

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

**TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT
ASSESSMENT) (WALES) REGULATIONS 2017**

SCOPING OPINION

Name and address of the applicant	Name and address of the agent
Trivselhus UK Holdings Ltd C/O Agent	Adam Thomas The Urbanists The Creative Quarter 8A Morgan Arcade Cardiff CF10 1AF

DATE REGISTERED: 21 May 2024

APPLICATION NO: P2024/0318

LOCATION: Parc Pelenna, Penrhiw Angharad Uchaf Farm, Access To
Penrhiw Angharad Uchaf, Tonna, Neath, Neath Port Talbot,
SA11 3QB

PROPOSAL: Request for a Scoping Opinion in accordance with Regulation
14(1) of the Environmental Impact Assessment (Wales)
Regulations 2017 for a leisure holiday resort development.

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING
AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT
AND REGULATIONS HEREBY ADOPTS THE FOLLOWING SCOPING OPINION
SUBJECT TO ANY COMENTS BELOW:

The Environmental Impact Assessment required to be submitted in respect of the above
proposal should cover the matters referred to in Schedule 4 of the Town and Country
Planning (Environmental Impact Assessment) (Wales) Regulations 2017, together with
addressing all those matters raised in the formal Scoping Report attached to and comprising
part of this decision.

Signed: 
Ceri Morris – Head of Planning & Public Protection
Date: 15 August 2024

OFFICER REPORT

Application Number: P2024/0318

Site Address: Parc Pelenna Penrhiw Angharad Uchaf Farm Access To Penrhiw Angharad Uchaf Tonna Neath Neath Port Talbot
Proposal: Request for a Scoping Opinion in accordance with Regulation 14(1) of the Environmental Impact Assessment (Wales) Regulations 2017 for a leisure holiday resort development.

Applicant: Trivselhus UK Holdings Ltd

Agent: Adam Thomas

Ward: Resolven & Tonna

Application Type: Scoping Opinion

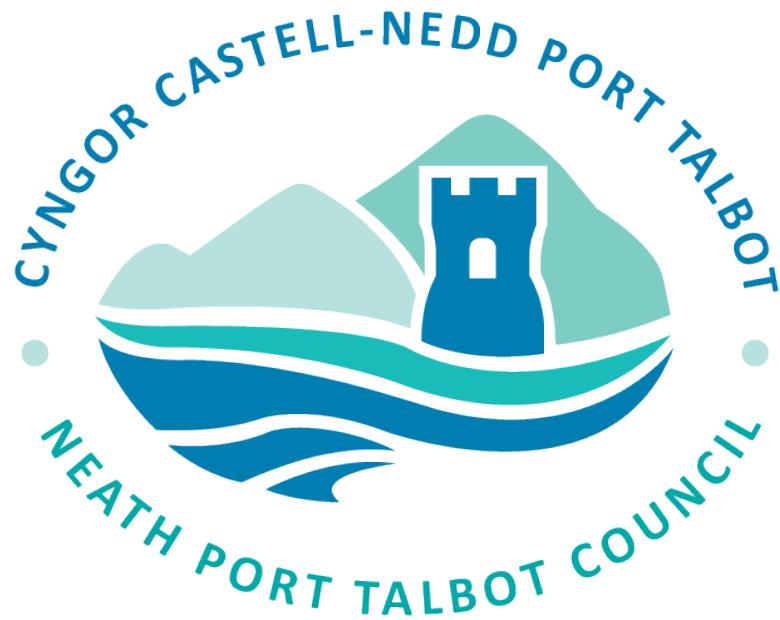
Valid Date: 21st May 2024

Statutory Expiry Date: 15th July 2024

Ext. of Time / PPA date: 16th August 2024

Publicity Expiry Date: 7th August 2024

RECOMMENDATION - Scoping Opinion



EIA Scoping Opinion

Ref: P2024/0318

Site: Parc Pelenna

Contents

1. Introduction	4
2. Site Description and Proposed Development	4
3. Consultations	5
4. Planning History	6
5. Environmental Impact Assessment Approach	8
5.1 Reasonable Alternatives	8
5.2 Currency of Environmental Information	8
5.3 Cumulative Effects	9
5.4 Mitigation	9
5.5 Population and Human Health	9
5.6 Transboundary Effects	9
6. Environmental Impact Assessment Topics	10
6.1. Relevant topics	10
6.1.1 Landscape and Visual Impact (LVI)	10
6.1.2 Ecology and Nature Conservation	11
6.1.3 Arboriculture	12
6.1.4 Traffic and Transport	12
6.1.5 Air Quality	14
6.1.6 Noise and Vibration	15
6.1.7 Major Accident and Incidents and Risk to Human Health	16
6.1.8 Historic Environment and Archaeology	17
6.1.9 Geo-environmental	20
6.1.10 Agricultural land and soil quality	21
6.1.11 Hydrology and geology	21
6.1.12 Socio-economic Assessment	25

6.1.13 Climate Change	25
6.1.14 Waste	25
6.1.15 Ornithology	26

This Scoping Opinion is provided on the basis of the information submitted to the Planning Authority in support of the application, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Authority in relation to the development, and does not preclude the Authority from subsequently requiring further information to be submitted during the course of the application under Regulation 24 of [The Town and Country Planning \(Environmental Impact Assessment\) \(Wales\) Regulations 2017](#) (“The 2017 Regulations”).

1. Introduction

The Local Planning Authority has received a request under Regulation 14 of the Town and Country Planning (Environmental Impact Assessment Wales) Regulation 2017 for a Scoping Opinion in relation to a proposed development for the construction of a 120 unit holiday resort.

The request was accompanied by a Scoping Statement (SS) that outlines the proposed scope of the Environmental Statement (ES) for the proposed development.

This Opinion has taken into account the requirements of the 2017 Regulations as well as current best practice towards preparation of an ES. In accordance with the 2017 Regulations the Authority has consulted on the SS and the responses received from the consultation bodies have been taken into account in adopting this Opinion.

This Scoping Opinion is provided on the basis of the information submitted to the Planning Authority in support of the application, in addition to consultation responses received. The advice does not prejudice any recommendation made by an Authority in relation to the development, and does not preclude the Authority from subsequently requiring further information to be submitted during the course of the application under Regulation 24 of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

The Scoping Opinion request has been supported by the following documents;

- Scoping Statement
- Design and Access Statement
- Transport Assessment
- Ecological Impact Assessment
- Noise Assessment
- Landscape Masterplan
- Arboricultural Impact Assessment
- Archaeological and Heritage Assessment
- Concept Masterplan
- Location plan
- Initial Lighting Strategy

The following comments will not seek to repeat the statements made within the applicants submitted Scoping Statement but will instead comments on the submitted information.

2. Site Description and Proposed Development

The development site is described within Part 2 of the Scoping Statement, highlighting that the site area is approximately 45.5 hectares and the development would consist of 120 holiday home properties, a leisure and hospitality clubhouse and pool, associated roads, surface water drainage, associated infrastructure and landscaping.

