contain all the information set out in the form contained in Schedule 1B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. Site notices are required to be displayed in both English and Welsh.

- 2.5. In accordance with this guidance, 10 site notices (5 English and 5 Welsh) were displayed close to the application site on 26 May 2023. A copy of the site notices are included at Appendix 2. A declaration confirming that the site notices were displayed in accordance with the statutory requirements alongside photographs of the notices in situ and a plan identifying their location are included in Appendix 3.

Publication of the Draft Planning Application

- 2.6. Part 1A, Paragraph 2C (1) (b) of the DMPWO states that the applicant must publicise the proposed application by:

Making the following information available for inspection at a location in the vicinity of the proposed development for not less than 28 days beginning with each day on which each of the notices referred to in sub-paragraph (a) or article 2D (2) are given:

- Any documents and particulars or evidence that would be required for a subsequent application, in the same or substantially the same form, to be a valid application except certificates in relation to notices of applications for planning permission required;
- A plan which identifies the land to which the proposed application relates;
- Any other plans, drawings and information necessary to describe the development which is the subject of the proposed application;

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- The design and access statement; and
- Any particulars or evidence required by the local planning authority.

2.7. A full online copy of the draft planning application was made available on a hosted Savills webpage for the duration of the 28 day consultation. Even though the consultation has now closed, the website can still be viewed here:

https://sites.savills.com/LLandarcy_Reservoir/

2.8. The following documents were made available:

- Planning Application Form
- Plans
 - Site Location Plan (ref: 001 – P0)
 - Pre Discontinuance Works (ref: 300 – P0)
 - Post Discontinuance Works (ref: 301 – P0)
 - Illustrative Landscape Strategy Plan (ref: SK919 – P01)
 - Bathymetric Survey (ref: 1068_500_1_Bathy)
- Design and Access Statement
- Ecological Assessment (ref: 9011M.EcoAss.vf)
- Information to Enable a Habitat Regulations Assessment (ref: 9011M.NSR.HRA.vf)
- Phase 1 Geo-Environmental Desk Study (ref: 04020-PJA-23-XX-RP-R-0083)
- Flood Consequence Assessment (ref: 04020-R-01-A NSR FCA)
- Construction and Environmental Management Plan (ref: 04020-PJA-23-XX-RP-R-0084)

2.9. A full hard copy of the draft planning application was placed at Skewen Library, Carnegie Hall, Evelyn Road, Skewen, Neath, SA10 6LH. This was available to view for the duration of the 28 day consultation.

Community Consultees

2.10. Part 1A, Paragraph 2D of the DMPWO refers to 'consultation before applying for planning permission'. This requires the applicant to have engaged with any community consultees (such as local/community/ward Councillors) and given requisite notice in writing of the proposed application.

2.11. Notices were sent to the following community consultees:

- Councillor Clarke and Councillor Phillips
- Coedffranc Town Council

2.12. A copy of the notice sent to community consultees is included within Appendix 2.

Specialist Consultees

2.13. Part 1A, Paragraph 2D of the DMPWO requires the applicant to have engaged with any specialist consultees. Schedule 4 of the DMPWO explains in which cases specialist consultees should be informed. Where an applicant is required to consult a specialist consultee, the applicant must give the specialist

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consultee notice in writing of the proposed application, enclose relevant information or a link to access the information and allow 28 days for the specialist consultee to respond.

2.14. In line with Schedule 4, notices were sent to the following specialist consultees on 26 May 2023:

- Natural Resources Wales
- Dŵr Cymru Welsh Water

2.15. A copy of full responses from specialist consultees is included in Appendix 4.

2.16. The following non-statutorily defined specialist consultees were also notified - Network Rail, the Canal & Rivers Trust and Neath Port Talbot Council. Their responses are included in Appendix 4.

Pre-application Consultation Reports

2.17. Part 1A, paragraph 2F of the DMPWO states that where an applicant has been required to carry out pre-application consultation and submits an application for planning permission, that application must be accompanied by a pre-application consultation report which gives particulars of:

Requirement	PAC Report Cross-Reference
(a) How the applicant complied with section 61Z of the 1990 Act	This is demonstrated through this report
(b) Any response to the consultation from any person consulted under section 61Z(3) or (4) of the 1990 Act	See section 3 and Appendix 4
(c) The account taken of those responses	See section 3

2.18. The pre-application report must also include:

Requirement	PAC Report Cross-Reference
(a) A copy of the notice referred to in article 2C(1)(a)(i)	See Appendix 2
(b) A declaration that the notice referred to in article 2C(1)(a)(i) was displayed in accordance with the requirements of that article	See Appendix 3

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(c) A list of the addresses of persons who were given notice of the proposed application in accordance with article 2C(1)(a)(ii) and a copy of the notice given to such persons	See Appendix 2
(d) Copies of all notices given to community consultees and specialist consultees in accordance with articles 2D(2) and 2D(3)	See Appendices 1 and 2
(e) A summary of all issues raised by any person notified of the proposed application in accordance with section 61Z(3) of the 1990 Act and articles 2C and 2D(2), including confirmation of whether the issues raised have been address, and, if so, how	See section 3
(f) Copies of all responses received from specialist consultees with an explanation of the account taken of each response	See section 3 and Appendix 1

