

Dear NPTC,

Due to the corona virus and the unavailability of the website & written letter options of placing a planning objection the following resident has asked me to object on their behalf. Clarification of my instruction to represent this resident can be obtained from them by telephone if required.

20 August 2020

Residents name and address

Application No.- P2020/0195

Site address - Land South Of Heol Y Glyn, Glynneath, Neath.

This resident would like to object to the application on the following grounds:

HISTORICAL CONTAMINATION

Several residents in the area have witnessed what they would consider to be illegal dumping by the Cuddy Group including barrels of possible toxic waste and asbestos. It should be noted that asbestos removal and remediation was at the core of the Cuddy Group's business. One resident who worked previously as a sub-contractor with the Cuddy Group witnessed several instances of illegal tipping by the company while he was working with the Cuddy Group.

There is also a significantly high probability that the land is contaminated from its use as an ash tip circa 1940-1960. The Environment Agency states that 100% of such municipal tips are contaminated. Ash from house coal has high carcinogenic properties.

In 2008 a Geo-Technical report which tested the land and confirmed that it was contaminated was submitted to the NPTC. Even though the land was inadequately tested to a depth of less than 2 metres it was found that two thirds of the soil samples tested were found to be contaminated. This would suggest that nearly 70% of the Enzo site is contaminated. Two of the contaminants found in 2008 are classified as grade 1 carcinogens.

The Geo-Technical report provided evidence of a pathway from source to receptor and included a remediation strategy and a validation report. This is clear evidence the surveyors considered the level of contamination to be either Category 1 or Category 2 human health contamination. If land contains either of these categories

then the council has a responsibility to ensure that the land is remediated under the UK Governments Environmental Protection Act 1990.

There is no evidence of any liaison between the planning department and the Contaminated Land Team at the Neath Port Talbot Council in 2008. In 2009 the Cuddy Group withdrew the planning application with the report containing the contamination and it was never seen again in the planning process.

In 2010 the Cuddy Group submitted a new planning application and a Geo-Technical report without any chemical testing. The Cuddy Group re-defined the land as a 'brownfield' site which would suggest that remediation had already taken place. There is no evidence of this. The Cuddy Group have bypassed the remediation of the contaminated land process.

We would like to see a thorough investigation of the land for actual and potential contamination of the site down to its natural ground level.

FLOODING - Culverting the stream will increase the run of off surface water from the site to lower parts of Brynhyfyd and Woodland Park. The stream runs the complete length of Brynhyfyd and captures 100% surface water run off from the current land area of the site. If the stream is culverted then any water bypassing the on-site drainage will increase the flooding that is currently taking place in the lower parts of Brynhyfyd and Woodland Park during periods of heavy rain, storm periods and torrential downpours. It is impossible for the on-site drainage system to capture all rainfall and removing the stream will increase significantly flooding to the lower parts of Brynhyfyd and Woodland Park. The stream runs on a fault line in the earths crust and this is the most likely place for subsidence and/or an earthquake. Should the stream tunnel become blocked then the water entering at the cemetery end of Brynhyfyd will have nowhere to go. Once the stream is blocked, the lower part of Brynhyfyd will become a basin holding approximately 2 metres of water, houses and gardens will fill with water until it overflows into Old Pont-Neath-Vaughan Road. There will then be a continuous flow through the houses in Brynhyfyd, Old Pont-Neath-Vaughan Rd, Aberdare Road and Ynys Las until the tunnel is unblocked. This may take days or weeks. The same situation will happen if a large branch gets trapped on a bend in the tunnel or at the entrance. Tunneling the stream removes the water's natural flow to the River Neath and will risk the properties and lives of those living in lower Brynhyfyd.

PRIVACY - Culverting the stream will bring the development houses back to back with the Brynhyfyd houses and there will be a loss of privacy to the property with in many cases the new houses overlooking the residents of Brynhyfyd.

CONTAMINATION - Culverting the stream will increase the danger of the carcinogens in the contaminated land and other toxic waste illegally dumped on the land affecting the health of residents. This resident would like to see a professional resident led testing of the tipped material on the site.

CONSERVATION - Culverting the stream will have a major conservation impact and promote climate change. The following recommendations appear in the "Ecological Appraisal Report:" highlighting the fact that the stream is a Site of Importance for Nature Conservation thereby providing evidence that culverting the stream would have a Major negative impact on the natural wildlife of the area. The following paragraphs appear in the report:

If we refer to section 4.4.3 of the Ecological Appraisal we will see that the stream is considered to potentially provide habitat for Water Vole and Otter; additionally, it will provide habitat for Amphibians and a range of invertebrates. The stream's value is considered to be High Local as it is designated as a Watercourse Site of Importance for Nature Conservation by NPTC and its loss without mitigation would be Major. (Major is the highest level of impact criteria - Loss of feature and/or quality and integrity of feature; severe damage to key characteristics, features or elements.)5.2.2 Scrub and trees should be retained wherever possible, particularly where they offer connectivity to adjacent habitats.

5.3.1 The stream is a SINC (Site of Importance for Nature Conservation) and considered to provide habitat for a range of species. The opinion of the consultant who undertook the initial survey of the site is that the stream is retained in its current state (i.e. open, and not culverted), and protected from effects of development during construction and operational phase. A drainage plan will inform appropriate protection of the stream and any ditches/associated features beyond the site. A minimum 7m vegetated buffer is required to protect the watercourse for Otter and Water Vole.

5.7.1 The stream should be retained and protected from development (as 5.3.1 above). A method statement and mitigation plan should be prepared in order to protect amphibians during site clearance and construction.

5.10.2 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

In 2014 the NPTC introduced the **Local Biodiversity Plan** showing a commitment to protecting environments for the benefit of future generations. The council's priorities

have changed since 1989 and are aimed towards a cleaner friendlier environment. In 2016 the Local Biodiversity Action Plan aligned itself with the **Environment Wales Act (2016)**. Section 6 of this act places a duty on public authorities to 'seek to maintain and enhance biodiversity' and seek to 'promote the resilience of ecosystems'. Section 7 lists both Priority Species and Habitats of Principle Importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The stream is considered a Habitat of Principle Importance.