The site has the following, but not limited to, identified constraints;
Public Right of Way route

- Contaminated Land
- Landslip Zone
- SINC watercourse
- High Risk Coal Area
- HSE pipelines
- National Gas pipeline and Plant protection
- SINC Woodland
- Scheduled Ancient Monuments
- GGAT sites
- Mineral Safeguarding Zone

The application site is located within a High Risk Coal Area and within an Identified Contaminated Land Area and therefore a Coal Mining Risk Assessment and a Contaminated Land Desktop Assessment, as a minimum would be required to support any application submission. Due to the sites location within a Landslip Zone a Land Stability Risk Assessment would also be expected.

The Scoping Statement insists that the design of the proposal has respected the wider landscape and seeks to maximise benefits and reduce potential harm. However due to the prominent location of the site, in order to fully assess the visual impact of the proposed development on the site and wider landscape, a Landscape and Visual Appraisal would be expected to support any application submission.

The scope of the EIA should include all elements of the development as identified in the SR, both permanent and temporary, and this Scoping Opinion is written on that basis. In line with the requirements of Regulation 17 and Schedule 4 to the 2017 Regulations, any reasonable alternatives considered should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made.

The Scoping Statement outlines that mitigation, compensation and enhancement elements are proposed as part of the development including;

- Ecological enhancement and improved habitat management.
- Appropriate Landscape Visual and Character mitigation
- Opportunities for future restoration of Peat areas.
- Provision of educational information boards for the Scheduled Ancient Monuments on site.
- Remediation of land and soil when potential contamination effect may be made harmful or worse by proposed development.

The proposal would include the removal of the existing properties and outbuildings on site.

The Electrical power lines and gas mains that transect the site and the historic remnant would be respected and suitable offset provided and will be retained for landscaping, accesses and other non-residential use.

An access point would be established along the B4434, with an access provided to the north of the site to enable improved access to the site.

3. Consultations

In line with Regulation 14(6) of the 2017 Regulations, formal consultation was undertaken with the following bodies:

- Highways Authority
- Drainage Authority
- Environmental Health (Noise)
- Environmental Health (Air)
- Contaminated Land
- GGAT
- CADW
- Public Right of Way
- Health and Safety Executive
- Structures Section
- Active Travel
- Biodiversity Section
- Coal Authority
- National Grid
- National Gas
- Tourism Section
- Economic Development
- Dwr Cymru Welsh Water (DCWW)
- Natural Resources Wales (NRW)

It is noted that at the time of writing this report, a response has not yet been received from NRW, once received the response will be sent across to the applicant.

4. Planning History

Application Reference	Description	Decision
1984/0252	Siting of temporary residence	Approved 26.07.84
1985/0454	Building farm chalet bungalow	Approved 23.10.85
1986/0623	Holiday chalet	Approved 13.12.86
1987/0078	11 Holiday chalets	Approved 08.04.87
1994/0664	Stone extraction	Refused 13.02.95
1997/0226	7 Chalets, storage and treatment of minerals	Refused 14.07.97
2003/0261	Limited removal of stone & restoration	Approved 09.09.03
2003/0946	Occupancy condition removal	Withdrawn
2003/1327	Approval of details related to condition 11 re signage of planning permission P2003/0261)	Approved 13.11.03

2005/0036	7 Holiday chalets	Approved 22.02.05
2005/0440	Certificate of lawfulness for an existing use for 11 chalets	Refused 30.06.05
2005/0962	7 Holiday chalets (amendment to 05/0036)	Approved 11.08.05
2005/1283	Extension of time of application 03/0261	Approved 02.11.05
2005/1921	Construction of 4 holiday cottages	Withdrawn
2006/0480	Variation of condition regarding 12 week occupancy	Approved 30.07.07
2006/0938	Agree condition 2 of 05/0962 re: materials	Approved 13.07.06
2006.0942	Agree condition 4 of 05/0962 re: landscaping	Approved 13.07.06
2006/1084	Agree condition 5 of 05/0962 re: materials for parking area.	Approved 14.09.06
2007/0660	Engineering works to re-grade hillside	Withdrawn
2008/0755	Retention of detached building for water tanks	Approved 25.07.08
2008/0854	Construction of 4 Holiday Lodges	Approved 18.08.08
2010/0493	Construction of 12 No. Holiday Homes (outline)	Withdrawn
2012/0354	Construction of 32 Holiday Homes access road, stables and children's play area (outline)	Approved 19.08.14
2016/0430	Construction of 22 holiday lodges, swimming pool, reception buildings, associated infrastructure and landscaping (outline application with means of access to be agreed)	Pending Determination
2017/0628	Variation of condition 3 of P2012/0354 to allow an extension of time for a further 2 years for the submission of reserved matters	Approved 02.08.17
2017/0742	Certificate of Lawful Development (Existing) for use of the property as a residential dwelling (Use class C3) in non-compliance with an agricultural occupancy	Certificate not issued
2024/0186	Request for Screening Opinion under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) (Wales) Regulations 2017 for the construction of a series of 120 holiday lodges, supporting infrastructure (access, parking, landscaping and drainage) and a clubhouse with a pool, food and drink hospitality and associated road	EIA required

5. Environmental Impact Assessment Approach

The Applicants should satisfy themselves that the ES includes all the information outlined in [Schedule 4](#) of the 2017 Regulations. In addition, the Applicant should ensure that the Non-Technical Summary includes a summary of all the information included in Schedule 4. Consider a structure that allows the author of the ES and Decision Maker to readily satisfy themselves that the ES contains all the information specified in [Regulation 17](#) and Schedule 4 of the 2017 Regulations. Cross refer to the requirements in the relevant sections of the ES, and include a

summary after the Contents page that lays out all the requirements from the Regulations and what sections of the ES they are fulfilled by.

As the assessments are made, consideration should be given to whether standalone topic chapters would be necessary for topics that are currently proposed to be considered as part of other chapters, particularly if it is apparent that there are significant effects and a large amount of information for a particular topic.

There may also be topic areas scoped out of the ES where the developer may wish to include application documents that sit outside of the ES and provide information that will support their consultation(s) and the decision-making process. The developer is encouraged to liaise with key consultees regarding non-ES application documents which are not a legislative requirement.

The ES should focus on describing and quantifying significant environmental effects. Policy considerations / arguments relating to those impacts should be addressed in other documentation supporting the application (e.g. a Planning Statement), which cross references the ES where necessary.

5.1 Reasonable Alternatives.

In line with the requirements of [Regulation 17](#) and [Schedule 4](#) to the 2017 Regulations, any reasonable alternatives studied by the Applicant should be presented in the ES. The reasons behind the selection of the chosen option should also be provided in the ES, including where environmental effects have informed the choices made. This assessment should also include an assessment of a 'do nothing' approach.

It is worth bearing in mind that under the [Conservation of Habitats and Species Regulations 2017](#) ("the Habitats Regulations") unless it can be clearly shown that the project would have no adverse effect on the integrity of any designated sites, it would have to be shown that there is no feasible alternative solution. Further advice regarding the Habitats Regulations is provided in the final chapter of this Screening Direction.