3. Response to Notifications and Consultation

- 3.1. This section of the Pre-Application Consultation Report summarises all responses received through public notification and consultation process undertaken.
- 3.2. A copy of full responses from specialist consultees is included at Appendix 4 with a summary in the table below:

Respondent	Summary of Response	Applicants Comments
Welsh Water	The proposals is in the vicinity of a sewerage connection. The proposal is required to consider all potential available opportunities to discharge surface water drainage first and only after other solutions have been discounted will the development be permitted to discharge to a combined sewer. The Sustainable urban drainage solution should be subject to a SAB application.	The proposal does not include foul drainage so a connection to a sewerage main is not a consideration in this proposal. The applicant has submitted a request for pre-application consultation to the SuDs Approval Body at Neath Port Talbot and discussions are on-going.
Network Rail	Network Rail has no objection in principle to the above proposal but provided recommended actions to the applicant in the event planning permission is granted.	The recommended actions are noted.
Natural Resources Wales (NRW)	Whilst the principle of restoring natural water flows into the Crymlyn Bog is supported, NRW raise concerns over the potential implications for (a) water quality; and (b) water flows. The hydrological implications could be addressed through the clearance of vegetation within the Glan y Wern	The concerns are noted. The water flow item is covered below. Additionally, hydraulic modelling is to be undertaken during the application determination period to provide a greater understanding of water flows within the NSR catchment and to identify the requirement for attenuation features as part of the restored flows. Water quality is to be assessed as part of the wider scope of land contamination work. Monitoring to assess the quality of inflows to and surface water flows within the NSR has already commenced and is ongoing. The recommendations made by NRW are noted and further dialogue to agree precise 'mitigation' (to include options for management of drainage channels / canals) will be welcomed. The principle

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canal. This would help to regulate water levels within the Crymlyn Bog.

that water regulation within the Crymlyn Bog must be addressed prior to hydrological re-connection of the NSR watercourse to the Bog is agreed. Indeed, this principle is recognised within the submitted iHRA, which advocates at paragraph 7.29 that:

“As a further safeguard, which forms a targeted mitigation and avoidance measure for the SAC/Ramsar, it is proposed for a two phase drainage strategy to be secured, in the form of a Grampian Style planning condition. This will provide a further safety net, avoiding any hydrological connectivity between the Site and the Crymlyn Bog until such a time that the Proposals have demonstrably achieved acceptable quality and quantity of water discharge.”

And at paragraph 7.33:

“The inclusion of this trigger mechanism, which may be secured by way of a Grampian Condition, provides a sufficient safeguard to ensure no adverse changes in the hydraulic regime, as a result of the Proposals, when considered in combination with other plans or projects. It would avoid any potential route through which changes in water levels within the Crymlyn Bog may arise, until such a time that proposed flows can be confirmed as non-harmful (in agreement with NRW).”

Therefore, the mitigation safeguards proposed within the iHRA are considered consistent with NRW advice (allowing for a phasing of measures) and sufficient to ensure that adverse impacts on the Crymlyn Bog can be avoided.

It is advised that a comprehensive Great Crested Newt Conservation Strategy is submitted with the planning application. This should assess the impacts during construction and the operational phases of the scheme.

Whilst a standalone GCN Conservation Strategy has not been prepared, the information submitted with the Ecological Assessment, does provide the specific information requested by NRW. For completeness, references to relevant some specific sections are identified below (with the wider

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	The principles set out in the CEMP are supported. A detailed CEMP is required in due course which provides a detailed breakdown of the methodologies and pollution prevention measures for each phase of the development. With regards land contamination: - Can previous comments on the Geo-environmental reports be submitted with the planning application; and - There should be an assessment of groundwater within the area of the planning application once the water has been fully drained down. A number of planning conditions are proposed in the event that planning permission is to be granted.	proposals detailed at paragraphs 5.5.41 – 5.5.76): • Paragraphs 5.5.45 – 5.5.53 identifies the predicted impacts during construction, including a tabulation of habitat impacts by area. • 5.5.54 identifies that post construction the site will comprise a naturalistic landscape, therefore no operational impacts are identified. • 5.5.55 and 5.5.64 – 5.5.66 provide information on the expected duration of works, including habitat creation timeframes. The framework CEMP has been submitted with the planning application to outline the broad principles and measures to be covered in the CEMP. It is anticipated that a planning condition will be attached to the planning permission for the works which will require the submission and approval of a detailed CEMP covering the additional phase-based information required by NRW. The reports relating to previous remediation will form part of future planning submissions. As part of the conceptual site model, groundwater contributions within the NSR catchment will be assessed. The approach to conditioning further works is welcomed. However, we do not consider proposed conditions 5 and 6 to be relevant given the nature of the proposals.
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- 3.3. No responses were received from local residents during the PAC process. This was not unexpected due to the nature and location of the application proposals, not least because the reservoir is in private ownership and is not used by members of the public for recreational purposes.

