

Dai Richards

From: "Steve Ball" <s.ball@npt.gov.uk>
To: <dai@rugbyrelics.com>
Cc: "Nicola Lake" <n.lake@npt.gov.uk>; "Cllr. Simon Knoyle" <cllr.s.a.knoyle@npt.gov.uk>; "Cllr. Del Morgan" <cllr.j.d.morgan@npt.gov.uk>
Sent: 09 April 2020 11:38 AM
Subject: P2020/0195 Land South Of Heol Y Glyn Glynneath
 Dear Mr Richards

I refer to the numerous emails you have sent in to the Council and to your ward members in respect of the above development, the latter of which have resulted in requests to myself for clarification.

I also refer specifically to my email to you on 2nd April 2020 which made it clear that due to the number of emails you are sending during a period when we are experiencing challenging circumstances, we will no longer be able to respond to your requests for information or respond to your questions. Instead, we invited you to submit representations expressing any issues or concerns with the development which will be considered as part of our assessment of the application in question.

Despite my email, your emails and request for information have continued / increased, and have now been followed by your recent decision to stop paying your council tax direct debit (despite your 14 day 'deadline' given on 5th April). In response to your cancellation of your direct debit, I am advised that if this is the case then you will subsequently receive a bill as a referred payment. Now obviously the latter is not a matter for me in my role, but I am sure that any decision to withhold from paying Council Tax in these circumstances would be likely to be met by action from my Council Tax colleagues, though I trust that this will not be necessary.

Also despite my email, and in light of the continuing requests of my team and ward members, I have chosen to write to you for a final time to seek to clarify matters and respond to issues, after which I will again deal with your correspondence only as recorded objections to (or comment on) the application in question.

I deal with matters in turn below: -

Website Issues and Submission of Representations

Despite your claims, I can confirm that the website remains fully operational for access to application documentation. It may be that you are referring to the message on the site which states "*Please note that this site is under development. Do NOT register your details at this time*" but this does not affect consultation, while the website also emphasises that to comment on a planning application please email planning@npt.gov.uk including the application reference number. Moreover the letter of notification and the site notices make it clear that representations may still be sent in by post.

I would also like to confirm that while the 21 day deadline for submission of comment has passed, we will still continue to accept representations on the application until it is determined (or in accordance with Committee deadlines as identified on our website should it be reported to Committee).

Development on Brownfield Land / Contaminated Land

In your email of 5th April you state that "the land is shown as contaminated and a danger to local residents" and have also requested "... if NPTC has to follow guidelines, protocols or regulations relating to the building of houses on landfill or brownfield sites?". You also refer to the 2008 ground investigation which concluded that there was evidence of contamination.

In response, I would wish to emphasise that the presence of contamination on sites is incredibly common on land within Neath Port Talbot, and this matter is routinely addressed in consultation with our specialists on

land contamination matters, as well as in responses from Natural Resources Wales (NRW). In this respect it is important to understand that the presence of contamination does not make land “a danger to residents”.

Although I am yet to receive a response to the current application from our specialists, at this stage, and in light of the extant planning permission for development at the site, I see no reason why matters of land contamination cannot be addressed in the usual manner through imposition of conditions.

In terms of your specific question relating to ‘guidelines, protocols or regulations relating to the building of houses on landfill or brownfield sites’, I would draw your attention to Welsh Government guidance in [Planning Policy Wales 10](#) (pages 37 and 38). In essence these encourage developments on such land, though it does note if land is “highly contaminated” (3.51) it may not be suitable for development.

Our land contamination colleagues also have specific technical guidance they follow when considering the need to remediate and verify works on contaminated land. For example Welsh Government guidance refers to: BS10175 (2011) *Investigation of Potentially Contaminated Sites Code of Practice*; and the Welsh Local Government Association and the Environment Agency Wales ‘*Development of Land Affected by Contamination: A Guide for Developers*’ (2012).

Freedom of Information Request

I note that your email of 6th April 2020 refers to a ‘Freedom of Information request’, although would note that planning information is covered by the Environmental Information Regulations (EIR) 2004.

I also note that your email relates to the existing planning application P2020/0195 and requests the following:

- How many planning objections included the following information about possible deliberate contamination of the Enzo Development site?
- How many mentioned asbestos?
- How many mentioned the possible tipping of chemical waste?
- How many eyewitness accounts were there of the possible tipping of contaminated waste?
- What date did the NPTC or Glynneath TC inform Natural Resources Wales of a possible large scale tipping of contaminated waste?

In response, I would advise that such information on a current planning application is already publicly accessible and therefore not covered by EIR. In ‘normal times’ we would try and assist and would simply make an appointment for you to view the planning file, though I regret this is not possible at this time. In light of the ongoing assessment of the application, and receipt of representations from you and other residents, I would advise that responses to these questions can nevertheless be addressed in the Officer’s assessment of the application in question.

I would also advise that you are no doubt already of the nature of representations made, since many of these have come via yourself. But would confirm that many do raise issues of concern relating to the presence of contamination and allegations of tipping of contaminated waste. While I further note that the ‘tipping’ was in accordance with a Natural Resources Wales (NRW) license (such matters having been investigated previously at this site), in any event my colleagues in Land Contamination and NRW will ensure they are wholly satisfied that any development at the site would provide appropriate mitigation to limit the risk to public health or groundwater.

If you are dissatisfied with the response to your request, under the Authority's FOI Policy, you may appeal in writing setting out the reasons why you think the decision is erroneous, to the Authority's Monitoring Officer at the following address: - Head of Legal & Democratic Services and Monitoring Officer, Civic Centre, Port Talbot, SA13 1PJ

In the event that you appeal and are dissatisfied with that response, you may then appeal direct to the

Information Commissioner, whose address is: Wycliffe House, Water Lane, Wilmslow, SK9 4AF.