5.2 Currency of Environmental Information

For all environmental aspects, the applicant should ensure that any survey data is as up to date as possible and clearly set out in the ES the timing and nature of the data on which the assessment has been based. Any study area applied to the assessments should be clearly defined. The impacts of construction, operation and decommissioning activities should be considered as part of the assessment where these could give rise to significant environmental effects. Consideration should be given to relevant legislation, planning policies, and applicable best practice guidance documents throughout the ES.

The ES should include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any

departure from that methodology should be described in individual aspect assessment chapters. Where professional judgement has been applied this should be clearly stated.

The ES topic chapters should report on any data limitations, key assumptions and difficulties encountered in establishing the baseline environment and undertaking the assessment of environmental effects.

5.3 Cumulative Effects

All of the other development considered should be documented and the reasons for inclusion or exclusion should be clearly stated. Professional judgement should be used to avoid excluding other development that is close to threshold limits but has characteristics likely to give rise to a significant effect; or could give rise to a cumulative effect by virtue of its proximity to the proposed development. Similarly, professional judgement should be applied to other development that exceeds thresholds but may not give rise to discernible effects.

The scope of the cumulative assessment should be fully explained and justified in the ES and in this case should consider the in combination effect of the development with the Mynydd Foch Dwm Wind Farm development currently under consideration.

5.4 Mitigation

Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should provide reference to how the delivery of measures proposed to prevent / minimise adverse effects is secured (through legal requirements or other suitably robust methods) and whether relevant consultees agree on the adequacy of the measures proposed.

Clear distinctions should be made between mitigation, compensation and enhancement initiatives. With clear identification within relevant section of the ES of where each of these initiatives is being proposed.

5.5 Population and Human Health

The Applicant should ensure that the ES addresses any significant effects on population and human health, in light of the EIA Regulations 2017. This could be addressed under the separate topic chapters or within its own specific chapter.

5.6 Transboundary Effects

[Schedule 4 Part 5](#) of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The ES should address this matter as appropriate.

6. Environmental Impact Assessment Topics

This section contains the Authority's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. The comments provided refer to the description of the development, the Environmental Impact Assessment process, structure of the ES and any other matter deemed relevant in the preparation of the ES. Environmental topics or features are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Authority. In accordance with Regulation 17(4)(c) the ES should be based on this Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's SR.

The Authority has set out in this Opinion where it has / has not agreed to scope out matters on the basis of the information available at this time. The Authority is content that the receipt of a SD should not prevent the Applicant from subsequently agreeing with the relevant consultees to scope such matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

6.1. Relevant topics

- Landscape and Visual Impact
- Ecology and Nature Conservation
- Arboriculture
- Traffic and Transport
- Air quality
- Noise and vibration
- Major Accident and Incidents and Risk to Human Health
- Historic Environment and Archaeology
- Geo-environmental
- Agricultural land and soil quality
- Hydrology and geology (Drainage)
- Socio-economic Assessment
- Climate Change
- Waste
- Ornithology

6.1.1 Landscape and Visual Impact (LVI)

The application site is located within the Vale of Neath Special Landscape Area and it is noted that within the Scoping Statement submitted LVI has been scoped in. The Authority would agree with the Scoping Statement as the proposed development due to the potential scale and

visibility of the proposal from the A465 and secondary roads between Clyne and Tonna and from public vantage points. The proposal would also result in physical alterations to the topography and land use of the site.

It is noted that an initial lighting strategy has been provided by the applicant, however further consideration would be required for the impact of internal lighting within the units from the glazed elevations. The proposed lighting has the potential to impact upon wildlife and ecology on and off the site, as well as providing a visual amenity impact. As such Landscape and Visual Impact together with lighting is scoped in.

6.1.2 Ecology and Nature Conservation

The application site is located outside settlement limits and within the countryside, with deep peat also on the site. It is noted that a Phase 1 Habitat Survey has been undertaken, along with an invertebrate Assessment, Reptile Surveys, Bird Surveys and Bat Surveys.

The Authority's Ecology section were consulted as part of the Scoping Opinion, who have provided the following comments;

We are happy with the submitted Ecological Impact Assessment for this application. When it comes in for planning approval they will need to demonstrate that they have followed PPW12 and the stepwise approach along with providing a Green Infrastructure Assessment.

Following a response from the Authority's Ecologist it is understood that the surveys are satisfactory for the scheme however it is considered that the ES should detail how the step-wise approach has been followed, in accordance with PPW12 together with a Green Infrastructure Statement.

The Ecological Impact Assessment submitted concludes that *'following the implementation of mitigation, compensation and enhancements as prescribed in this report and on completion of construction, no significant negative residual effects on ecological features beyond the Site Level are anticipated as a result of the proposed development, and there is potential for significant positive effects at the Site Level, and up to the County Level if blanket bog could be restored on peatland.'*

It is noted that at the time of writing this response, comments have not been received from NRW, however the agent of the application has provided the NRW response received during the PAC process. The provided NRW response provides the following comments;

'Bats

We note that bat surveys undertaken to date indicate the presence of common and soprano pipistrelle roosts (including possible maternity use) within three structures to be lost to development, namely bungalow (TN10), shed (TN9) and chalet (TN16). The document 'PARC PELENNIA HOLIDAY RESORT - ENVIRONMENTAL IMPACT ASSESSMENT: ECOLOGY CHAPTER' correctly states that a European Protected Species (EPS) licence would be required for works affecting bat roosts.

From the information provided, we understand that a number of sycamore trees were identified as being suitable for use by roosting bats; however, no bats were observed emerging from the trees during surveys, and the trees in question are intended to be retained within the development. We welcome the indication within the Ecology Chapter of the Environmental Statement (ES) that an update walkover survey would be undertaken at the detailed design stage to identify all trees likely to be removed, and where necessary, further surveys (emergence/ re-entrance or climbing surveys) would be undertaken to establish the presence or likely absence of bats.

The results of all bat surveys should inform appropriate mitigation proposals, to be submitted to the Local Planning Authority as part of any future planning application. All bat surveys should be carried out in accordance with 'Bat Surveys for Professional Ecologists – Good Practice Guidelines' (4th edition), published by the Bat Conservation Trust, 2023.

Otters

Due to the small watercourses and ponds present onsite, we would recommend monitoring for otter throughout the construction process, as they are likely to utilise these areas for foraging. Any dense woodland near these could also have the potential for a natal or resting holt, and regular surveys to check for otter holt presence should be scheduled. The ecological surveys detailed within the Environmental Impact Assessment are otherwise adequate in assessing a risk to general biodiversity on a local level, and we look forward to seeing a full Construction Environmental Management Plan (CEMP) and habitat management plans with detail on mitigation and retention for priority habitats and species.'

The ES should consider not only appropriate mitigation for any loss of habitat but also the potential for restoration and enhancement of habitats to create linked networks throughout the final developed site, while also considering the impact of external lighting, drainage strategy and air quality upon this topic. Due to the scale and nature of the proposed application within the open countryside, ecology is scoped into the EIA.