4. Conclusion

- 4.1. This Planning Application Consultation Report has been produced on behalf of St. Modwen Developments Ltd to accompany an application for *“Engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.”*
- 4.2. The land subject to this application is owned by Coombe Tennant Estate. It was leased to British Petroleum for it to construct the North Site Reservoir. St Modwen Developments Ltd, as current lessee, now have a legal obligation to the owner Coombe Tennant to discontinue the reservoir and to return the land back to its original condition as it no longer needed for its original purpose.
- 4.3. This report is a statutory requirement as defined in the Town and Country Planning (Development Management Procedure) Order 2012.
- 4.4. All consultee comments received during the consultation period have been considered and addressed as part of this Report.
- 4.5. The previous sections of this Report and the appendices that follow on from this conclusion demonstrate that Pre-Application Consultation has been undertaken in full compliance of national guidance set out in the Development Management Procedure (Wales) (Amendment) Order 2016.

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Appendix 1 – Notice to Specialist Consultees

SCHEDULE 1 Article 4.(4)
Pre-application notices

SCHEDULE 1C Article 2D

CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION

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

**CONSULTATION BEFORE APPLYING FOR PLANNING PERMISSION NOTICE
UNDER ARTICLE 2D**

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

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

Proposed development at North Site Reservoir, Coed Darcy, Swansea.

I give notice that St. Modwen Developments Ltd are intending to apply for planning permission for *engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.*

A copy of the proposed application; plans; and other supporting documents can be viewed online at https://sites.savills.com/LLandarcy_Reservoir/

In accordance with the requirements of article 2E of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, a consultation response must be sent to Mr Nick Matthews at planningconsultation@savills.co.uk, by 24th June 2023.

Signed



Date 26th May 2023

ATODLEN 1 Erthygl 4.(4)
Hysbysiadau cyn-ymgeisio

ATODLEN 1C Erthygl 2D

CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO
HYSBYSIAD O DAN ERTHYGL 2D

(i'w gyflwyno i ymgynghoreion arbenigol, fel y'u diffnir gan erthygl 2(1) o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012)

Diben yr hysbysiad hwn: mae'r hysbysiad hwn yn ddeisyfiad ffurfiol am ymateb i ymgynghoriad cyn-ymgeisio o dan erthygl 2D o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012.

Datblygiad arfaethedig yn North Site Reservoir, Coed Darcy, Abertawe.

Rwyf yn hysbysu bod St. Modwen Developments Ltd yn bwriadu gwneud cais am ganiatâd cynllunio ar gyfer *gwaith peirianyddol sy'n cynnwys cael gwared ar arglawdd y gronfa ddŵr, cloddweithiau cysylltiedig ac adfer tir i helpu i ddod â North Site Reservoir i ben, adfer yr hen gwrs dŵr a dychwelyd tir yn ôl i'w safle. defnydd blaenorol fel glaswelltir.*

Mae copi o'r cais arfaethedig; planiau; a dogfennau ategol eraill ar gael i'w harchwilio ar lein yn https://sites.savills.com/LLandarcy_Reservoir/

Yn unol â gofynion erthygl 2E o Orchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012, rhaid anfon ymateb i'r ymgynghoriad at Mr Nick Matthews at planningconsultation@savills.co.uk, erbyn 24ed Mehefin 2023.

Llofnod



Dyddiad 26ed Mai 2023

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Appendix 2 - Notice for owners and occupiers of adjoining land, community consultees and displayed by site notice

ATODLEN 1 Erthygl 4.(4)
Hysbysiadau cyn-ymgeisio

ATODLEN 1B Erthygl 2C & 2D

CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO

Gorchymyn Cynllunio Gwlad a Thref (Gweithdrefn Rheoli Datblygu) (Cymru) 2012

**CYHOEDDUSRWYDD AC YMGYNGHORI CYN GWNEUD CAIS AM GANIATÂD CYNLLUNIO
HYSBYSIAD O DAN ERTHYGLAU 2C A 2D**

(i'w gyflwyno i berchnogion a/neu feddianwyr tir cyffiniol ac ymgylgoreion cymunedol; ac i'w arddangos drwy hysbysiad safle ar neu gerllaw lleoliad y datblygiad arfaethedig)

Diben yr hysbysiad hwn: mae'r hysbysiad hwn yn rhoi'r cyfle i wneud sylwadau'n uniongyrchol i'r datblygwr ynglun â datblygiad arfaethedig cyn cyflwyno cais am ganitatâd cynllunio i'r awdurdod cynllunio lleol ("ACLI"). Bydd unrhyw gais cynllunio dilynol yn cael ei hysbysebu gan yr ACLI perthnasol; ni fydd unrhyw sylwadau a ddarperir gennych wrth ymateb i'r hysbysiad hwn yn lleihau dim ar eich gallu i gyflwyno sylwadau i'r ACLI ar unrhyw gais cynllunio cysylltiedig. Dylech nodi y gellir gosod unrhyw sylwadau a gyflwynir gennych yn y ffeil gyhoeddus.

Datblygiad arfaethedig yn North Site Reservoir, Coed Darcy, Abertawe.

