



Neath Port Talbot County Borough Council

Local Development Plan 2011 – 2026

Examination Statement

Matter 10: Culture & Heritage

(April 2015)



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1 Culture & Heritage

1.1 Key Issues

KEY ISSUE: Do the policies and proposals on this matter achieve the relevant objectives of the LDP in a sustainable manner consistent with the WSP and national policy? Are they based on robust and credible evidence?

KEY ISSUE: Where appropriate, have alternative strategies been considered, is the identification of any sites based on a robust and rational site selection process?

KEY ISSUE: Are the policies and requirements clear, reasonable and justified?

1.1.1 The Council considers that these key issues have been satisfactorily addressed as set out in the detailed responses below.

1.2 Built Environment & Historic Heritage

1.2.1 Question 1

Should Policy BE 1 refer to consideration of the viability of the proposed development?

1.2.1.1 The Council contends that it is not appropriate to refer to viability matters in the policy.

1.2.1.2 The Council considers design to be an integral part of the normal development process, not an additional requirement and that good design should not be optional. The requirement for good design does not necessarily imply significant additional costs that would affect the viability of a site, and in some circumstances it can help to reduce development costs or improve profitability.

1.2.1.3 Policy BE1 (Design) sets out the Council's design expectations and indicates that development will not be permitted unless the requirements are complied with, where relevant. The Council is satisfied that the terms of the policy are sufficiently flexible to allow for negotiation and the balancing of requirements with costs. The design requirements, as set out in the policy, are considered to be reasonable, realistic and necessary.

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1.2.2 Question 2

Is the approach to the protection and restoration of the canal network contained in Policy BE3 consistent with national guidance?

1.2.2.1 The Council is satisfied that the approach taken to the protection and restoration of the canal network accords with national guidance and is reasonable and proportionate.

1.2.2.2 National planning policy and guidance acknowledges the importance of canals and inland waterways for recreation, biodiversity and 'green corridor' functions. Planning Policy Wales encourages Local Planning Authorities to promote canals and the use of inland waters for sustainable recreation⁽¹⁾. Other guidance and policy relating to canals relates to their possible use for transport purposes, which is not considered to be a realistic commercial prospect for any canal within Neath Port Talbot.

1.2.2.3 In respect of the local concern about safeguarding the routes of canals where the canal is disused but where there are aspirations for restoration for purposes other than purely transport uses, this does not appear to be specifically addressed by national guidance.

1.2.2.4 Policy BE3 (The Canal Network) is a safeguarding policy that seeks to prevent any development that would compromise the integrity of the canals and prevent their restoration for recreation, biodiversity, cultural and historic interest reasons. The provisions of the policy therefore relate to the prevention of developments that could prejudice these interests and compromise the continuity of the canal route and prevent future restoration. The approach taken reflects the approach advocated in national guidance for the safeguarding of disused rail lines for transport purposes⁽²⁾. Importantly, it is emphasised in the guidance that such safeguarding should only be imposed where there is a realistic prospect for the re-use of the facility for transport purposes in the future.

1.2.2.5 Consequently, the approach taken for the canal network in Neath Port Talbot is considered to follow a reasonable extrapolation of this approach in that the policy safeguards extant lengths of canal (i.e. that are not cut off from the network) from developments that would compromise their continuity, recreational use and historic character.

1.2.2.6 However, where the canal effectively no longer exists, and/or there is no prospect of it being reconnected to the remainder of the network or any specific plans for reinstatement or restoration, the Council considers that restrictions on development proposals would not be in accordance with the spirit or intention of the guidance. Consequently, part 2 of Policy BE3 is considered to go as far as reasonably possible towards safeguarding the parts of the canal routes where there is in effect no extant canal, or no immediate prospect of restoration at present.

1 Paragraph 11.1.13 'Planning Policy Wales'.

2 Paragraph 8.5.4 'Planning Policy Wales'.

1.2.2.7 Whereas Policy BE3 concerns the protection of the line of the canals to protect the network and its amenity and cultural benefits, those specific features along the network that are noteworthy or important for architectural or historic reasons can be (and are in a number of cases) protected by being designated as listed structures or ancient monuments.

1.2.2.8 Policy BE2 (Buildings of Local Importance) will apply to other features that do not meet the criteria for statutory designation but are identified in the Council's inventory of 'Buildings of Local Importance'⁽³⁾.

