

MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON MONDAY, 27 JULY 2020

PRESENT

County Councillor K Lewis (Chair)

County Councillors E M Jones, L V Corfield, L George, D R Jones, G Jones, M J Jones, H Lewis, I McIntosh, D R Price, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams and R Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillor J Williams.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign, as a correct record, the minutes of the meeting held on 2 July 2020.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillor M J Jones declared a personal interest in application 20/0738/FUL as he was appointed by the Council to the Brecon Beacons National Park Authority [BBNPA], which was considering the application the next day.

County Councillor H Williams asked that it be noted that he was previously a member of the Nant Helen Liaison Committee and that his membership ceased 2½ years ago.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that County Councillor D Thomas (who is not a member of the Committee) would be speaking as the 'local representative' in respect of any application on the agenda.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated on 24 July, 2020.

4.2 20/0738/FUL Land at and Surrounding Nant Helen Open Cast Coal Site, Powys and Onllwyn Distribution Centre, Neath Port Talbot

Grid Ref:	283213 211223
Valid Date:	15/05/20
Community Council:	Tawe-Uchaf Community Council
Applicant:	Mr Rob Thompson, Celtic Energy Ltd, 9 Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX
Location:	Land at and surrounding Nant Helen Open Cast Coal Site, Powys and Onllwyn Distribution Centre, Neath Port Talbot
Proposal:	Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility). (Cross-boundary application, see Neath Port Talbot CC Application ref. P2020/0362)
Application Type:	Full

The Planning Officer reminded the Committee that the application under consideration was to create a flexible and adaptable area of land that could be used for a variety of uses. Any potential future uses of the site will be subject to separate planning applications and this application proposes restoration to agriculture, nature conservation and amenity uses. The current application is considering whether the landform is appropriate in its own right, but Members can attach some weight to its ability to facilitate potential future uses without prejudicing any decisions on any future applications.

County Councillor D Thomas spoke as a local representative and also spoke on behalf of County Councillor S Williams.

Councillor S Davies, Chair, Tawe Uchaf Community Council spoke on behalf of the Community Council.

Mrs S Pyart spoke against the application.

Mr D Barry, Arup, spoke as the Agent on behalf of the applicant.

The Planning Officer advised that if the Committee was minded to approve the application the conditions were those detailed in the report and additional conditions in the update report. The application was subject to an EIA.

Comment was made that it was disappointing that the Committee had not made a site visit. Although the drone footage was useful it did not provide the same impact as being on site to assess the feel and visual impact of the proposal.

In response to questions regarding the embankments the Planning Officer advised that it is likely that intrusive ground investigations would be required to establish the current ground conditions. Any soft ground would need to be removed and replaced with new material that can support the embankment. The slopes would also likely to be benched with new material placed on these and compacted so that new material would sit on flat areas to reduce the impact of gravity. The Planning Officer referred to the Update report in which it was noted that the Land Drainage Officer highlighted the risks of such proposals. However, officers were content with the proposed design, but conditions were recommended to ensure that the exact details were provided to the Planning Authority for consideration. The Officer confirmed that the concerns of the local community and Community Council were recognised and the condition requiring the detailed embankment design acknowledged those fears. An application to discharge the condition would involve consultation with the community and the Community Council.

The Senior Land Drainage Officer in response to questions regarding land drainage advised that information about culverts, attenuation ponds etc were contained within the submitted drainage strategy. Ongoing maintenance was outside planning and was part of SAB. A maintenance plan would need to be submitted and approved by the Planning Authority but, the landowner would need to maintain all drainage systems in line with the approved plans.

The Professional Lead Development Management indicated that the concerns raised by the BBNPA and Natural Resources Wales had been addressed by the photomontages provided by the applicant. In response to questions regarding a site visit the Professional Lead Development Management advised that the Authority was working within the Welsh Government guidelines and rules. The Welsh Government is encouraging Authorities to make decisions rather than deferring applications. It had advised that site visits should be a last resort and technology should be used, where possible. As a result, Development Management had utilised photo montages and also made a drone video of the site, to inform the Committee's consideration of the application.