6.1.3 Arboriculture

The Scoping Statement submitted by the applicant is also supported by an Arboricultural Impact Assessment, with consideration given to the 'Ancient' woodland designation. The Scoping statement concludes that there are not considered to be significant arboricultural effects are a result of the proposed development and a more detailed Tree Protection Plan would be produced at later stages of planning beyond the outline stage.

The Authority's Arborist has provided a response on the Scoping information provided, noting that a full site development tree survey in accordance with British Standards BS5837:2012 would be required together with a detailed plan showing area where re-planting would take place and the number of trees at a ratio of 3:1 as per PPW12.

The Arborist response also seeks clarification on what 'partial removal' is referred to within the Arboricultural Impact Assessment submitted. This should be clarified as part of any planning application submission. The application should also provide long term management plans for the areas of trees that are to be retained to encourage future growth and strengthening.

It is acknowledged that trees adjacent to the highway will require further consideration as the proposed development progresses, once engineering details are more certain. However it is considered that the impact upon trees would be localised within the development and can be mitigated and compensated on site.

While there are extensive trees on site, with the loss of 26no trees, it is considered that the impact can be adequately assessed through the submission of a tree survey, planting scheme and maintenance plan. As such Arboriculture can be 'scoped out' of the EIA.

6.1.4 Traffic and Transport

The application site would be access off the B4434 via a new access junction. The development would increase traffic flows however this is not considered to result in unacceptable levels of congestion along the B4434. However the development does have the potential to increase congestion beyond the site boundary along the A465 and junction 43 of the M4.

The scoping statement submitted has 'scoped out' traffic and transport from the EIA reasoning that *'Based on the scale of the development and the nature of the highway network serving the site, the development is not considered to have reasonable potential for 'significant' traffic and transport effects on the local highway network, including the A65 and Junction 43. The Transport Assessment included with the scoping request robustly assesses the likely effects of the scheme and none are deemed to approach the 'significant' threshold. This includes the potential for a cumulative effect of the scheme being delivered alongside the redevelopment of the Rheola House site. Existing PRow and bridleways will also be retained alongside the development, with localised diversions as necessary, and their use supported by the site's planned operational rental of cycles'*.

The applicants supporting statement above seems to suggest that the proposed development may include the diversion of existing PRow however there are regulations in relations to such proposals that would have to be addressed. Wherever possible PRow should be retained in their original location and where necessary enhanced and improved. The proposed development, within their transport assessment should fully considered the developments impact upon the existing network, demonstrating where connectivity needs to be improved identifying potential adverse impacts that the development may have upon the existing network and where necessary identifying mitigation.

The Authority's Head of Highways and Engineering have been consulted as part of the Scoping Opinion and have provided the following comments;

'The submitted TA does not constitute an objection to the proposed development and I am happy with its content. This type of development usually have mid to late morning booking in/out timescales, which would be outside of peak hour traffic flows, therefore not detrimentally impacting any traffic sensitive junctions on the wider highway network'.

1. *The vehicular visibility splays for the junction onto the B4434 shall be in compliance with TAN 18. Shall be setback to 4.5 metres given it is a single access to facilitate guest*

arrivals/departures, service and emergency vehicle access. Any future full planning submission shall have the visibility splays at the proposed access point clearly annotated on plan to the speed limit applicable at the time of submission.

2. The Active Travel (Wales) Act 2013 may impact the geometry of the proposed junction off the B4434 to enable passage for all users. It is recommended that the information and construction details within the Welsh Government guidance document titled 'Policy and Strategy Active Travel Act Guidance July 21' is applied to the highway design where applicable.
3. Details within the submitted Transport Assessment 16044-HYD-XX-XX-RP-TP-5001-P04 prepared by Hydrock, dated 08/05/2024 are noted.
4. It is considered that the nature of guest arrival will require an increase in right turn capacity. Experience of similar venues has shown that guests tend to arrive in concentrated time frames. There by resulting in queuing on the main carriageway. Any future submissions will need to incorporate this into the highway access design from the B4434.
5. All works to be constructed on the public highway shall be subject to Road Safety Audits, stages 1 to 4 in accordance with GG 119 of the Design Manual for Roads and Bridges.
6. All swept path analysis are to be provided as CAD files, for the largest vehicles (inclusive of emergency vehicles) likely to utilise the junction from the B4434, as no alternative service access is proposed. Swept path analysis is to be carried out once the Active Travel design criteria has been applied.
7. Public lighting details will be required for the junction access from the B4434.
8. A scheme shall be provided detailing all required white lining, traffic regulation orders signage and advanced signage in relation to the access junction from the B4434.
9. Any gates to be erected at the access off the B4434 should be set back 20 metres from the edge of the carriageway. If gates cannot be set back the required 20 metres, it is suggested that a delivery management plan is submitted.
10. A Construction Method Statement shall be submitted and shall provide for:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) storage of plant and materials used in constructing the development
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - (v) wheel washing facilities
 - (vi) measures to control the emission of dust and dirt during construction
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (viii) scheme for the erection of temporary/semi temporary signage warning drivers of the presence of a site access.
 - (ix) The Construction Method Statement shall be signed by a competent person(s).
11. All vehicular car parking spaces and service yard manoeuvring areas shall be dimensioned in accordance with Neath Port Talbot County Borough Council - Parking Standards (Oct 2016).
12. Electric Vehicle Charging Points - The site shall be provided (a minimum of 10% of all vehicle spaces) with Electrical Vehicle Parking Spaces, as per Planning Policy Wales (12).

The Authority's Active Travel section were also consulted as part of the scoping opinion and noted that there are currently no walking or cycling routes proposed within the site or access road and that the development should consider integrating with the National Cycle Network 46. It was also identified that cycle storage would need to comply with Active Travel Act Guidance.

From the Transport Assessment submitted and the response received from the Highway section, it is considered that the highway impacts are not considered to be significant and can be assessed through the submission of a Transport Assessment and Traffic Survey, a draft Construction Method Statement and suitably worded planning conditions as part of the planning application. As such Traffic and Transport can be 'scoped out' of the EIA.

6.1.5 Air Quality

The scoping statement sets out that *'...the development is not of a type or scale to generate 'significant' air quality effects as traffic generated would be relatively minor, the development does not include uses (directly or associated) that would impact on air quality and there are no adjacent sensitive receptors. An Air Quality Assessment is therefore not deemed to be required. A construction and Environmental Management Plan (CEMP) could manage any temporary and non-significant dust impacts'*.

The Authority's Environmental Health section were consulted as part of the scoping opinion and provided the following response *'the application is not only of a scale that is likely to generate significant traffic but also proposes the construction of a new junction and road and we need to understand the impact this will have on existing air quality'*.

Following discussions with the Authority's Environmental Health Officer, the main concern relating to Air Quality is at the proposed new junction and the response has stated that an Air Quality Assessment would be required to support an application submission as impacts upon the Local Air Quality Management (LAQM) would be required to be reported by the proposal.