Rwyf yn hysbysu bod St. Modwen Developments Ltd yn bwriadu gwneud cais am ganiatâd cynllunio ar gyfer *gwaith peirianyddol sy'n cynnwys cael gwared ar arglawdd y gronfa ddŵr, cloddweithiau cysylltiedig ac adfer tir i helpu i ddod â North Site Reservoir i ben, adfer yr hen gwrs dŵr a dychwelyd tir yn ôl i'w safle. defnydd blaenorol fel glaswelltir.*

Gellwch archwilio copïau o'r canlynol:

- Y cais arfaethedig
- Y planiau; a
- Dogfennau ategol eraill

Ar-lein yn https://sites.savills.com/LLandarcy_Reservoir/ ac mae cyfleusterau cyfrifiadur ar gael i archwilio'r wybodaeth hon ar lein yn Llyfrgell Skewen, Carnegie Hall, Ffordd Evelyn, Skewen, Neath, SA10 6LH rhwng 9:30y.b i 12:30y.p a 2:00y.p i 5:30y.p, Dydd Llun, Dydd Mawrth, Dydd Iau a Dydd Gwener a 9:30y.b i 12:30y.p Dydd Sadwrn.

(neu)

Gellwch weld yr wybodaeth hon yn Llyfrgell Skewen, Carnegie Hall, Ffordd Evelyn, Skewen, Neath, SA10 6LH rhwng 9:30y.b i 12:30y.p a 2:00y.p i 5:30y.p, Dydd Llun, Dydd Mawrth, Dydd Iau a Dydd Gwener a 9:30y.b i 12:30y.p Dydd Sadwrn.

Mae'n rhiad i unrhyw un sy'n dymuno gwneud sylwadau ynglun â'r datblygiad arfaethedig hwn ysgrifennu at yr asiant: Mr Nick Matthews at planningconsultation@savills.co.uk neu Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB, erbyn 24ed Mehefin 2023.

Llofnod



Dyddiad 26ed Mai 2023

SCHEDULE 1 Article 4.(4)
Pre-application notices

SCHEDULE 1B Article 2C & 2D

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

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

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

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

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

Proposed development at North Site Reservoir, Coed Darcy, Swansea.

I give notice that St. Modwen Developments Ltd are intending to apply for planning permission for *engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.*

You may inspect copies of:

- The proposed application;
- The plans; and
- Other supporting documents.

Online at https://sites.savills.com/LLandarcy_Reservoir/ and computer facilities are available to view this information online at Skewen Library, Carnegie Hall, Evelyn Road, Skewen, Neath, SA10 6LH between the hours of 9:30am to 12:30pm and 2.00pm to 5:30pm Monday, Tuesday, Thursday and Friday and 9.30am to 12.30pm on Saturday.

(or)

You may view this information at the Skewen Library, Carnegie Hall, Evelyn Road, Skewen, Neath, SA10 6LH between the hours of 9:30am to 12:30pm and 2.00pm to 5:30pm Monday, Tuesday, Thursday and Friday and 9.30am to 12.30pm on Saturday.

Anyone who wishes to make representations about this proposed development must write to the agent Mr Nick Matthews at planningconsultation@savills.co.uk or Savills, Embassy House, Queens Avenue, Bristol, BS8 1SB, by 24th June 2023.

Signed



Date 26th May 2023

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Appendix 3 - Site notice declaration and photos

