



---

## Penderfyniad ar Gais

Ymweliad â safle a wnaed ar 05/02/18

gan **Joanne Burston BSc MA MRTPI**  
Arolygydd a benodir gan Weinidogion Cymru  
Dyddiad: 09/02/2018

## Application Decision

Site visit made on 05/02/18

by **Joanne Burston BSc MA MRTPI**  
an Inspector appointed by the Welsh Ministers  
Date: 09/02/2018

---

**Application Ref: COM/3188191**  
**Gwaun Cae Gurwen Common**

**The Welsh Ministers have transferred the authority to decide this application to me as the appointed Inspector.**

Register Unit No: CL 25A

Commons Registration Authority: Neath Port Talbot County Borough Council

- The application, dated 13 November 2017, is made under Section 38 of the Commons Act 2006 (the 2006 Act) for consent to carry out restricted works on common land.
  - The application is made by Mr David Phillips (Neath Port Talbot County Borough Council), The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG.
  - The works comprise the replacement of the existing lighting columns and associated cabling. Columns will be steel, with approximately 630 metres of trenching and cabling.
- 

### Decision

1. Consent is granted for the works in accordance with the application dated 13 November 2017 and the plans submitted with it.

### Preliminary Matters

2. I carried out an unaccompanied site inspection on 5 February 2018. My decision has been made on the basis of my observations on this visit, taking account of the application and representations received in response to the advertisement of the application. However, the application has received no objections.
  3. I have had regard to the Welsh Government Common Land Consents Guidance, published in August 2014, which sets out the benefits which common land should deliver, and the outcomes that it considers must be ensured by the consents process. This document has been published for the guidance of both the Planning Inspectorate and applicants. However, the application will be considered on its merits and a determination will depart from the published policy if it appears appropriate to do so. In such cases, the decision will explain why it has departed from the policy.
  4. Furthermore, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WCFG Act and I consider that this decision is in accordance with the sustainable development principle through its
-

contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WCFG Act.

### **Main Issue**

5. Section 38 of the 2006 Act provides that a person may apply for consent to carry out restricted works on land registered as common land. Restricted works are any that prevent or impede access over the land. In considering such an application I am required by section 39 of the 2006 Act to have regard to the following:
- a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
  - b) the interests of the neighbourhood;
  - c) the public interest which includes the interest in nature conservation, the conservation of the landscape, the protection of public rights of access and the protection of archaeological remains and features of historic interest; and
  - d) any other matters considered to be relevant.

### **Reasons**

#### ***The interests of those occupying or having rights over the land***

6. The application was made by Neath Port Talbot County Borough Council in order to replace 25 existing lighting columns that had reached the end of their lifespan. 287 metres of underground cabling would also be required.
7. Rights of pasture and grazing exist on the common. However the works are located at: Banwen Place, Brynamman; Leyshon Road, Gwaun Cae Gurwen; and King Edward Road, Tairgwaith, which are essentially residential areas. In any event any disruption to grazing areas as a result of these works will be temporary and would not affect the long term use of the Common.
8. Accordingly, there is no indication that the proposed works will have a detrimental impact on the interests of those occupying or having rights over the land.

#### ***The interests of the neighbourhood***

9. Notwithstanding the short term inconvenience caused to the neighbourhood by the works and reinstatement, the works will not prevent local people from using and enjoying the common as a whole. I consider that the long term benefits to the neighbourhood, in terms of street lighting, outweigh the short term disturbance to the common and that the works will not have an unacceptably harmful effect on the interests of the neighbourhood.

#### ***The public interest***

##### *The protection of public rights of access*

10. No concerns in relation to access to the site have been expressed by, or on behalf of, the public. Whilst access would be restricted during the construction operations, this would be temporary. Therefore, it is considered that the proposed works will not unacceptably impede public rights of access.

*Nature Conservation & Archaeological remains and features of historic interest*

11. Given that no objections have been raised by Natural Resources Wales or Cadw and I have no evidence to the contrary, I do not consider that the proposal will have an adverse effect on the public interest in terms of nature conservation or archaeological remains and features of historic interest.

*Conservation of the landscape*

12. The replacement of the existing lighting columns would not add any additional harm to the landscape, particularly in this residential environment where such features are to be expected.

13. Accordingly, I am satisfied that the landscape has the capacity to accommodate the proposal without adversely affecting the enjoyment of the common as a whole.

**Conclusion**

14. I have taken into account all matters raised and conclude that the proposed works would not unacceptably affect the interests of persons having rights in relation to the land, the interests of the neighbourhood or the wider public interest. The works would be in conformity with the Welsh Government's policy objectives and Guidance in relation to works on common land and would have a wider public benefit.

15. For the reasons given above, I allow the application and grant consent for the proposed works.

*Joanne Burston*

INSPECTOR