



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Date Dyddiad	5th December 2022
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Your ref Eich cyf	
Our ref Ein cyf	Q2022/0169

Simon Cometson
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Machen

BY EMAIL ONLY

Dear Sir

Town and Country Planning Act 1990

Pre-App. Ref.: Q2022/0169
PROPOSAL: Proposed One Planet Development
LOCATION: Land At Gilfach Yr Haidd Farm Access Lane To Gilfach Yr Haidd
Farm Ystalyfera Swansea

I refer to your correspondence received on 26 August 2022, concerning the above and your request for pre-application advice. Having considered the nature of submission, I respond as follows.

Local Context and Constraints

- *HIGH RISK COAL AREA*
- *SINC Ancient Semi Natural Woodland*
- *TPO T193*

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

Amgylchedd ac Adfywio

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd

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Environment and Regeneration

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

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

Relevant Planning History

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

None.

Relevant Planning Policies

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

National Planning Policy:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6 – Town Centre First

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

The following is of particular relevance in the assessment of this planning application:

PPW 11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN6: Planning for Sustainable Rural Communities
- TAN12: Design

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

Strategic Policies

- **Policy SP3** Sustainable Communities
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP22** Welsh Language

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EC4** Protection of Existing Employment Uses
- **Policy EN2** Special Landscape Areas
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New Development

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- Parking Standards_(October 2016)
- Biodiversity and Geodiversity (May 2018)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)

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

Analysis of Proposal

In relation to the principle of development, Policy SC1 is relevant insofar that it allows for development outside of the defined settlement limit under Criterion 7 – it is an appropriate 'One-Planet Development'.

We cannot therefore agree an in principle development as only a planning application can consider the appropriateness of a development. In order for a forthcoming submission to stand a fair chance, full details of the purpose of the proposal must be submitted in the form of a full supporting statement and management plan in line with TAN6. The plan together with statement will support the application and assist the planning authority in assessing the principle. Whilst it is noted that

the pre-application enquiry is submitted with a short supporting document, this is not sufficient in ascertaining the principle of development. As previously mentioned, whilst the pre-application submission can comment on what is already submitted, it cannot establish the Principle.

With regard to the physical changes, (specifically but not limited to pig farming, planting, parking, solar panels and location of the residential unit), this should be shown to a recognised scale on a block plan. The native planting is fully supported, details of this will need to be submitted to allow the Council's Arborist and Ecologist to assess the details appropriately.

In relation to the residential unit this would appear more as a rendered static caravan than a sustainable dwelling. The site is located within a Special Landscape Area – this designation must achieve good design as part of any development. Whilst this is applicable to the appearance, this will also be considered as part of the principle of development. The Council support innovative through design and it encourages the prospective applicant to engage with this design – practically given the landscape policy – should the applicant wish to retain the proposal as is, justification must be given for the design choice. It may be beneficial to incorporate a green roof, this will support the dwelling in appearing more cohesively with the land. Orientation of the property should be considered as well to maximise solar gain into the property.

The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Future Wales: The National Plan 2040 Policy 2 Shaping Urban Growth and Regeneration – Strategic Placemaking, states that;

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:

- **creating a rich mix of uses;**
- **providing a variety of housing types and tenures;**
- **building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;**
- **increasing population density, with development built at urban densities that can support public transport and local facilities;**
- **establishing a permeable network of streets, with a hierarchy that informs the nature of development;**
- **promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and**
- **integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.**

Planning authorities should use development plans to establish a vision for each town and city. This should be supported by a spatial framework that guides growth and regeneration, and establishes a structure within which towns and cities can grow, evolve, diversify and flourish over time.

Planning Policy Wales states that in respect of good design and making better places;

“Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales”.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

The Placemaking Charter, of which Neath Port Talbot Council are a signatory sets out the following principles;

People and community

The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access jobs, services and facilities via walking, cycling or public transport.

Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public realm

Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

A development of this scale and type will need to address all of the forgoing placemaking principles, as set out within **Future Wales and Planning Policy Wales**, and the objectives for good design set within **Planning Policy Wales**. How your proposals address all of these principles will be required as part of any Planning statement/ design and access statement submitted with your application. Your application will be assessed against these principles as they are key to ensuring that development positively contributes towards building sustainable places that support active and healthy lives,

Biodiversity

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

Planning Policy Wales (PPW) 11 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity”. This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The ‘Dear CPO’ letter from Welsh Government dated 23/10/2019 makes it clear that where **biodiversity enhancement** is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

Biodiversity enhancement is necessary for all applications of development.

Accordingly, you are advised of the need to undertake an Extended Phase 1 habitat survey of the site for submission as part of your application. This survey should include the identification of the presence of s7 Environment (Wales) Act habitats and species, and sites that meet SINC criteria, in addition to protected species. A balance of s7/ SINC habitat loss/gain to the scheme should be included, and the surveys should cover all areas that may be impacted by the scheme.

It will be important to follow any recommendations made within the phase 1 survey, insofar as they relate to the need for further more specific surveys (e.g. bird surveys, reptile surveys) since failure to submit such additional surveys would mean that your application would be invalid. Given that

the survey seasons can be limited, failure to plan ahead may also lead to a significant delay in registration, and consequently impact on project timescales.

An assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016); this shall particularly consider:

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

You will also need to put forward proposals for mitigation/compensation for any adverse impacts identified in the above assessments. For smaller applications this can be in the form of integrated bat/bird bricks. For larger applications advice from a suitably qualified ecologist should be sought. Enhancements will also be required as part of the SuDs process but must be detailed in the planning application.

Once you have the results of the survey, you are therefore strongly encouraged to liaise further with the Council's Countryside & Wildlife team on biodiversity@npt.gov.uk so that they may provide proactive advice to seek to address any identified biodiversity issues at the earliest stage of your project/design.

You are encouraged to contact Dŵr Cymru Welsh Water (DCWW) to seek further pre-application advice – see note below for details of their pre-application services.

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

Please note that all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#).

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

If you have not done so already, and your development would not fall into any of the relevant exceptions¹, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. **There is an additional charge of**

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

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

£250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/planning.

Required Supporting Documentation

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

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

- Design and Access Statement (see TAN 12 Design, Appendix 1)
- Phase 1 Habitat Survey / Bat Survey / Barn Owl Survey
- Details of biodiversity enhancements
- Tree Survey
- Coal Mining Risk Assessment (Not CON29-M Report)
- Contaminated Land Desk-top Assessment
- Site survey identifying existing ground levels, plus details of proposed levels including sections / cross-sections

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

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

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

"Guidance on the use of the standard application form ('1app') and validation of applications":
<https://gov.wales/sites/default/files/publications/2019-03/section-7-annex-planning-applications-lists-of-validation-requirements.pdf>

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

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

How we will deal with your planning application

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

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

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

Development Team Approach – Building Control

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

Requests for Further Advice

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

Yours faithfully

Billy Stark

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

Seeking Pre-Application Advice from External Consultees

Natural Resources Wales (NRW)

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

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

Dŵr Cymru Welsh Water (DCWW)

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

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

Coal Authority

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

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

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