Site Notice Declaration

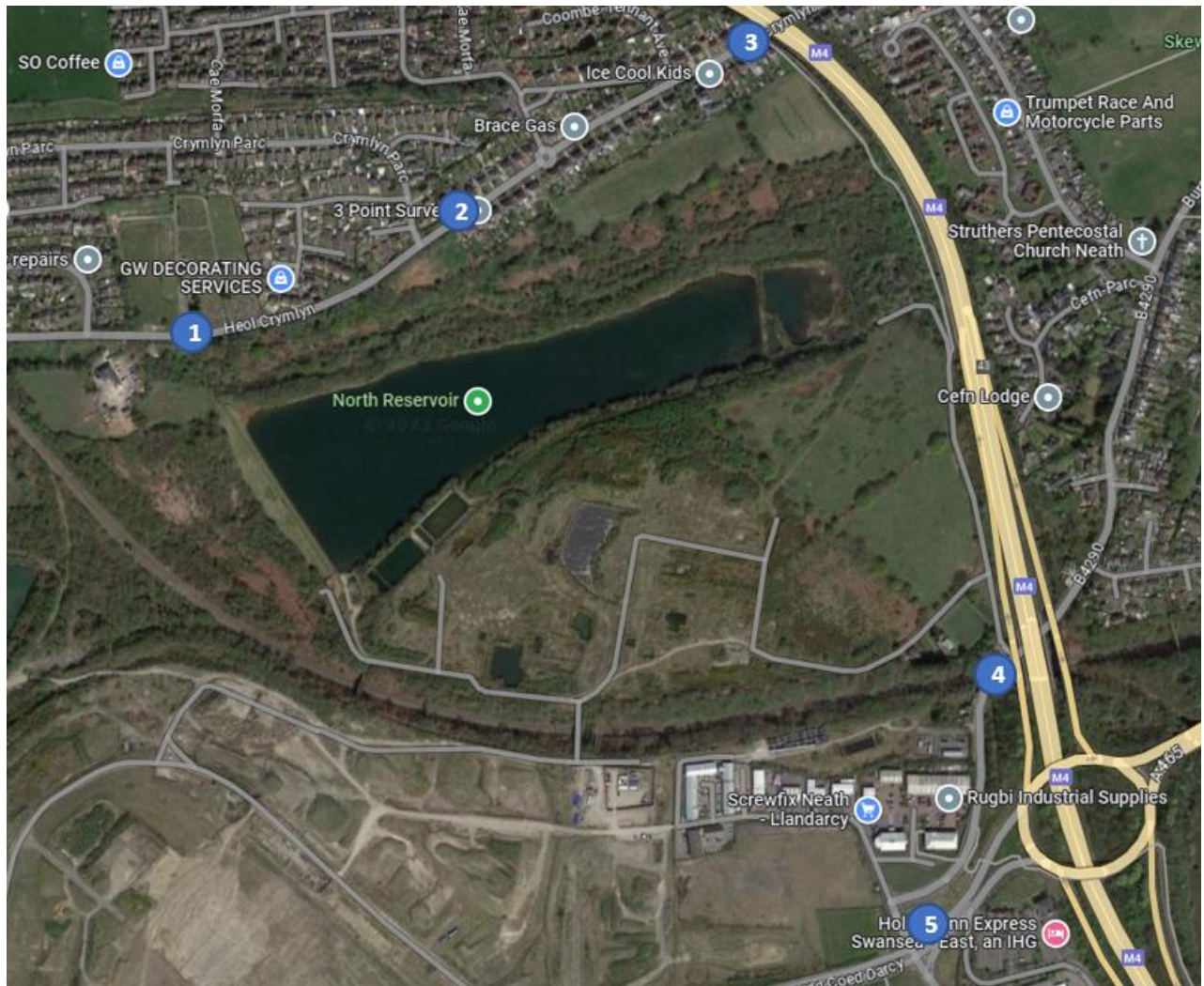
I/we declare that a site notice was displayed in accordance with the statutory requirements.

Signed: SAVILLS

Name: Savills UK (Ltd)

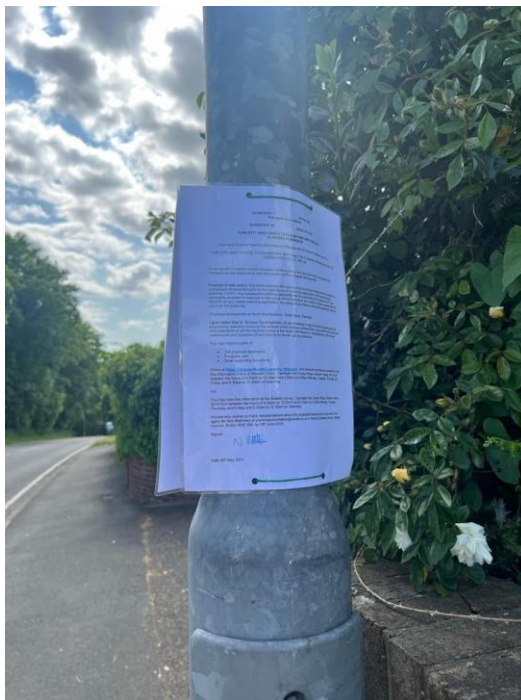
Date: 26 May 2023

Site Notice Location Map

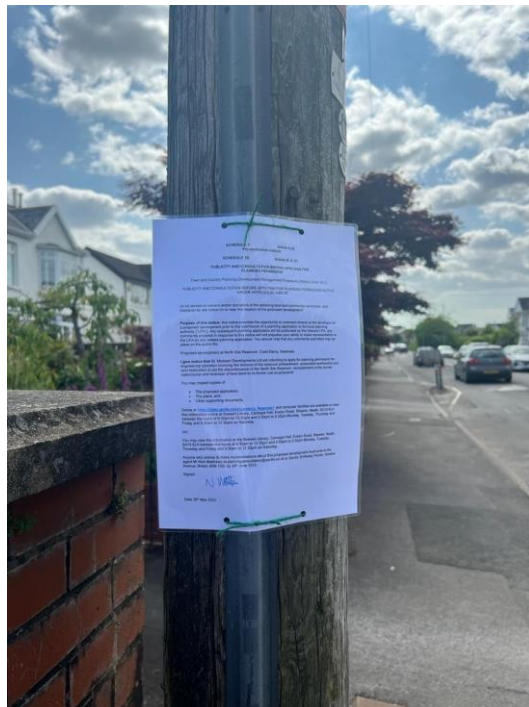


Site Notice Location (shown on map above)	Site Notice Photographs
Location 1	 

Location 2



Location 3



Location 4



Location 5



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Appendix 4 - Responses

Nick Matthews

From: Grace Lewis <Grace.Lewis@networkrail.co.uk>
Sent: 20 June 2023 16:11
To: Planning Consultation
Subject: North Site Reservoir, Coed Darcy, Swansea.