In light of the above responses, it is considered that the impact upon Air Quality could be adequately assessed through the submission of an Air Quality Assessment and as such can be scoped out of the EIA. The applicant shall be aware that an Air Quality Assessment would be required to support any planning application submission.

6.1.6 Noise and Vibration

The scoping statement provided has 'scoped out' noise and vibration from the ES. The applicant is of the opinion that the impact of the existing and proposed wind farms should be factored into the design of the proposed development to ensure appropriate noise levels for amenity purposes and believe this can be addressed through a Noise Technical Note.

The Scoping Statement also outlines that *'the proposed Mynydd Fforch Dwm windfarm is located approximately 1.6km away at its nearest point (south), on the far side of the Pelenna forest. That proposal's ES considers noise impacts on the existing farmhouse on the site and states cumulative and individual noise levels would be below 40dB, at up to 36dB from all wind farms in the area. It is thus considered that there would not be 'significant' effects from the proposed wind farm's noise, on the site, cumulatively or otherwise'*.

The Authority's Environmental Health section have been consulted as part of the Scoping Opinion and provided the following response *'the site itself is likely to generate noise during construction and operation and we need to understand the impact that this is likely to have on sensitive receptors. We also disagree that consideration of the impact of the nearby windfarm on the proposed development should not be addressed.'*

Following a further discussion with the Authority's Environmental Health officer the following comments were received;

'The Mynydd Fforch Dwm (MFD) assessment will not be specific to this application as it was not committed development at the time so we will need to see specifically whether the assumptions in the MFD application still apply. I have also raised the potential for noise generated by the application which needs to be assessed such as from the club house'.

It is considered that the proposed development would not result in a significant level of noise generation during construction and operations however, there is potential for noise impacts from sources outside of the site, such as existing and proposed wind farm developments. As such a Noise Impact Assessment would be required to support any planning application to demonstrate that the proposed development can achieve the required internal and external acoustic levels to private amenity areas, such as balcony, patios and other private amenity spaces, when considering the existing Pen y Cymoedd and proposed Mynydd Fforch Dwm wind farms. In addition, there is potential for on site development to create a noise impact, such as the club house and as such a Noise impact Assessment would also be required to ensure the proposed development can be appropriately mitigated.

If piling is required during the construction of the development this has the potential to cause noise and vibration to the surrounding area. A Piling Method Statement should be submitted in support of any planning application submission which fully assesses the different methods of piling available, identifying their associated benefits and impacts before identifying the proposed method in this particular case.

A draft Construction and Environmental Management Plan (CEMP) can also identify measures that can be implemented throughout the construction operations to limit the impacts of noise and vibration.

In light of the above, it is considered that the impact of noise and vibration could be adequately assessed through the submission of a Noise Impact Assessment to address on-site and off-site noise impacts, together with a Piling Method Statement and a draft CEMP. As such Noise and Vibration can be scoped out of the EIA, with the above documents required to support any planning application submission.

6.1.7 Major Accident and Incidents and Risk to Human Health

It is noted that the applicant has scoped out Health and Safety as part of the Scoping Statement, noting that early engagement has been undertaken with the Health and Safety Executive and the scheme has been designed to respect the buffer zone distances. As such the

applicant believes that the development is deemed safe meaning no significant health and safety effects are likely.

The Health and Safety Executive (HSE) and National Gas have been consulted as part of the Scoping Opinion, and have both provided responses.

The HSE response identifies that the proposal has the potential to initiate a major accident and the major accident hazard pipeline.

The response progresses to state *'HSE suggests that the EIA should show that the operator of the pipeline has been consulted regarding the following issues or that these issues have been considered in the assessment:*

- the development restricted area due to the pipeline*
- ensuring the integrity of the pipeline and protecting the pipeline from development and operational works.*

As this proposed development is located within HSE's land-use-planning consultation zones it indicates the proposed development could be vulnerable to harmful effects from an industrial major accident at the nearby major accident hazard pipeline.'

A HSE response was also generated through the PADHI system which provided a decision of 'Advise Against'. The response outlines *'...The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case. Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation...'*

Throughout the consultation period a number of National Gas responses were received.

A response dated the 10th June 2024 states that *'An assessment has been carried out with respect to National Gas Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be within the High Risk zone from National Gas Transmission plc's apparatus and you MUST NOT PROCEED without further assessment from Asset Protection. Before you go ahead with these works, you are required to send your plans and a description for to us to review them at box.assetprotection@nationalgas.com. We will contact you within 28 days of receipt. It is YOUR responsibility to take into account whether you are required to or would benefit from referring to the HSE Land Use Planning App (LUP), available from HSE's website. (Please note for some works this is a requirement for them to take place) More information on the LUP is available at <https://www.hse.gov.uk/landuseplanning/>.'*

Representation from National gas was also received on the 19th June which stated that 'National Gas Transmission operates a high-pressure gas pipeline - FEEDER 02 which appears to run within close proximity of the proposed site boundary. The pipeline has a 6m centred wide easement in operation with an additional 3m access strip either side. No development, construction or landscaping is permitted within the easement without formal written approval from National Gas Transmission. The pipeline has a 49m 'Building Proximity Distance' (BPD), which restricts development within this distance. There is a possibility that the proposed leisure holiday development units fall within the BPD. Further guidance for consultation zones around a Major Hazard Pipeline can be found at: <https://www.hse.gov.uk/landuseplanning/methodology.pdf> It is the Local Authority & Developer's responsibility to ensure that the requirements of LUP are adhered to.'

Further representation was received from National Gas on the 28th June 2024, which states '*National Gas Transmission exercises its right to place a Holding Objection to the above proposal which will cross our High-Pressure Gas Pipeline – Feeder 2.*'

While the applicant is of the opinion that the development can be appropriately addressed through the design of the development and through the condition for a CEMP, in light of the above responses, Major Accidents, Incidents and Risk to Human Health should be scoped into the EIA of the development as it has the potential to cause a major incident during construction and operation.

6.1.8 Historic Environment and Archaeology

A Scheduled Ancient Monument (SAM) is located on site with further SAMs located in proximity to the site boundary. As such GGAT and CADW have been consulted as part of the scoping opinion.

A response from GGAT concurs with the recommendation with the Archaeological and Heritage Assessment submitted in support of the scoping opinion, noting that a programme of archaeological record during development' should be undertaken.

