



CYNGOR BWRDEISTREF SIROL
RHONDDA CYNON TAF
COUNTY BOROUGH COUNCIL

COMMITTEE SUMMONS

C Hanagan
Service Director of Democratic Services & Communication
Rhondda Cynon Taf County Borough Council
The Pavilions
Cambrian Park
Clydach Vale CF40 2XX

Meeting Contact: Kate Spence - Democratic Services (07747485566)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 10TH MARCH, 2022** at **3.00 PM**.

It is the intention to live stream this meeting, details of which can be accessed [here](#).

NON-COMMITTEE MEMBERS AND MEMBERS OF THE PUBLIC MAY REQUEST THE FACILITY TO ADDRESS THE COMMITTEE AT THEIR MEETING ON THE BUSINESS LISTED. IT IS KINDLY ASKED THAT SUCH NOTIFICATION IS MADE TO **PLANNINGSERVICES@RCTCBC.GOV.UK** BY 5PM ON TUESDAY, 8 MARCH 2022, INCLUDING STIPULATING WHETHER THE ADDRESS WILL BE IN WELSH OR ENGLISH.

THE ORDER OF THE AGENDA MAY BE SUBJECT TO AMENDMENT TO BEST FACILITATE THE BUSINESS OF THE COMMITTEE

AGENDA

1. DECLARATION OF INTEREST

To receive disclosures of personal interest from Members in accordance with the Code of Conduct.

Note:

1. Members are requested to identify the item number and subject matter that their interest relates to and signify the nature of the personal interest; and
2. Where Members withdraw from a meeting as a consequence of the disclosure of a prejudicial interest they **must** notify the Chairman when they leave.

2. HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

To note, that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the Convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

3. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

To note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4. MINUTES 27.01.22

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 27th January 2022.

5 - 8

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

5. APPLICATION NO: 21/0273

Proposed bypass, **Land to the west of Llwydcoed and the east of Penywaun, linking the A465 at Croesbychan with the A4059 at the southeast corner of Penywaun.**

9 - 120

6. APPLICATION NO: 21/0667

Extension to the existing car park serving Llwynypia Train Station, **Llwynypia train station car park, Tonypandy.**

121 - 132

7. APPLICATION NO: 21/1618

Two storey and single storey side extensions (amended plans received 08/02/2022), **19 Brecon Way, Tonteg, Pontypridd.**

133 - 142

8. APPLICATION NO: 21/1668

Single storey infill extension and new openings to rear of property, new porch extension to side, loft conversion with new dormer to front, **Mount Pleasant, 2 Tyfica Road, Pontypridd.**

143 - 148

9. APPLICATION NO: 21/1669

Proposed redevelopment of Pontyclun Primary School, including the demolition of all existing buildings, the erection of a new 'net zero carbon in operation' school building, school sports provision, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure. Plus, the erection of temporary school accommodation and associated infrastructure required during construction, **Pontyclun Primary School, Palalwyf Avenue, Pont-Y-Clun, Pontyclun,**

149 - 174

10. APPLICATION NO: 21/1670

Proposed redevelopment of Llanilltud Faerdref Primary School, including the demolition of all existing buildings, the erection of a new Net Zero Carbon in operation school building, school sports provision, vehicular, pedestrian and cycle accesses, car and cycle parking, **Llanilltud Faerdref Primary, St Illtyds Road, Church Village, Pontypridd.**

175 - 192

11. APPLICATION NO: 21/1671

Demolition of the existing Penygawsi Primary School buildings and provision of a new 'net zero carbon in operation' school including nursery and primary school provision and associated school sports facilities, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure, **Penygawsi Primary School, road from Burgess Crescent, Llantrisant, Pontyclun.**

193 - 216

12. APPLICATION NO: 21/1677

Demolition of existing single storey rear and side lean to extensions. New rear extension (part single storey, part two storey) to form 2 no. shop units (Use Class A1) to ground floor, with 1 Bedroom Flat (Use Class C3) to first floor, **Physiotherapy Clinic, 32 Cowbridge Road, Pont-Y-Clun, Pontyclun.**

217 - 226

INFORMATION REPORT

13. INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS

To inform Members of the following, for the period 14/02/2022 – 25/02/2022.