1.2.3 Question 3

What would be the benefits of restoring the full length of the Swansea Canal? Should that section between Trebanos and Pontardawe be safeguarded under Policy BE 3? Is it likely that its restoration could be delivered within the Plan period?

What would be the benefits of restoring the full length of the Swansea Canal?

1.2.3.1 Restoration of the full length of the Swansea Canal would bring a range of benefits in terms of recreation and leisure opportunities, the provision of a long distance walking and cycling route, improved connectivity of the green / blue corridor and the creation of habitats.

1.2.3.2 Notwithstanding these benefits, there could also be some disbenefits or difficulties in areas where changes in recent years have affected or built over the canal line. For example, road construction at Pontardawe, Gnoll Road and Godre'r Graig / Ystalyfera and the designation of the Swansea Canal Local Nature Reserve at Ynysmeudwy, which might be adversely affected by canal restoration.

Should the section between Trebanos and Pontardawe be safeguarded under Policy BE3?

1.2.3.3 The section of canal in question is illustrated on Examination Document ED016⁽⁴⁾.

1.2.3.4 The length of canal that is not shown on the Proposals Map as being protected relates to a section where the original canal has been infilled and there are no significant remains visible to indicate its route. Furthermore, it would appear that new development that has taken place in the area⁽⁵⁾ has affected the original canal route and that to reconstruct the canal along this stretch would require (1) an element of realignment away from the original route in places, and (2) significant re-engineering works in the vicinity of the A474 where the new road by-passes Pontardawe Town Centre.

3 An inventory of 'Buildings of Local Importance' will be compiled as part of preparing Supplementary Planning Guidance.

4 Ref: AS(A) 9 'Swansea Canal Safeguarded Canal Route' - Document Ref: ED016.

5 The retail park at Parc Ynysderw, Pontardawe and new roads including the A474 at Pontardawe and the access road to Pontardawe Leisure Centre.

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1.2.3.5 Consequently, the Council does not consider it feasible or reasonable to identify this length of canal for safeguarding.

Is it likely that restoration could be delivered within the Plan period?

1.2.3.6 At this juncture the Council is not aware of any specific solutions to these issues, whether any agreement with land owners or others with interests in the land exists or whether any funding or any specific plans or timescales for the rebuilding and reinstatement of this length of canal is in place.

1.2.3.7 In the absence of such information, there would appear to be no definite prospect of restoration within the Plan period (i.e. before 2026) and in this respect, the Council considers that it would not be reasonable to restrict development in anticipation of canal restoration which may never take place.

1.2.3.8 Notwithstanding the fact that the section between Trebanos and Pontardawe Town Centre is not identified on the Proposals Map as a safeguarded length of canal, part 2 of Policy BE3 (The Canal Network) would apply to this section, requiring any new developments to take into account the line of the canal if reinstatement of this section is deemed to be a possibility at the time that any application is submitted.

1.2.4 Question 4

What would be the benefits of safeguarding the Neath Canal between Ysgwrfa Bridge and Glynneath under Policy BE 3? Is it likely that its restoration between Ysgwrfa Bridge and Manor Drive could be delivered within the Plan period?

What would be the benefits of safeguarding the Neath Canal between Ysgwrfa Bridge and Glynneath?

1.2.4.1 The section of canal in question is illustrated on Examination Document ED016⁽⁶⁾.

1.2.4.2 Safeguarding the Neath Canal between Ysgwrfa Bridge and Glynneath under Policy BE3 would imply that any development that could prejudice the conservation, restoration and operation of the canal here or adversely affect its setting or use for recreation or water supply would be resisted. This would give additional protection to this length of canal, which is currently largely extant (but derelict) as far as the crossing point of Manor Drive.

1.2.4.3 This would bring benefits in terms of the preservation of the cultural and historic associations and features of this length of canal [although as with the Swansea Canal, specific features are listed or can be protected under other provisions such as Policy BE2 (Buildings of Local Importance)], but there would appear to be little current prospect of restoration works taking place.

1.2.4.4 This length of canal is likely to remain isolated from the rest of the network which occurred as a result of road realignment works on the B4242 (which are unlikely to be modified to accommodate the canal), and another road bridge providing access to Aberpergwm Mine currently also prevents navigation. Consequently, some of the terms of the policy relating to safeguarding including the future operation of the canal or its use for recreation purposes are unlikely to be applicable in this instance.