A response was received from CADW which states '*Our records show that the following historic assets are potentially affected by the proposal.*

Listed Buildings:

11768	Ivy Tower	//
11836	Aberdulais Lock on Tennant Canal	//
	Lock keeper's and toll collector's office at SW end of Aberdulais	
11837	Aqueduct	//
11838	Aberdulais Aqueduct (partly in Tonna community)	//*
11839	Aberdulais Basin at the head of the Tennant Canal	//
11840	Pont Gam	//
11841	Wood seasoning shed & saw pit at Neath Canal Depot	//
11857	Scotch Fald	//
15844	Tyn yr Heol	//
22858	Church of St Anne	//
22859	Penlan-fach bridge	//
22860	Grotto in Gnoll Estate	//
22861	Aberdulais Aqueduct (partly in Blaenhonddan community)	//*

22862	<i>Aberdulais Viaduct (partly in Blaenrhonddan community)</i>	<i>II</i>
22863	<i>Railway bridge on NE side of Railway Tavern</i>	<i>II</i>
22864	<i>Nazareth Chapel</i>	<i>II</i>
22865	<i>Stable at Neath Canal Depot</i>	<i>II</i>
22866	<i>Workshop, store and smithy at Neath Canal Depot</i>	<i>II</i>
22867	<i>Lock House</i>	<i>II</i>
22868	<i>Dulais Isaf House</i>	<i>II</i>
22869	<i>Dulais Fach</i>	<i>II</i>
22870	<i>Mosshouse Wood Cascade</i>	<i>II</i>
22871	<i>,12,Dulais Fach Road,Aberdulais,,,SA11 3JW</i>	<i>II</i>
22872	<i>Lock and overbridge at Neath Canal Depot</i>	<i>II</i>
22873	<i>Bridge over Neath Canal SW of Ynys Nedd Farm</i>	<i>II</i>
22888	<i>Cwm Pelenna ventilation stack</i>	<i>II</i>
23079	<i>Seion Fforest Calvinistic Methodist Chapel</i>	<i>II</i>
23083	<i>Melincwrt Independent Chapel</i>	<i>II*</i>
23089	<i>Railings at Seion Fforest Calvinistic Methodist Chapel</i>	<i>II</i>
82076	<i>Aberdulais Viaduct (partly in Tonna community)</i>	<i>II</i>
82080	<i>Chimney at Aberdulais Falls Tinplate Works</i>	<i>II</i>
82082	<i>Former Stables at Aberdulais Falls Tinplate Works</i>	<i>II</i>
82084	<i>Old Works Library at Aberdulais Falls Tinplate Works</i>	<i>II</i>
82086	<i>Goose rearing shelters and mounting block at Tan-y-rhiw</i>	<i>II</i>
82093	<i>Remains of tramroad bridge at Aberdulais Falls Tinplate Works</i>	<i>II</i>
82268	<i>Bridge over Neath Canal at Abergarwed Lock</i>	<i>II</i>
82273	<i>Bridge over Neath Canal at Ynysarwed</i>	<i>II</i>
82289	<i>Twrch Brook culvert and overflow sluice on the Neath Canal</i>	<i>II</i>
87862	<i>Milestone on B4242, 100m east of Rock & Fountain PH</i>	<i>II</i>

Scheduled Ancient Monuments:

GM258 Blaen-Cwmbach Camp
GM264 Cefn Morfydd Dyke & Earthwork
GM276 Pen-Rhiw-Angharad Round Cairns
GM277 Blaen-Cwmbach Earthwork
GM366 Camp 280m S of Melin Court Brook
GM367 Roman Marching Camp South West of Melin Court Brook
GM385 Three Round Cairns on Carn Caca
GM416 Remains of Blast Furnace at Melin Court
GM447 Glyncorwg Mineral Railway (Parsons Folly) Section on Cefn Morfudd
GM458 Cwm Pelenna Colliery Ventilation Furnace
GM485 Tinplate works at Aberdulais Falls
GM505 Canal Boat at Aberdulais Basin
GM506 Aberdulais Aqueduct

Registered Historic Parks and Gardens:

PGW(Gm)50(NEP) The Gnoll'

A scoping report prepared by The Urbanists, has been submitted with the scoping request. This proposes to "scope out" the historic environment as an archaeological and heritage assessment prepared by EDP has already been produced (included with the scoping request) that concluded that there will not be a significant impact on the historic assets. We concur that the Historic Environment can be "scoped out" of the EIA.

We have read the archaeological and heritage assessment with great interest and note that it refers to the Historic Environment (Wales) Act 2016 and the Planning (Listed Buildings and Conservation Areas) Act 1990 along with Technical Advice Note 24 and The Setting of Historic Monuments in Wales. All of these documents will be affected when the Historic Environment (Wales) Act 2023 is enacted, which will be before the application of this proposed development is determined.

The Act will replace The Ancient Monuments and Archaeological Areas Act 1979; The Historic Environment (Wales) Act 2016 and The Planning (Listed Building and Conservation Areas) Act 1990. The enactment of the Act will also lead to revisions to Technical Advice Note 24 :The Historic Environment 2017 and other guidance notes.

The Act is a Consolidation Act and should not alter legislation, but references to the various parts of the Acts that have been consolidated will need to be changed to refer to the 2023 Act. The most important change is that section 66 (1) of the Listed Building and Conservation Act 1990 will become section 314A of the Town and Country Planning Act 1990.

Whilst the enactment of the act is unlikely to alter the conclusions of the archaeological and heritage assessment it should be reviewed and updated before it is submitted with the application

It is also noted that section 4.12 of the assessment notes that the individual cairns that comprise scheduled monument GM276 Pen-Rhiw-Angharad Round Cairns are generally hard to see as they are situated within an area of dense young woodland with dense understorey which screens the low-lying features. A felling licence for the tress on this scheduled monument was granted in 2019 with a condition that replanting should not occur. Clearly trees have self-seeded on the monument making the individual cairns difficult to see. It is noted that one of the proposed benefits included in the proposed development is an interpretation sign that will explain the monument, but this will be of little benefit if the features cannot be seen. It is therefore strongly recommended that the applicant should consider including a Conservation Management Plan for scheduled monument GM276 with the proposed application in order to provide appropriate benefits'.

Glamorgan Gwent Archaeological Trust were also consulted as part of the Scoping Opinion and provided a response stating 'we have consulted the information contained within the Historic Environment Record and note the proposal is located in an area of archaeological potential. Accordingly an Archaeological and Heritage Assessment has been prepared by EDP (report no. edp6556_r006a, dated April 2024). The document notes the presence of Pen-Rhiw Angharad Round Cairns, a Scheduled Monument (Cadw ref. GM276), although there will be no direct impact upon the site, as well as evidence of late 19th and early 20th century mining. Such remains include earthworks and potential structures associated with Cefn Mawr Colliery. The assessment recommends a 'programme of archaeological recording...during development'. We concur with the assessment. Due to the presence of Scheduled Monuments, it is imperative that CADW be consulted over the proposal'.

In light of the above responses from GGAT and CADW, subject to the submission of a Conservation Management Plan for Scheduled Ancient Monument GM276 and a Programme of

Archaeological Recording during development, it is considered that Historic Environment and Archaeology can be 'scoped out' of the EIA.

6.1.9 Geo-environmental

The application site is located within a High Risk Coal Area, Contaminated Land area and Landslip zone. The Scoping Statement submitted sets out that a Phase 1 Ground Assessment has been undertaken together with a desk study and site visit. The statement outlines that *'based on the information known about these risks at the site so far, and the layout proposed, there is considered to be some potential for risk, and a Stage 2 Site Investigation would be undertaken after the Outline planning stage. The depth of the coal seams worked are recorded as being between 53m and 283m below ground level, and the locations of a single shaft and multiple adits downslope from the majority of proposed development make impacts potentially lesser; but are still moderate to high risk, at the site level only, because of extensive shallow working.*

Any potential risks would have to be considered and overcome as part of the proposed engineering works to implement the development. Some potential higher risks have already been avoided by the considered location of proposed design elements, to avoid being near adits and shafts.

