



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Dyddiad/ Date 4th May 2020
Rhif Ffôn/ Direct Line 01639 686681
Ebost/ Email c.morris1@npt.gov.uk
Cyswllt/ Contact Ceri Morris
Eich cyf / Your ref
Ein cyf/ Our ref

Mr D Richards

On behalf of:
Glynneath Residents "say enz-NO" Group

BY EMAIL ONLY TO dai@rugbyrelics.com

Dear Mr Richards,

Re: Heol Y Glyn, Glynneath – Are Neath Port Talbot Council contravening the Environmental Protection Act 1990?

In your email of the 19th April 2020 directed to the Leader of Neath Port Talbot Council ("the Council"), you refer to a number of concerns where you feel the Council has not upheld its responsibilities in relation to the Environmental Protection Act 1990 and as part of this, you highlighted concerns in regard to the conduct of my Development Manager, Mr Steve Ball, specifically the handling of the (current) planning application at the above mentioned site and the fact that Mr Ball had not answered questions that had been raised with him.

In line with the Council's protocols, these concerns were forwarded to me for me to consider and respond to you accordingly. As Head of Service, I was appointed to oversee this investigation and respond to you to demonstrate the seriousness as to how the Council takes such matters and to ensure your views are considered in detail.

Notwithstanding the fact that in a subsequent email to myself (dated 28th April 2020), you indicated that you did not wish to make a complaint, I have since advised that the matters you have raised in your email of 19th April would nevertheless require investigation in order to ensure your views can be considered in an open and transparent manner.

As part of my investigation, I have held discussions with all relevant officers and reviewed the extensive and continued correspondence that you have submitted to the Planning Department in respect of the current planning application associated with the Heol Y Glyn site.

Amgylchedd ac Adfywio

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd
Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG
Ffôn 01639 686868

Environment and Regeneration

Ceri Morris Head of Planning and Public Protection
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG
Phone 01639 686868

www.npt.gov.uk

Dealing first with the conduct of Mr Ball, you have referred to the '*Policy Statement and General Principles of Code of Conduct*' which states:

"The public is entitled to expect the highest standards of conduct from all employees.....The role of such employees is to serve the Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. Public confidence in the Authority and in an employee's integrity would be shaken if the least suspicion were to arise that an employee could in any way be influenced by improper motives".

I note that you then state that Mr Ball has been '*openly ignoring and refusing to address [your] legitimate concerns regarding planning at Heol Y Glyn*' and allege that this '*brings into question the planning departments integrity, impartiality and objectivity*' and '*constitutes a breach of your code of conduct [which] erodes [your] confidence in the Council*'. You have further inferred in your email that Mr Ball is not 'impartial' because he has stated that he sees '*no reason why matters of land contamination cannot be addressed in the usual manner through imposition of conditions*'.

In response, I would advise that Mr Ball is a highly qualified and respected Planning Officer with considerable experience of the Development Management process, and I am wholly satisfied that both in general terms, and on this case in particular, that he has and continues to uphold the highest standard of conduct at all times.

While I note that Mr Ball has advised you that the Department would not be able to continue to respond to you, citing your continued and extensive correspondence, he has nevertheless sent you a very comprehensive email on 9th April 2020 seeking to address the issues you have raised. While you might disagree with Mr Ball, I consider this to be very good service on his part. Furthermore, I wish to advise that I am fully supportive of the general stance taken by Mr Ball to cease further responses to you and instead to deal with matters in the Department's assessment of the application in question, not least because even in 'normal' times officers are unable to respond to emails on individual applications, and in these extraordinary times officers simply do not have the capacity to do so.

I would also add that the comments made by Mr Ball in respect of land contamination are his professional views at this time based on the information the Department has available, and based on his considerable experience and the fact that this site has an extant planning permission – i.e. material operations comprising the development or the use authorised by the permission at the site have been initiated before the time limits set by condition have expired.

Accordingly, I find that Mr Ball has undertaken his duties to date in a highly professional manner and that there has been no breach of any code of conduct.

Turning specifically to the issue of land contamination at the site and whether the Council has historically contravened the Environmental Protection Act 1990, I would advise that this legislation no longer applies when a site is going through the planning process; by definition therefore the Council has not at any point contravened its duties

under this legislation, as it is not relevant once the planning process has commenced.

What is relevant however, is that through the planning process, the Council is required to address land contamination to ensure sites are safe and suitable for use after development has been completed. Mr Ball has already quite rightly drawn your attention to the fact that these matters are routinely addressed throughout the process in consultation with the Council's specialist officers on land contamination matters, as well as in responses from Natural Resources Wales (NRW).

I note that the Geo-Technical and Geo-Environmental Report to which you refer, which supported planning application P2008/1462, did find low levels of contamination and concluded that clean cover should be provided in residential gardens which would mitigate all risk posed by any contamination present at the site.

As part of ongoing consideration of the current application therefore, my officers will be giving full regard to all available information, and given the date of the historical report referenced above, will need to make a judgement call as to whether a new updated study is required.

In conclusion, while I appreciate that you are concerned about the development of the site in question, and wish to ensure that matters such as contamination and wider impacts on amenity are appropriately considered, I am wholly satisfied that a decision on the application will be made in due course in an open and transparent manner, and that all matters raised will be appropriately considered through the determination process.

Furthermore, I would note that the application has been 'called-in' by your local Members for a decision by members of the Planning Committee and through their review of the report (which would be publicly available for inspection in advance) they will ensure that they are satisfied that local concerns are adequately addressed before reaching their decision.

Should however you consider at a later stage that the Local Planning Authority has failed to act properly, then it would be open to you to raise this first as a formal complaint to the Council and then, if you remain dissatisfied, to the Public Services Ombudsman. Alternatively you are of course able to pursue a judicial review of the Council's decision. However, please be assured all legal and procedural processes will be complied with in decision making.

At this time however, I reiterate that I am wholly satisfied with the conduct of my officers and of their ongoing assessment of the application in question. Moreover that when the application is reported to members of the Planning Committee in future (in whatever form that exists at the time due to Covid-19), I am confident that your concerns will be appropriately addressed in their report and, in the event of a positive recommendation, in any relevant conditions they would recommend are imposed.

Finally, while writing, I would wish to reiterate the advice given by Mr Ball that the Department will no longer respond to your requests for information or respond to your questions. Instead, I give you the assurance that 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.

I trust you will find my response of assistance.

The Council has treated your concerns as a Stage 2 Complaint under our Complaints Process. Although you have not deemed your concerns a complaint, it was felt that this was the best process to consider your concerns and to ensure you had a response on the issues you raised.

In the event you are dissatisfied, you are of course able to make a referral the Public Service Ombudsman for Wales via their website (www.ombudsman.wales).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ceri Morris', written over a horizontal line.

Mr Ceri Morris
Head of Planning and Public Protection