Planning and Enforcement Appeals Decisions Received
Delegated Decisions Approvals and Refusals with reasons.
Overview of Enforcement Cases.
Enforcement Delegated Decisions.

14. URGENT BUSINESS

To consider any items which the Chairman by reason of special circumstances is of the opinion should be considered at the Meeting as a matter of urgency.

Service Director of Democratic Services & Communication

Circulation: -

Members of the Planning & Development Committee

The Chair and Vice-Chair of the Planning & Development Committee
(County Borough Councillor S Rees and County Borough Councillor R Williams respectively)

County Borough Councillors: Councillor J Barton, Councillor D Grehan,
Councillor G Hughes, Councillor P Jarman, Councillor W Lewis, Councillor W Owen,
Councillor S Powderhill, Councillor J Williams and Councillor D Williams

Head of Planning
Director of Prosperity & Development
Service Director of Democratic Services & Communication
Head of Legal Services
Head of Major Development and Investment
Senior Engineer



RHONDDA CYNON TAF COUNCIL PLANNING AND DEVELOPMENT COMMITTEE

Minutes of the virtual meeting of the Planning and Development Committee held on
Thursday, 27 January 2022 at 3.00 pm

County Borough Councillors - Planning and Development Committee Members in attendance: -

Councillor S Rees (Chair)

Councillor R Williams	Councillor J Barton
Councillor D Grehan	Councillor G Hughes
Councillor P Jarman	Councillor W Lewis
Councillor W Owen	Councillor S Powderhill
Councillor J Williams	Councillor D Williams

Officers in attendance: -

Mr J Bailey, Head of Planning
Mr S Humphreys, Head of Legal Services
Mr C Jones, Head of Major Development and Investment
Mr A Rees, Senior Engineer

179 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, the following declarations of interest were made:

- County Borough Councillor W. Lewis declared a personal and prejudicial interest in respect of Application 21/1453 – Change of use from office to veterinary clinic, Rhondda Labour Party, Oxford House, Dunraven Street, Tonypandy.

“The applicant is my brother”

180 HUMAN RIGHTS ACT 1998 AND DEVELOPMENT CONTROL DECISIONS

It was **RESOLVED** to note that when Committee Members determine the development control matters before them, they should have regard to the Development Plan and, so far as material to applications, to any other material considerations and when taking decisions, Members have to ensure they do not act in a manner that is incompatible with the convention on Human Rights as incorporated into legislation by the Human Rights Act 1998.

181 WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

It was **RESOLVED** to note that the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle and to act in a

manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

182 MINUTES 02.12.21

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 2nd December 2021.

183 CHANGE TO THE AGENDA

The Committee agreed that the agenda would be considered out of sequence and as detailed in the minutes set out hereunder.

184 APPLICATION NO: 21/1198

Construction of 4 detached dwellings and associated works (Amended red line boundary plan received 14/12/21), Land adjacent to Park Surgery, Windsor Street, Trecynon, Aberdare.

Following consideration by Committee, it was **RESOLVED** to defer the Application for a Site Inspection to be undertaken by the Planning and Development Committee to consider the potential impact that the proposed development would have on highway safety.

185 APPLICATION NO: 21/1480

Installation of a demountable classroom unit, Ysgol Ty Coch, Buarth-Y-Capel, Ynys-Y-Bwl, Pontypridd Bwl, Pontypridd.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

186 APPLICATION NO: 21/0874

Re-grading of land to provide a flat area for the schooling of the Applicant's horses, Land to the rear of 8 Brynderwen, Cilfynydd, Pontypridd.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

187 APPLICATION NO: 21/1453

Change of use from office to veterinary clinic, Rhondda Labour Party, Oxford House, Dunraven Street, Tonypany.

The Head of Planning presented the application to Committee and following consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development.

