

## PLANNING COMMITTEE (REMOTE)

8<sup>th</sup> September 2020

### AMENDMENT SHEET

#### ITEM 3

<b><u>APPLICATION NO:</u> P2020/0195</b>	<b><u>DATE:</u> 28/02/2020</b>
<b>PROPOSAL:</b>	Residential Development - Variation of conditions 2 (External Materials), 11 (Provision of Ghost Island) and 17 (Phased Programme of Works for Construction of the Access Road) and amendments to the site layout and engineering details of application P2010/0562 (which varied permission P2003/1330).
<b>LOCATION:</b>	Land South of Heol Y Glyn, Glynneath
<b>APPLICANT:</b>	Enzo Homes Ltd
<b>TYPE:</b>	S73 - Variation of Condition
<b>WARD:</b>	Glynneath

#### CLARIFICATION

On page 39, the recommendation was mistakenly omitted from the report. For purposes of clarification, the resolution (to be inserted at page 39) should therefore read as follows: -

#### RECOMMENDATION

APPROVE subject to conditions (as amended by amendment sheet)

#### REVISIONS TO CONDITIONS

Since the report was published, the applicants have submitted a revised landscaping scheme which indicates the need to remove trees on the northern site boundary (due to visibility splays), including trees outside of the site boundary (as part of / subject to s278 highways approval).

The landscape details respond to officer concerns and detail the provision of a native hedgerow along both sides of the site's frontage with Heol y Glyn. The Hedgerow is also shown to be interspersed with additional native trees, 11 in total to the north eastern stretch of the frontage and 9 along the north western section of the road frontage.

While the loss of trees is always regrettable, the plan is considered acceptable and, accordingly, it is recommended that the following amendments be made to the proposed conditions:

**1.** Prior to the continuation of any further works on site, full details of a phasing plan of works for the hereby approved development shall be submitted to and approved in writing by the local planning Authority. The proposed phasing plan shall fully detail the areas of the site including all roads, accesses, drainage and landscaping works that will be included in each of the phases of development, together with an estimated programme of works giving likely times for the start of each of the phases of development, including planting works. The development shall be fully implemented in accordance with the approved details.

Reason.

To ensure that all required information is submitted at the appropriate point of development and that the development is carried out as approved.

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

Drawings:

- Proposed Site Plan – Planning Boundary – E-634 Drawing No. LP-01 dated 10/02/20.
- Proposed Site Layout – E-634 drawing No. 1 rev A dated 24/06/20 and submitted on 31/07/20
- Proposed Site Section – E-634 Drawing No. 11 Rev A dated 27/07/20 and submitted on 31/07/20.
- Initial Levels and Retaining Structures SK03 rev P13 submitted on the 31 July 2020.
- Proposed Drainage Layout 9610 Drawing no. 100 Rev P3 dated 28/05/20 and received 31/07/20 by CD Gray.
- House Type A1 and A2 – Drawing No. E-634.02 dated 09/01/20.
- House Type A and B – Drawing No. E-634.01 dated 07/01/20.
- House Type C – Drawing No. E-634.03 dated 27/11/19.
- House Type D – Drawing No. E-634.04 dated 06/02/20.
- House Type E – Drawing No. E-634.05 dated 09/01/20.
- House Type F – Drawing No. E-634.06 dated 11/11/19.
- House Type G – Drawing No. E-634.07 dated 14/11/19.
- Detailed Soft Landscaping Proposals – TDA.2545.03

**30.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links

between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

#### COUNCILLOR QUESTION:

Cllr Hunt has asked officers to clarify that they are satisfied that all risk assessments on this site has been covered in the report so that the recommendation carries no harm to those living in the vicinity or any further environmental harm or impact to the community.

He also refers to Part 2A of the Environmental Protection Act 1990 which takes a risk-based approach to defining contaminated land and ask if these points been addressed properly as to any risk assessments on this site:

3.1 Part 2A takes a risk-based approach to defining contaminated land. For the purposes of this Guidance, “risk” means the combination of: (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and (b) the scale and seriousness of such harm or pollution if it did occur.

3.2 All soils contain substances that could be harmful to human or environmental receptors, although in the very large majority of cases the level of risk is likely to be very low. In conducting risk assessment under the Part 2A regime, the local authority should aim to focus on land which might pose an unacceptable risk.

3.3 Local authorities should have regard to good practice guidance on risk assessment and they should ensure they undertake risk assessment in a way which delivers the results needed to make robust decisions in line with Part 2A and this Guidance.

3.4 Risk assessments should be based on information which is: (a) scientifically-based; (b) authoritative; (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and (d) appropriate to inform regulatory decisions in accordance with Part 2A and this Guidance.

