

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

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

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Chris Jackson
RES Ltd
Cedar House
Greenwood Close
Cardiff Gate Business Park
Cardiff
CF23 8RD

DATE REGISTERED: 17 April 2023

APPLICATION NO: P2023/0305

LOCATION: Bwlch Forest Track Diversion Between, Blaengwynfi And
Treorchy

PROPOSAL: Diversion of Bwlch Forest Track

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:

- Information in Support of a planning Application for Bwlch Forest Track Diversion - by Res dated 17/04/23.
- Figure 1 - Site Location Plan - 02959-RES-LAY-DR-PT-003 rev 1.
- Figure 2A - Planning Application Boundary 02959 - RES-LAY-DR-LE-002 rev 2.
- Figure 3a - Peat Depth Plan - 02959 - RES-ERW-DR-PT-001 rev 2.
- Figure 4 - Access Track Typical Details - 02959 - RES-ERW-DR-PT-003 rev 1.
- Figure 5A - Track Layout Plan - 02959 - RES-LAY-ERW-PT-004 rev 1.

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the start of any works on site, a Reptile and Amphibians Working Method Statement for conserving reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. The hereby approved development shall be fully implemented in accordance with the approved Reptile and Amphibians Working Method Statement.

Reason

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 4 Prior to the start of any works on site, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CEMP shall include the following measures to protect habitats/species present on site as well as the details outlined within Section 4 of the applicants submitted Supporting Report::
 - The small bog pools adjacent to the site should be marked ahead of construction and no storage of materials or alteration of the hydrology of the area should affect the retention of these features in their current state.
 The approved CEMP shall be fully implemented on site throughout the Construction works.

Reason.

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 5 Prior to the start of any works on site, a Pre-construction Survey for the presence of Stag's Horn Clubmoss and Fir Clubmoss should be undertaken by a suitably qualified ecologist and shall be submitted to and approved in writing by the Local Planning Authority. If clubmoss is found to be present within the work area, full details of the method of translocation together with a schedule of works and full details of the receptor site shall form part of the submitted Pre- Construction Survey. The approved details shall be fully implemented on site prior to the start of site clearance works and in accordance with the approved schedule of works.

Reason.

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 6 Prior to the start of any works on site, full details of a site survey undertaken to identify the presence and extent of invasive non-native plant species listed on

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. The submitted survey report shall details the methodology for the control and eradication of any such species that may be found, including a schedule of works. The approved details shall be fully implemented on site in accordance with the approved schedule of works.

Reason.

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 7 Prior to the start of any works on site, A Habitat Management Plan (HMP), including long term enhancement objectives, management responsibilities and maintenance schedules for all habitat management areas, shall be submitted to and approved in writing by the Local Planning Authority. The HMP shall be carried out as approved for the duration of the construction or operational life of the track.

Reason.

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 8 Prior to the start of any works on site, full details of the measures to reduce the impact of the development upon peat shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be developed in accordance with the submitted Supporting Information - Bwlch Forest Track Diversion (ref 02959-5398037) Section 3 and shall detail the measures that will be implemented and incorporated into the final design of the track and its construction methodology that have been taken to avoid potential impacts on the peat below the track and also the hydrological connection in the wider area. The hereby approved development shall be implemented in accordance with the approved details.

Reason.

In the interests of Biodiversity and to accord with policies EN6 of the Neath Port Talbot Local Development Plan.

- 9 Prior to the start of any works on site, the boundary of the scheduled monument shall be protected by strong fencing, the location and type of fencing to be used shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason:

To ensure adequate protection of the designated historic asset from accidental damage and in accordance with policy SP21 of the Neath Port Talbot Local Development Plan.

Informatives:

1 No site/vegetation clearance/demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

2 A Protected Species Licence for Water Vole is required for this development. This planning permission does not provide consent to undertake works that require a Protected Species Licence. It is an offence to deliberately capture, kill or disturb protected species or to recklessly damage or destroy their breeding sites or resting places. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales.

3 SAB approval will be required prior to any work commencing. To commence work without SAB Approval is a breach of Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on www.npt.gov.uk/sab As the greater proportion of construction area is within RCT council's boundary, the applicant should approach RCT in regards to submitting a SAB application. NPT will then be consulted as part of the SAB process.

4 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Drainage Authority. Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

5 It is recommended that the applicant contacts Cadw prior to the submission of the details required to meet boundary fencing of the scheduled monument condition, to arrange a site meeting with the Field Monument Warden, to establish the exact boundaries of the scheduled monument.

Reasons for Decision:

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on upon the character and appearance of the the surrounding area, upon residential amenity, highway and pedestrian safety or upon the existing drainage environment. Similarly subject to the imposition of suitably worded conditions the impacts associated with the development upon Biodiversity and the historic environment could be mitigated to an acceptable level. Accordingly, the proposed

development is in accordance with Policies SC1, EN06, EN07, TR2, BE1, I1 and SP21 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, policies 2, 9, 17 and 18 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 4 August 2023

IMPORTANT:

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

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

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

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

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

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

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

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

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

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

Making an Appeal

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

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

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

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

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

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