Is it likely that restoration could be delivered within the Plan period?

1.2.4.5 At this juncture the Council is not aware of any specific solutions to these issues, whether any agreement with land owners or others with interests in the land exists or whether any funding or any specific plans or timescales for the rebuilding and reinstatement of this length of canal is in place.

1.2.4.6 In the absence of such information, there would appear to be no definite prospect of restoration within the Plan period (i.e. before 2026) and in this respect, the Council considers that it would not be reasonable to restrict development in anticipation of canal restoration which may never take place.

1.2.4.7 Notwithstanding the fact that the section between Ysgwrfa Bridge and Glynneath is not identified on the Proposals Map as a safeguarded length of canal, part 2 of Policy BE3 (The Canal Network) would apply to this section, requiring any new developments to take into account the line of the canal if reinstatement of this section is deemed to be a possibility at the time that any application is submitted.

1.3 Welsh Language

1.3.1 Question 5

Is the approach to the Welsh language contained in Policy WL1 consistent with national guidance?

1.3.1.1 The Council is satisfied that the approach contained in Policy WL1 is consistent with national policy guidance.

1.3.1.2 Planning Policy Wales (PPW)⁽⁷⁾ stipulates that Local Planning Authorities should consider whether they have communities where the use of the Welsh language is an important part of the social fabric, and where this is so, it is appropriate that this be taken into account in the formulation of land use policies.

1.3.1.3 Technical Advice Note (TAN) 20⁽⁸⁾ supplements PPW and provides guidance on how the planning system should consider the implications of the Welsh language when LDPs are prepared, stipulating that Welsh Language Impact Assessment should be

7 PPW Edition 7 (Welsh Government 2014).

8 Technical Advice Note (TAN) 20: The Welsh Language (2013).

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undertaken at the LDP preparation stage, when formulating the strategy, policies and site allocations. In addition, TAN20 states the Sustainability Appraisal (SA) should assess the impacts of the LDP policies and allocations on the Welsh language.

1.3.1.4 Due to the varying linguistic make up of Neath Port Talbot, the Council does not consider it appropriate to apply the Welsh language policies across the County Borough. Moreover, in accordance with national policy guidance and in respect of the local context, the Council has identified 'Language Sensitive Areas' where the tradition and culture of the use of the Welsh language is strong and where the language is spoken by 25% or more of the population. Such areas are listed in Policy SP22 (Welsh Language) and shown on the Proposals Map.

1.3.1.5 As part of the evidence base supporting the LDP, the Council commissioned a Welsh Language Impact Assessment (WLIA)⁽⁹⁾ which in broad terms concluded that larger scale developments can have a potential negative impact on the integrity of the Welsh language.

1.3.1.6 Furthermore, the SA prepared by the Council considered impacts on the Welsh language as part of a comprehensive coordinated appraisal and incorporates a Welsh Language Impact Assessment⁽¹⁰⁾.

1.3.1.7 Informed by the evidence base, Policy WL1 stipulates that in language sensitive areas, development proposals above a certain scale will require the submission of a 'Language Action Plan' (LAP) setting out the mitigation measures to be taken to protect, promote and enhance the Welsh language. The supporting text⁽¹¹⁾ provides examples of the type of mitigation measures that may be appropriate.

1.3.1.8 The Council is satisfied that the Deposit Plan is sufficiently clear in respect of the fact that the provisions of the policy relate only to mitigation measures and not the principle of development. Given that Policy WL1 seeks to offset any negative impacts on the Welsh language which have already been established at the Plan level, the approach is considered to be consistent with national policy guidance.

1.3.1.9 The justification for the development thresholds identified in the policy are set out in Examination Document ED008⁽¹²⁾.

1.3.1.10 Further details in respect of the requirements of the policy and the scope of LAPs will be set out in Supplementary Planning Guidance.

9 Document Ref: EB22.

10 Section 8.3 'Sustainability Appraisal of the Deposit LDP' - Document Ref: SD05.

11 Paragraph 5.5.32 'Deposit LDP' - Document Ref: SD04.

12 Paragraph 2.7.5 'Observations on the Focussed Change Representations' - Document Ref: ED008.



Local Development Plan
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