#### Current use

3.5 Under Part 2A, risks should be considered only in relation to the current use of the land. For the purposes of this Guidance, the “current use” means:

- (a) The use which is being made of the land currently.
- (b) Reasonable likely future uses of the land that would not require a new or amended grant of planning permission.
- (c) Any temporary use to which the land is put, or is likely to be put, from time to time within the bounds of current planning permission.
- (d) Likely informal use of the land, for example children playing on the land, whether authorised by the owners or occupiers, or not.
- (e) In the case of agricultural land, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.

3.6 In assessing risks the local authority should disregard any receptors which are not likely to be present given the current use of the land or other land which might be

affected. In considering the timescale over which a risk should be assessed the authority should take into account any evidence that the current use of the land will cease in the relevant foreseeable future (e.g. within the period of exposure assumed for relevant receptors in a contaminant linkage).

3.7 When considering risks in relation to any future use or development which falls within the description of a “current use”, the local authority should assume that the future use or development would be carried out in accordance with any existing planning permission. In particular, the authority should assume:

(a) That any remediation which is the subject of a condition attached to that planning permission, or is the subject of any planning obligation, will be carried out in accordance with that permission or obligation.

(b) Where a planning permission has been given subject to conditions which require steps to be taken to prevent problems which might be caused by contamination, and those steps are to be approved by the local planning authority, that the local planning authority will ensure that those steps include adequate remediation.

Have we adequately carried out our inspection duties?

2.1 Part 2A requires that local authorities cause their areas to be inspected with a view to identifying contaminated land, and to do this in accordance with this Guidance. Relevant sections of the Act include:

(a) Section 78B(1): Every local authority shall cause its area to be inspected from time to time for the purpose – (a) of identifying contaminated land; and (b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site.

(b) Section 78B(2): In performing [these] functions... a local authority shall act in accordance with any guidance issued for the purpose by the Secretary of State.

2.2 This Guidance recognises that there are two broad types of “inspection” likely to be carried out by local authorities: (a) strategic inspection, for example collecting information to make a broad assessment of land within an authority’s area and then identifying priority land for more detailed consideration; and (b) carrying out the detailed inspection of particular land to obtain information on ground conditions and carrying out the risk assessments which support decisions under the Part 2A regime relevant to that land. This Guidance refers to the former as “strategic inspection” and the latter as “detailed inspection”.

### Officer Response

The Land Contamination Officer (who will be present at Committee) has advised as follows

The risk assessment for a planning application is carried out by the developers’ consultant who should be a ‘competent person’. The Councils role as the regulator is to ensure the risk assessment and the recommendations derived are in line with current UK guidance and best practice. Should the Council identify any issues with the reporting for the current application, the report is sent back to the consultant to address these issues. This is the standard way in which all planning applications with contamination issues are handled.

Councillor Hunt appears to be asking about the Councils duties under Part 2A to identify and remediate land on which contamination is causing unacceptable risks to human health or the wider environment under the statutory definition of contaminated land. Local Authorities should only use Part 2A only where no appropriate alternative solution exists. Currently, most contamination within the NPT County Borough is dealt with through the planning process and through voluntary remediation schemes closely monitored by the Council.

Historically the Welsh Government provided a Contaminated Land Capital Grant Fund for the investigation and remediation of sites formerly determined as 'contaminated land' under the Part IIA legislation. In 2011, this funding opportunity was withdrawn and Welsh councils were left to fund investigation of sites out of their own limited budgets. This has had a negative impact on Part IIA work across Wales, as councils are hesitant to take a proactive approach to investigation if there is no funding available to rectify/remediate the problem. This had led to councils looking for alternative ways to progress their Part IIA strategies through planning, regeneration schemes, new or redevelopment and working closely with land owners to encourage voluntary remediation etc. This is the main approach Neath Port Talbot has also taken.

Within this context it is also reiterated that the Land Contamination Officer is satisfied that this is not a site where there are any significant matters that cannot be addressed through the recommended conditions.

#### **ITEM 4**

<b><u>APPLICATION NO:</u> P2020/0556</b>	<b><u>DATE:</u> 02/07/2020</b>
<b>PROPOSAL:</b>	Detached Double Garage and Associated Access Steps
<b>LOCATION:</b>	3 Clos Dewi Sant (Plot 22), Bryn SA13 2RZ
<b>APPLICANT:</b>	Mr Gareth Owen
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Bryn and Cwmavon

#### **Clarification**

On page 59, the report is mistakenly headed 'Planning Applications Recommended for Approval'.

For purposes of clarification, the heading should read '**Planning Application Recommended for Refusal**'.