EXTERNAL EMAIL: Be cautious when opening attachments or clicking links

OFFICIAL



Network Rail
1st Floor
Bristol Temple Point
Bristol
BS1 6NL

My Ref: P/TP23/119
Your Ref:

Date: 20 June 2023

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

APPLICATION NO:

PROPOSAL: Engineering operation involving the removal of the reservoir embankment, associated earthworks and land restoration to aid the discontinuance of the North Site Reservoir, reinstatement of the former watercourse and reversion of land back to its former use as grassland.

LOCATION: North Site Reservoir, Coed Darcy, Swansea.

Dear Sir/Madam,

Thank you for your email dated **26 May 2023** together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal. To ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included comments below which the applicant is strongly recommended to action should the proposal be granted planning permission.

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise. The applicant should engage with NR Asset Protection at least 3 months before works start and enter into a Basic Asset Protection Agreement, if required.

Following approval of planning permission, the outside party should contact assetprotectionwales@networkrail.co.uk.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located close to the operational railway, these should be included in a method statement for approval by Network Rail.

DRAINAGE

Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure.

Yours Sincerely,

Grace Lewis

Town Planning Technician Wales and Western

Network Rail

Temple Point, Redcliffe Way, Bristol, BS1 6NL

E grace.lewis@networkrail.co.uk

www.networkrail.co.uk/property

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If you have received this email by mistake, please notify us by emailing the sender, and then delete the email and any copies from your system.

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Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Network Rail, Waterloo General Office, London, SE1 8SW.



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-219005-F2G5
Eich cyf/Your ref: Coed Darcy

Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ

Savills
Kingston House
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Ebost/Email:
swplanning@cyfoethnaturiolcymru.gov.uk

Dyddiad/Date: 21 June 2023

Annwyl / Syr/Madam / Dear Sir/Madam,

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

BWRIAD / PROPOSAL: ST. MODWEN DEVELOPMENTS LTD ARE INTENDING TO APPLY FOR PLANNING PERMISSION FOR ENGINEERING OPERATION INVOLVING THE REMOVAL OF THE RESERVOIR EMBANKMENT, ASSOCIATED EARTHWORKS AND LAND RESTORATION TO AID THE DISCONTINUANCE OF THE NORTH SITE RESERVOIR, REINSTATEMENT OF THE FORMER WATERCOURSE AND REVERSION OF LAND BACK TO ITS FORMER USE AS GRASSLAND

LLEOLIAD / LOCATION: NORTH SITE RESERVOIR, COED DARCY

Thank you for consulting Cyfoeth Naturiol Cymru (CNC) /Natural Resources Wales (NRW) on the requisite notice under Article 2D of the above Order. We received a copy of your proposed application on 26 May 2023.

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

We also advise that based on the information submitted to date, we would ask the planning authority to include conditions regarding land contamination on any planning permission granted. Without the inclusion of these conditions by the planning authority we would be likely to object to the planning application.

Protected Sites

We have concerns that a significant effect from the proposed development on the Crymlyn Bog Special Area of Conservation (SAC) and Ramsar cannot be ruled out. We advise that further information is required to be submitted with the planning application to adequately consider the potential impacts on the features of protected site and in particular to enable the Local Authority to carry out a Habitats Regulations Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended).

Key aspects to consider here would be potential **water quality** impacts on the designated site (increased nutrients, hydrocarbon etc inputs); also increased **water flows** to Crymlyn Bog.

Whilst we understand the rationale for restoring natural catchment flows to Crymlyn Bog, it needs to be considered that Crymlyn Bog is already deemed to be 'too wet' for its existing SAC fen habitat features (transition mire and calcareous fen). Therefore, any increased water flows could pose a potential threat to the SAC fen habitats present;

As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended), the local planning authority must, before deciding to give consent for a project which is likely to have a significant effect on a SAC/SPA/Ramsar site, either alone or in combination with other plans or projects, make an appropriate assessment of the implications of the project for that site in view of its conservation objectives. They must for the purposes of the assessment consult NRW and have regard to any representations we make within such reasonable time as they specify. In the absence of that assessment, NRW cannot advise that the proposals would not result in an adverse effect upon the SAC.

Hydrology

We agree with the aims of the proposals to discontinue the North Site Reservoir(NSR) site in its current form, and to re-instate the site to the original form consisting of shallow valley with a stream flowing in the bottom, as detailed in the Planning Statement 'Llandarcy North Site Reservoir' dated May 2023.

However, for the proposed re-connection of the watercourse from the NSR to occur, it cannot take place before consideration by the developer is given to the onward movement of water through the connecting Crymlyn Bog site. Due to the hydrologically sensitive nature of the Crymlyn Bog SAC, and the growth of vegetation in the drainage networks (notably the Glan y Wern canal), any simple connection to the original hydrological catchment of the NSR without this consideration would exacerbate the issues already faced within Crymlyn Bog SAC.

Our historic monitoring of water levels in Crymlyn Bog SAC shows the site responds quickly to increases in flow entering the site with regards inflows/surface flow followed by fairly rapid water level reductions to below surface level.