There are, fortunately, also common and standard methods of securing ground over previous coal workings. As such, the scheme has avoided effects or these would be made non-significant by way of standard methods of mitigation to stabilise such sites. While not detailed further so far, the above is considered enough to scope this out of an EIA consideration'.

The Environmental Health section were consulted as part of the scoping opinion and have provided the following response;

'The site is a former colliery workings and as such there is a potential for contamination including mine gas. There is reference to desk studies and site investigations eliminating the risks but we have not seen these in order to comment.'

The Coal Authority were also consulted as part of the Scoping Opinion and provided the following response;

'The Coal Authority records indicate that parts of the site lies within the Development High Risk Areas as defined by the Coal Authority and therefore the risks that this may pose to further development at this site should be considered in relation to the determination of a future planning application.

Whether or not any future proposal for the redevelopment of this site is to be accompanied by an Environmental Statement is for the decision of the LPA. However, as part of any formal planning application, the applicant will need to submit a Coal Mining Risk Assessment, or equivalent report for the site, which considers in detail the risks posed to the development by the coal mining legacy recorded within the site.

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at: <https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

As one of the coal mining risks affecting this site are recorded mine entries, which will impact on the layout of the development, the Coal Mining Risk Assessment may need to be informed by intrusive site investigations to locate the mine entries and establish their exact location and condition. It would be prudent to carry out a positional review of the mine entry in order that the best plot position can inform the intrusive investigations.

The Risk Assessment should also make recommendations for any remedial works necessary to ensure the safety and stability of these features and to define a no build zone around the mine entries. The location of any building / structures proposed should avoid being located over or within influencing distance of a mine entry, if found to be present on site. If found to be present on site a plan should be submitted to demonstrate how the layout of the development has been designed to take account of the location of the mine entries and their respective zone of influence (no build zone).

All mine entries will need to be treated appropriately in line with current UK guidance (CIRIA C758D), respective of the end use and under the terms and condition of a Coal Authority Permit. If any of the recorded mine entries are not found on site and its presence within the site boundary can be discounted then we would expect detailed consideration to be given to the risks posed to the development by an off-site mine entry and its zone of influence’.

It is considered that while the undertaken surveys and assessments have not been submitted in support of the scoping opinion the impacts associated with the High Risk Coal constraints and land contamination can be assessed through Contaminated Land surveys and site investigations and a Coal Mining Risk assessment. The use of suitably worded planning conditions could also control remediation and verification works if required on site. As such it is considered that geo-environmental matters can be ‘scoped out’ of the EIA.

6.1.10 Agricultural land and soil quality

The application site is located within an area identified with deep peat and within the open countryside. The Scoping Statement identifies that the site has historically been used for quarrying and coal mining however is currently characterised by variable woodland cover and open spaces of pasture together with regenerating scrub and woodland and areas of superficial peat deposits beneath plantation coniferous woodland.

The applicant has provided a section of the ALC mapping details which appears to show the application's Agricultural Land condition as grade 4 and 5, however an agricultural land survey has not been provided.

A comprehensive Soil Assessment would be required with site specific testing of the agricultural condition of the land together with soil management methods. The Soil Assessment should also include the location and impact upon Peat and the developments avoidance of Peat. The Assessment should also include the biodiversity net benefit and enhancement within a Green Infrastructure Statement, and would be expected to put forward a methodology to improve Peat on site.

As such, in the absence of an agricultural land survey and Soil Assessment it is considered that the development could have a significant effect on soil and land quality and as such is 'scoped in' to the EIA.

6.1.11 Hydrology and geology

It is noted that the application site is located towards the top of a north facing mountain and is not located within any DAM or FMfP flood zones. The site is sloping in topography, with excavation works likely to be undertaken as part of the development. Although plans detailing the initial design principles of the scheme appear to show the accommodation units sited within the contours of the site, to respect the changes in levels, regard is given to the need for alterations to be made to the sites topography as part of the development as a whole, such as road infrastructure and site facility buildings.

It is noted that the application site is also located outside settlement limits with limited built development currently on site and as such water infrastructure would be required as part of the development.

In light of the above, the proposed application does have the potential to disrupt the movement of water on site as well as water availability on site.

The Authority's Drainage section were consulted as part of the Scoping Opinion and have provided the following comments;

'The surface water drainage for the site would be dealt with under the SAB process. However, there would be aspects of crossover with ecology in terms of plant species that would be used in an proposed SUDS features once the surface water management scheme is at that stage of development

- 1. SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under 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 <https://www.npt.gov.uk/sab>*
- 2. Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.*
- 3. 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 Authority.*
- 4. Unless otherwise agreed in writing by the Local Planning Authority, foul water and surface water discharges shall be drained separately from the site.*
- 5. No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.*
- 6. 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 during the life time of construction.*

Dwr Cymru Welsh Water were also consulted as part of the Scoping Opinion and provided the following response;

'we refer to your consultation letter and your request for comments on the scoping opinion for the aforementioned development. It appears the application does not require 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. We do however point out that there is an abandoned watermain within the application boundary, however with careful design and RAMS there should not be any environmental impact.'

Notwithstanding the above, 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'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation'.

At the time of writing this response, comments from NRW have not been received. However the agent of the submission has provided the NRW comments received during the PAC process. The comments received from NRW at PAC note the following concerns;

From the "Drainage Strategy – Foul Water Strategy" document, we note that the intention is to dispose of foul drainage to a private sewerage system. According to our records, the proposed development is located within a publicly sewered area. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

Section 6.6.21 of Planning Policy Wales states 'Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...'

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We therefore advise you to either amend your proposals to ensure that the foul drainage is connected to the mains sewerage system or provide detailed evidence to demonstrate that it is not reasonable to connect.

You should thoroughly investigate the possibility of connecting to the foul sewer by taking

the

following

steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

You should be aware that should a connection to the mains sewer not be feasible, you will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

You will need to apply for an environmental permit if it is not possible to connect to the public foul sewer, further details can be found [here](#). Further information may be needed as part of that application process. You are therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements...

..Swimming

Pool

Discharges

No details have been provided for the discharge of water from the proposed swimming pool development.

Swimming pool discharges result from the cleaning of the filters (filter backwash) and the emptying of the pool water (drain-down). Filter backwash is the water used to clean the accumulated pool dirt and debris off the filters by reversing the flow across the filter. Cleaning of the filters is a regular exercise. Drain down arises from emptying the swimming pool. The potential contaminant of concern is the disinfectant and its by-products. More information would be required regarding this discharge and the plans for its removal from site...

..There is a minor watercourse on site, and the main river Neath is located approximately 275 metres away from the site entrance. The River Gwenffrwd is approximately 270 metres to the south, and Neath Canal is located approximately 88 metres away.