(Note: At this point in the proceedings, County Borough Councillor J Barton left the meeting (3:25pm))

(Note: Having earlier declared an interest that was prejudicial in the above-mentioned application (Minute No. 179), County Borough Councillor W. Lewis left the meeting for this item).

188 INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN UNDER DELEGATED POWERS

Members **RESOLVED** to receive the report of the Service Director, Planning in relation to Planning and Enforcement Appeal Decisions received, Delegated Decisions Approvals and Refusals with reasons, Overview of Enforcement Cases and Enforcement Delegated Decisions received for the period 3/01/2022 and 14/01/2022.

This meeting closed at 3.30 pm

**CLLR S REES
CHAIR.**

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PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0273/08 (CHJ)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Proposed bypass.
LOCATION: LAND TO THE WEST OF LLWYDCOED AND THE EAST OF PENYWAUN, LINKING THE A465 AT CROESBYCHAN WITH THE A4059 AT THE SOUTHEAST CORNER OF PENYWAUN
DATE REGISTERED: 19/03/2021
ELECTORAL DIVISION: Aberdare West/Llwydcoed, Rhigos and Penywaun

RECOMMENDATION: Approval subject to Conditions

REASONS: The proposal constitutes a long-standing commitment by the Council to provide this link road. Accordingly, the LDP makes a commitment to safeguard the intended line of the road (Policy CS 8 (a) 4 refers) and a number of the development-related allocations made in the LDP were predicated on the road actually being provided (in conjunction with the dualling of the A465 and subject to the detailed consideration of any application). The South East Wales Transport Alliance Regional Transport Plan also makes a specific commitment to providing this road (one of four identified within the County Borough).

The commitment to providing the road was based, largely, on the original timescale for the dualling of the A465. As Members will be aware, this timescale has slipped and, because of the relationship between the proposed bypass and the dualling, it was not possible to submit an application until such time as the precise route and geometry of the roundabout (near Baverstock's) was confirmed.

Reference in correspondence received as part of the application, is made to the need to question whether circumstances have changed and that the need, in principle, to provide such new infrastructure still exists where the thrust of emerging (more environmentally friendly) policies seek to change the priority of the private motor car in the transport hierarchy. While there is, undoubtedly, a shift in thinking, Committee is advised that there would not appear to be any Welsh or UK Government policy that places a moratorium on considering Planning proposals for new roads, therefore Members are advised that any decision must be made having regard to current Planning policy – Future Wales

2040, Planning Policy Wales and the Rhondda Cynon Taf Local Development Plan.

When evaluating developments that are on a very large scale (such as a new road) it is not possible to either consider or construct a proposal without it affecting an area where there is some identified constraint. Such constraints often include historic assets (such as Listed Buildings and Scheduled Ancient Monuments), environmental assets (such as SSSI, SAC or European Protected Species), or the presence of residential properties (whether in large settlements or more isolated agricultural dwellings). Members will be aware that, in order to reach a decision of approval a balance must be considered as it will not be possible to approve or construct this proposal without some negative impact. Committee will need to decide whether any impacts are acceptable. Where a balance cannot be achieved, then a refusal may be the likely decision.

The applicant has identified these constraints (through the process of Environmental Impact Assessment and the submission of an Environmental Statement) and has sought to mitigate, wherever possible, any negative impacts and, where possible, enhance these features through mitigation measures.

While NRW have expressed (and still have) “significant concerns”, these concerns have been minimised so far as is possible to the point where NRW are satisfied that appropriate mitigation has been provided either through the details provided in the application submission or where conditions can be proposed that adequately deal with any outstanding concerns.

A residual concern remains in respect of the potential for the proposal to impact on the setting of the Brecon Beacons National Park. It is not considered that any impact would be so unacceptable as to warrant a recommendation of refusal, however Committee must reach its own conclusion on any impact in making a decision.

Similarly, Cadw has some “significant concerns” over the impact of the development on the remains of the Gamlyn Viaduct – which is a Scheduled Ancient Monument (SAM) although little of the original structure remains. They have advised that such concerns could be adequately mitigated by the applicant incorporating a range of specific and committed measures that would help compensate for the proposal’s impact on the setting of the historic asset.