The drainage pattern/process consists of water draining to the low points in the site – i.e. Glan y Wern Canal, semi-circular ditch, Crymlyn Brook via hydraulic gradient from the 'shoreline' and the peat matrix maintaining levels relative to the surface due to slow conductivity through it.

The lowest point of the system is the Tennant Canal - where water levels have been increased by 300m as a result of blocking spill structures including the River Neath and Red Jacket Pill.

These residual water levels at the site are influenced by the water levels in the drainage channels listed above. These have more recently been increasingly blocked by vegetation, preventing site drainage and leading to locally increased water levels and site wetting.

The additional flow transferred from the North Site Res catchment can be accommodated within the Bog without adverse impact if the drainage channels, i.e. Glan y Wern canal, Crymlyn Brook, semi-circular ditch are clear and would enable through flow of water down the lowest point of the Bog and out to the Tennant Canal and its spill structures, not leading to an increase in wetting/raised water levels.

The long-term solution is to allow the NSR flow to be returned to the Bog and drainage appropriately managed within the site as future reliance on a pumped system to divert flows is expensive, high carbon and has high liabilities and risk from an ownership and management perspective. Clearing a few channels of vegetation to make this work is the low tech, low risk, simple solution to this.

Clearance of vegetation from the Glan y Wern canal, which would act as a conduit for the additional water, is therefore a pre-requisite action prior to any reconnection of the NSR watercourse. As has been noted previously, this may raise the potential of encountering contaminants in any cleared or dredged material which would need to be appropriately dealt with.

European Protected Species

We have reviewed the following documents:

- North Site Reservoir, Coed Darcy, Llandarcy, Neath Ecological Assessment, referenced: 9011M.EcoAss.v, dated May 2023.

Given the importance of the wider site for Greater Crested Newts (GCN) we advise that a comprehensive GCN Conservation strategy is submitted in support of any future planning application. We advise that the great crested newt strategy include the following:

An assessment of impacts during the construction and operational phases of the scheme. This to include an evaluation of the nature, extent and duration of the likely direct and indirect impacts of the development.

Construction Environmental Management Plan (CEMP)

We have reviewed the draft Construction Environmental Management Plan, dated April 2023 Project Code: 04020, Document reference: 04020-PJA-23-XX-RP-R-0084, rev A.

The principles set out in this version of the CEMP appear suitable as a basis for forming a more robust and thorough version of this document.

When submitted as with the full planning application we would expect a detailed breakdown of the methodologies used during the dam removal, land profile forming and water conveyance features. With each methodology we would expect details on the pollution prevention methods to be included, with specific and robust controls put in place for sediment management to prevent suspended solids being passed through to the Crymlyn brook and bog.

We would advise sufficient areas are allocated for sediment settlement in the form of ponds or lagoons, so that any sediment contaminated surface water run-off that cannot be contained on site using other means, can be directed to these areas and allowed to settle out.

To prevent unnecessary erosion of the formed land, seeding and planting of appropriate species should be carried out.

We note the Environmental Management Plan is blank, therefore we are unable to provide comments. We will provide comments at the full planning application stage if a completed copy is submitted.

Land Contamination

We have reviewed the following document:

- St. Modwen Developments Ltd Coed Darcy North Site Reservoir Phase 1 Geo-environmental Desk Study April 2023 Project Code: 04020, Document reference: 04020-PJA-23-XX-RP-R-0083
- Technical Note Project: Coed Darcy – North Site Reservoir Subject: North Site Reservoir Water Inflow Summary Document Reference: 04020-PJA-22-XX-TN-R-0075 26/08/2022 Approved: M Poland.

We note that the North Site Reservoir and East Bay which is the Eastern portion (but separated from the main reservoir) have both previously been subjected to source mass removal in 2011 and 2012.

It is unclear whether the following reports have ever been submitted to the regulator for comment. If the regulator has previously made comments please can these be included at the application stage.

- Appendix E - Coed Darcy Urban Village Former BP Llandarcy Oil Refinery Neath/Port Talbot, East Bay – Verification Report September 2011 , R1434/11/4067
- RAP Feature 16 – North Site Reservoir Sludge Removal Verification Report March 2013.

We note that from more recent sampling of the surface water within the North Site Reservoir, there are some exceedances that may be a result of residual contamination within the sediment.

We note that besides the sediment and surface water sludge, there should also be an assessment of the groundwater within the area submitted for planning permission. We appreciate that this may not be possible during the time when there is still water within the reservoir but should be undertaken once the water has been drained down. The refinery manufactured both light non-aqueous phase liquid (LNAPL) and dense non aqueous phase liquids (DNAPLs) and therefore it is important to understand the water quality with the bedrock under the reservoir, when this has been drained, and whether this has an impact on off site water quality.

We note that attenuation features are likely to deal with residual surface water contamination or contamination coming from any disturbed sediments. However, we are unable to comments further until we know what contaminants are present in the ground water.

We note that a preliminary risk assessment has been undertaken, the site investigation and other elements also need to be submitted. Therefore, we advise that the following land contamination conditions are included in any planning permission.