We note that a Construction Environmental Management Plan (CEMP) has not been submitted with this pre-application. Should an application for full planning permission be submitted, we would expect a CEMP to be included within the submission, due to the proximity of the above watercourses and the scale and nature of the development.

Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of

waste, particularly during the construction phase. A construction environmental management plan should include site-specific measures which will be put in place before construction to prevent pollution to the surrounding land and water environments...

...Prior to commencing any excavation, pollution protection methods should be installed to ensure there is no adverse impact from the works. A variety of silt mitigation measures should be implemented throughout the work site where appropriate, as they work more effectively in combination. Metal pins/rods should not be used to support silt fencing or sedi-mats as they do not provide sufficient support, resulting in the products sagging or collapsing. Wooden stakes should be used in accordance with the manufacturer's installation recommendations.

Water quality leaving the working area will need to be regularly monitored to avoid a pollution incident. It may be necessary to: adjust, replace, or augment the pollution control products deployed and/or adapt the work method further, as work recommences and progresses. As with all pollution mitigation measures, these will need to be reviewed by yourselves regularly through the works and if found not to be sufficient, other options should be considered

Wherever possible, clean or uncontaminated water should be intercepted and diverted around the working area. This should help minimise the volume of dirty water generated and therefore requiring treatment (if reasonably practicable). We would advise that you should avoid entering/working in the watercourse whenever possible, and where this is not possible, time spent in the watercourse should be minimised.'

As noted above, due to the nature of the proposal, drainage infrastructure would have to be provided on site, with no details currently submitted. From the responses received as part of this scoping opinion it is considered that surface and foul drainage matters would predominantly be site specific, with some possible offsite impacts, however it is considered that these could be adequately assessed through the submission of a drainage strategy and CEMP together with a SAB application and through the inclusion of suitably worded conditions.

The response from NRW provided by the agent does raise concerns with the suggestion of a private sewer and as such should a full planning application be submitted a full drainage strategy would be expected to demonstrate why connecting the public sewer system is not possible and full details of any proposed private sewer.

The NRW response does also refer to the need for a CEMP to be submitted to support a planning application to demonstrate that watercourses in close proximity to the site would not be unacceptably impacted upon. In light of this response it is considered that the impact upon watercourses could be adequately assessment through the submission of a CEMP.

In relation to the impact upon geology from this scheme, this would be limited to the impacts upon Peat and soils as identified within section 6.1.10. As such subject to a CEMP and full drainage, Peat and soil details being submitted as part of a planning application together with suitably worded conditions, hydrology and geology can be 'scoped out' of the EIA.

6.1.12 Socio-economic Assessment

The proposed development would provide the provision of a high-end tourism accommodation and leisure development consisting of 120 holiday home properties with leisure and hospitality facilities.

There are a number of Public Rights of Ways that run through and are in close proximity to the site, with a cycle route located to the south that runs from Neath to the boundary with Powys.

It is noted that Socio-economic impacts haven't been considered as part of the applicants submitted Scoping Statement, however should a planning application be submitted, it should include a scheme to create links to the existing Rights of Way (53/8 and 51/7/2) and cycle network (495) as well as to existing businesses and suppliers within the immediate and surrounding communities.

While it is acknowledged that the development would result in employment opportunities for both part time and full time workers within both skilled and unskilled roles, these would not be of a scale that would merit assessment through the ES. While it is noted that the development has the potential to impact upon the existing PROWs and cycle routes, it is considered that these impacts could be adequately assessed through careful design, suitably worded planning conditions and financial contributions to Active Travel. As such it is considered that Socio-economic can be 'scoped out' of the EIA.

6.1.13 Climate Change

While all development should consider its impact upon climate change in this particular case the development should consider its use of land and its associated grade, the use of finite resources within the construction of the development and emissions to air through vehicular movements and Greenhouse Gases throughout the operational stage of development. This assessment should form part of any submitted ES.

6.1.14 Waste

It is noted that waste would be produced during the construction and operation of the proposed development and no waste information has been provided as part of the scoping opinion. In line with Policy W3 of the Local Development Plan, a planning application would be expected to demonstrate that provision is made for the design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. As such for a development of this scale and nature a Site Waste Management Plan would be expected to support the application. It is considered that waste generated by the development could be appropriately addressed as part of the planning application and as such can be 'scoped out' of the EIA.

6.1.15 Ornithology

The Ecological Impact Assessment submitted as part of the Scoping Opinion identified that bird surveys have been undertaken on site and concluded that local potential effects are possible during construction and operation with site residual effects during construction stage and no significant effects during operational stage.

As noted within section 6.1.2, the Authority's Ecology section were consulted as part of the Scoping Opinion, and have provided the following comments;

We are happy with the submitted Ecological Impact Assessment for this application. When it comes in for planning approval they will need to demonstrate that they have followed PPW12 and the stepwise approach along with providing a Green Infrastructure Assessment.

It is noted that as the time of writing this response, comments have not been received from NRW, however the agent of the application has provided the NRW response received during the PAC process. The provided NRW response provides the following comments;

'Whilst we welcome the breeding birds surveys and agree with the methods employed, both suites of surveys contain fewer visits than recommended by best practice (see [Bird Survey Guidelines](#)). Justification for carrying out fewer than the recommended surveys should be made within the Environmental Statement'

Determining the importance of species and populations identified from surveys should refer to Wales specific resources and publications where practical. Relevant population estimates can be found in, but not limited to, Hughes et al. 2020 (Wales) and Woodward et al. 2020 (UK/Britain). County Bird Reports, the Welsh Bird Reports, as well as Birds of Wales/Adar Cymru (Pritchard et al. 2021) may also contain relevant information. We note that Section 5.3 (Nightjar Surveys) of Appendix 5 of the Breeding Bird and Vantage Point Survey Report states "No Nightjars were detected on site. However, the date these surveys were carried out was slightly late to detect the presence of this species. Males normally churr when arriving at the breeding ground, and by the end of July, peak activity of courtship and display are reduced significantly. Nonetheless, suitable habitats for breeding are present on site and were identified, this is shown in appendix map 2". This limitation does not appear to have been mentioned within the main body of the ES. We therefore do not agree with the current assessment that this species is absent from the site.

*Mitigation, compensation, and enhancements
Details of appropriate mitigation (following the stepwise approach) for any likely significant effects identified should be provided along with appropriate enhancements. In some instances, mitigation may need to take the form of curtailment or redirection of activities during particular times of year (during all phases). Where buffer distances are required or need to be considered then reference should be made to Goodship & Furness 2022 or alternative published references for species not listed within Goodship & Furness 2022. This is particularly important in relation to species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).'*

Following the results contained within the Ecological Impact Assessment, and the response from the Authority's Ecologist, it is considered that the impact upon birds is unlikely to be significant however as noted within the NRW response, justification for why fewer survey were carried out should be included within the ES. Ornithology is scoped into the ES as part of the Ecology matters.

RECOMMENDATION

Scoping Opinion

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

Case Officer	Jessica King
Telephone No.	01639 686002
Date of Recommendation	15th August 2024