In the current circumstances, however, and given the above response which emphasises that all such matters will be considered as part of the current application, I trust that you will agree such a course of action would not be reasonable.

Delaying Determination during Covid-19

On 19th March you were advised that despite the current circumstances in relation to Covid 19 we are unable to hold the application until after the present circumstances have been relaxed. This remains the case, and I am also confident that the application has been appropriately publicised and opportunity remains for interested local residents to engage and submit comments or objections on the application.

I would also like to assure you that determination of the application will only progress once we are satisfied the development is acceptable in planning terms subject to any necessary conditions.

Future Communications

Finally, while I have responded in detail to the above, I wish to emphasise my earlier advice that we will no longer respond to your requests for information or respond to your questions. Instead, any representations you make or have made expressing any issues or concerns with the development will be considered as part of our assessment of the application in question.

Should your local Councillors raise any matters with me that require a response prior to finalising our report, then we will engage with them direct.

Once again, I trust that you will be understanding of the above, and understand that we must concentrate our resources during this challenging period on all applications and other matters before the Authority.

I also trust that the above detailed response covers matters raised to date, and that you will be able to restrict further communications to representations raising your main issues of your concerns relating to the application in question.

Regards

Steve Ball

Development Manager - Planning / Rheolwr Datblygu - Cynllunio
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/Ffôn: 01639 686727

Email / E-bost: s.ball@npt.gov.uk

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From: Dai Richards [mailto:dai@rugbyrelics.com]

Sent: 06 April 2020 15:52

To: Steve Ball <s.ball@npt.gov.uk>

Cc: Nicola Lake <n.lake@npt.gov.uk>; Cllr. Simon Knoyle <cldr.s.a.knoyle@npt.gov.uk>; Cllr. Del Morgan <cldr.j.d.morgan@npt.gov.uk>

Subject: Natural Resources Wales

FREEDOM OF INFORMATION REQUEST

To the organisations copied to this email Neath Port Talbot Council and Glynneath Town Council.

This is a Freedom of Information Request relating to the following planning application P2020/0195 - Land South Of Heol Y Glyn Glynneath Neath - planning and to the NPTC County Councillors in their dual role as Glynneath Town Councillors who having received information from the members of the public should have recorded it on Town Council records.

How many planning objections included the following information about possible deliberate contamination of the Enzo Development site?

How many mentioned asbestos ?

How many mentioned the possible tipping of chemical waste?

How many eyewitness accounts were there of the possible tipping of contaminated waste?

What date did the NPTC or Glynneath TC inform Natural Resources Wales of a possible large scale tipping of contaminated waste?

regards - Dai Richards

dai@rugbyrelics.com

www.dai-richards.wales

0797 457 4167
01639 729000

----- Original Message -----

From: [Steve Ball](#)

To: ['dai@rugbyrelics.com'](mailto:dai@rugbyrelics.com)

Cc: [Nicola Lake](#) ; [Cllr. Simon Knoyle](#) ; [Cllr. Del Morgan](#)

Sent: Thursday, April 02, 2020 8:24 AM

Subject: RE: P2020/0195 - Land South Of Heol Y Glyn Glynneath Neath - planning objections

Dear Mr Richards

I note that you have been sending in many emails recently on the above application, including requests for information. I responded to one myself yesterday about the site notice on a telegraph pole on your property, to which you have sent a further response and question.

I wish to make it clear that even in 'normal' times, my Officers are unable to enter into correspondence on

representations on applications due to the volume of representations received (as stated in our notification letters).

For this reason, and due to the number of emails you are sending during a period when we are experiencing challenging circumstances, I must advise that we will no longer be able to respond to your requests for information or respond to your questions. Instead, as you have done, please submit representations expressing any issues or concerns with the development, and these will be considered as part of our assessment of the application in question.

Please note that details on the number of representations received (currently 20, many of which are your own) on any application can be found online at <https://planningonline.npt.gov.uk/> by searching for the above reference number.

I trust that you will be understanding of the above, and note that I am copying in both of your local Councillors so that they are aware of my stance on this matter, and so they understand that we must concentrate our resources during this challenging period on all applications and other matters before the Authority.

Kind regards

Steve Ball

Development Manager - Planning / Rheolwr Datblygu - Cynllunio
Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/Ffôn: 01639 686727

Email / E-bost: s.ball@npt.gov.uk

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From: Dai Richards <dai@rugbyrelics.com>

Sent: 01 April 2020 16:35

To: Planning <planning@npt.gov.uk>; Nicola Lake <n.lake@npt.gov.uk>

Cc: Cllr. Simon Knoyle <cllr.s.a.knoyle@npt.gov.uk>; haulwenjones@live.com

Subject: P2020/0195 - Land South Of Heol Y Glyn Glynneath Neath - planning objections

66 Brynhyfryd,
Glynneath,
Neath,

SA11 5BA

Dear NPTC,

Due to the corona virus and the unavailability of the following options of placing a planning objection (website & written letter) I have objected to the development on behalf of the following residents. Please can you confirm that you have received objections from me for the following people before the 2nd April deadline and they have been registered against the application?

Jackie Lewis
Jack Kearns
Maureen Phillips
Nigel Taylor
June & Glen Wehko
Ron Rees
Pam & Morgan Thomas
Ivor Llewellyn
Iola Roberts
Joyce Jones
END OF LIST

regards Dai Richards

www.dai-richards.wales

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