Land affected by contamination

Condition 1

No development, in a specific parcel of land known to be / suspected of contamination, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- all previous uses.
- potential contaminants associated with those uses.
- a conceptual model of the site indicating sources, pathways and receptors.
- potentially unacceptable risks arising from contamination at the site.

We note this has been provided.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Contamination verification report

Condition 2

Prior to the operation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Long term monitoring plan

Condition 3

Prior to the operation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken

- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification:

A land contamination long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected species, protected sites, habitats, water quality and flood risk.

Unsuspected contamination

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Surface water drainage

Condition 5

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Piling

Condition 6

No development or phase of development, shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification:

Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

Additional information

1. Data sources should not be DEFRA Magic Map but Days Map Wales [Home | DataMapWales \(gov.wales\)](#)
2. In addition to the contaminants listed – given that the drainage served an oil refinery that may have had firefighting capacity on site, we ask that PFAS compounds that may have been present in firefighting activities (actual fires and practice) be tested for.
3. The historical maps cover the whole refinery and not the study area- this should be amended to ensure that only the area for planning permission is covered
4. We cannot predetermine what remediation technology is acceptable until the full delineation of contamination is understood.

Other Matters

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

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

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

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

Advice to Developer

Contaminated Land Advisory

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

Environmental Permits/Exemptions.

The activity proposed in this planning application may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2010. An environmental permit or exemption must be in place before any waste activity takes place on site. Advice regarding permits and exemptions can be found at the following link:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/do-you-need-to-apply-for-a-permit-or-register-an-exemption/?lang=en>

Please contact Natural Resources Wales for advice regarding an Environment Permit application on 0300 065 3000, or use the link below:

<http://naturalresources.wales/apply-for-a-permit/waste/waste-permitting/?lang=en>

Undertaking this proposed activity without the benefit of an Environmental Permit or exemption is an offence against Environmental Legislation and may result in enforcement action being taken against the operator.

Obtaining planning permission does not necessarily ensure you will be issued an environmental permit.

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately, and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- before it is collected, disposed of or recovered
- to identify the controls that apply to the movement of the waste
- to complete waste documents and records
- to identify suitably authorised waste management options
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provided information on how to classify waste and register as a waste carrier or hazardous waste producer:

<http://naturalresources.wales/waste/how-to-classify-and-assess-waste/?lang=en>

<http://naturalresources.wales/apply-for-a-permit/waste/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

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

yn ffyddlon / Yours faithfully

Lisa Jones

Gynghorydd - Cynllunio Datblygu / Advisor - Development Planning

E-bost/E-mail: swplanning@cyfoethnaturiolcymru.gov.uk

Mr Nick Matthews
Savills PLC
Kingston House,
Blackbrook Park Avenue,
Taunton
Taunton
TA1 2PX

Date: 16/06/2023
Our Ref: PPA0007894

Dear Mr Matthews

Grid Ref: 271485 196556

Site Address: North site Reservoir, Coed Darcy, Neath

Development: 2D - Proposed removal of reservoir embankment, reinstatement of former watercourse and reversion of land back to grassland

I refer to your pre-planning enquiry received relating to the above site, seeking our views on the capacity of our network of assets and infrastructure to accommodate your proposed development. Having reviewed the details submitted I can provide the following comments which should be taken into account within any future planning application for the development.

SEWERAGE

Firstly, we note that the proposal relates to Proposed removal of reservoir embankment on the North site reservoir, Coed Darcy and acknowledge that the site comprises of a potential windfall development with no allocated status in the Local Development Plan (LDP). Accordingly, whilst it does not appear an assessment has been previously undertaken of the public sewerage system, we offer the following comments as part of our appraisal of this development.

Public Sewerage Network

The proposed development site is located in the immediate vicinity of a separate sewerage system, comprising of foul and surface water public sewers, which drains to Afan Wastewater Treatment Works (WwTW).

You are also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist you may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus in and around your site. Please be mindful that under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. As highlighted in these standards, the developer is required to explore and fully exhaust all surface water drainage options in accordance with a hierarchy which states that discharge to a combined sewer shall only be made as a last resort. Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to a surface water drainage body in liaison with the Land Drainage Authority and/or Natural Resources Wales.

It is therefore recommended that the developer consult with Neath Port Talbot Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, DCWW is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. Please refer to further detailed advice relating to surface water management included in our attached Advice & Guidance note.

In addition, please note that no highway or land drainage run-off will be permitted to discharge directly or indirectly into the public sewerage system

Foul Water Drainage – Sewerage Network

It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.



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

We welcome correspondence in
Welsh and English

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

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

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

You may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under Section 106 of the Water industry Act 1991. However, if the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

I trust the above information is helpful and will assist you in forming water and drainage strategies that should accompany any future planning application. I also attach copies of our water and sewer extract plans for the area, and a copy of our Planning Guidance Note which provides further information on our approach to the planning process, making connections to our systems and ensuring any existing public assets or infrastructure located within new development sites are protected.

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

Please quote our reference number in all communications and correspondence.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services

Enc. SEWER PLAN
WATER PLAN

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



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