A question was raised regarding the effect of climate change and whether future climate change over a 30 or 40 year period had been assessed. The Planning Officer advised that a 40% allowance had been made to take into account climate change and the Senior Land Drainage Officer confirmed this. In respect of the geotechnical design, the Committee was advised that the Authority would need to engage an expert in geotechnical design to review the detailed plans submitted by the applicant and provide advice to the Authority.

In response to questions regarding the attenuation ponds, the Senior Land Drainage Officer advised that detailed designs, including the lining to be used, would be provided as required under the conditions. The Planning Officer stated that if the submitted detailed designs were not considered to be appropriate the Planning Authority would not approve the discharge of the conditions. The Planning Officer advised that material would be taken from the overburden

ground to restore the surface mine site and no earth would be brought from other locations. In respect of the vehicle movements the Planning Officer advised that the 300 – 600 estimated vehicle movements per day related to movements within the site and there would be no additional vehicle movements onto the highway system.

It was noted that the proposed embankments were to the south of Caehopkin and Brooklands Terrace and concerns were raised that the height of the embankments would have an impact on the sunlight levels in these two areas, especially in the winter. The Planning Officer advised that the proposed embankments would not impact on the current skyline and therefore there would be no additional loss of light.

Comment was made that the application had been processed quickly. The Professional Lead Development Management advised that there had been ongoing discussions with the applicant which had meant that the documentation submitted was of a quality which meant the application was at a stage for consideration. He also advised that the statutory consultation had been undertaken and therefore no one had been denied the opportunity to comment on the application.

The Professional Lead Development Management advised that if the application was approved with the recommended conditions the applicant would need to submit further detailed information to the Planning Authority for its consideration. The applicant would have to apply for the discharge of specific conditions. The Committee noted that at this point there would be further consultation with the local community and Community Council. The local member could call-in such applications or the Professional Lead Development Management could require the application to be considered by Committee.

The Senior Land Drainage Officer in response to questions advised that the SAB places a maintenance responsibility on the applicant or any future owner. The landowner would need to undertake regular inspections of the attenuation ponds etc and could at any time be asked to demonstrate that they comply with any agreed maintenance regime. The Planning Officer also advised that the land owner and developer would be responsible for the maintenance of the entire site and as part of the conditions would be expected to sign up to a 25 year ecological management and mitigation plan and a 20 year landscaping plan, as well as the SAB approval in respect of the drainage regime. The restoration of the mine site was also subject to a 10 year aftercare scheme, to which the current or any future landowner would need to adhere.

The Planning Officer confirmed that when detailed geotechnical design, drainage plans, landscaping plans and contaminated land plans are submitted, as required by the proposed conditions, planning applications will need to be submitted for the conditions to be discharged. For each of these the local community and Community Council would be consulted and the Planning Authority would seek expert advice on the safety issues relating to the plans. There would be a further opportunity for the local councillors to call-in the applications.

It was moved and duly seconded to approve the application as recommended by the officer as detailed in the main report and the additional conditions set out in the update report and subject to the additional assurances that any application to

discharge conditions would be considered by the Committee, if the local members were to call-in the applications.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the main report and the additional conditions set out in the update report which is filed with the signed minutes and subject to the additional assurances that any application to discharge conditions would be considered by the Committee, if the local members were to call-in the applications.	As officer's recommendation as set out in the main report and additional conditions set out in the update report which is filed with the signed minutes.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 24 June 2020 and 17 July 2020.

6.	APPEAL DECISION
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The Committee received a copy of the Planning Inspectorate's letter regarding the appeal in respect of application P/2018/0528 - Oakcroft, Pentre, Churchstoke, Montgomery SY15 6ST. The Committee noted that the Inspector had dismissed the appeal.

County Councillor K Lewis (Chair)