It is considered that the applicant has chosen the optimum route for the road that causes the least damage, but Committee would need to accept that not building the road is the option that has the fewest consequences, but this must also be balanced against the positive benefits (especially to the residents of Llwydcoed and Penywaun) that the road would bring.

The applicant has also proposed mitigation measures (so far as is reasonably possible) that address any negative impacts. There are clear benefits in providing the road both environmentally and economically. The LDP also makes a number of significant residential and industrial / mixed use allocations that were predicated on the provision of the road (in conjunction with the dualling of

the A465), and while many of these developments have not yet been provided, the need for the road to be provided has not diminished and its construction is considered to be in accord with the development plan in force for the area.

PREFACE

Committee is advised that a formal notification has been received from Welsh Government's Minister for Climate Change (an Article 18-1 Direction) which refers to a Section 77 Call-In request that has been made.

The Direction is made *"to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination"*

The consequence of this Directive is that Committee may proceed to discuss and debate the application, but it may NOT ISSUE ANY APPROVAL in respect of the proposal until such time as the Welsh Government formally notifies RCT (as LPA) that the Directive is no longer in force.

Committee is advised that it can still choose to REFUSE the application even if the Directive is still in place.

While WG may have indicative timescales for the consideration of any call-in request, the nature of each application varies in its complexity so it is not possible to advise Committee of how long this process could take.

APPLICATION DETAILS and SITE APPRAISAL

Members are advised that both as part of this report (see Appendices) and the Committee presentation, visualisations have been prepared (by the applicant) that illustrates the proposed scheme and its route through the northern part of the County Borough. These illustrations (including a "fly-by") should be read / viewed in conjunction with the following text as the complex nature of the application site and its proposed route and construction challenges lend itself better to a visual medium.

The proposed scheme will create a single carriageway from a new roundabout at Croesbychan on the A465 to a new roundabout off the A4059 (the Aberdare bypass).

The general arrangement of the new road and its relationship with the dualling of the A465 is shown as **APPENDIX A**.

The proposal has been the subject of Environmental Impact Assessment (EIA) and an Environmental Statement (ES) has been submitted with the application.

A "fly-by" will be sent (via a link to YouTube) to Members separately but it will also be shown as part of the presentation to Committee.

The proposed route covers an area of approximately 20.52 hectares (50.70 acres)

The alignment of the proposed road has been designed in accordance with TD9/93 "Highway Link Design" (Volume 6, Section 1, Part 1, DMRB Highways Agency,

February 2002) and TD 16/07 'Geometric Design of Roundabouts Volume 6, Section 2, Part 3, DMRB, Highways Agency, August 2007.

The line of the proposed scheme has also been agreed with the Welsh Government to ensure that it aligns with the proposed dualling of the A465, which Members will know is now in its early stages of construction.

The proposed design speed of the link will be 85kph with posted speed limit of 50mph.

The proposed scheme is located approximately 2.6 km north-west of Aberdare and lies between the communities of Llwydcoed to the east and Penywaun to the west.

Areas of land are under the ownership of RCTCBC however the majority of the land the proposed route crosses is under the ownership of various private landowners. Committee is advised that any acquisition and/or requests for potential compensation payable in the construction of the proposal sits entirely outside of the Planning system and is subject to other legislation and regulation.

The proposed scheme connects the A4059 east of Penywaun with an unnamed road leading off the A465 Heads of the Valleys Road to the north.

A proposed new roundabout will be installed south of Croesbychan which will connect to the new link to the 'Cynon Gateway'.

The proposed scheme proceeds through agricultural land and a mixture of habitats, including the Tir Mawr A Dderi Hir, Llwydcoed SSSI and (Ancient) Woodland.

The scheme also crosses a mineral railway that is currently disused (Transport for Wales are looking to renew in the future), and to the west of the proposed link lies the existing dismantled railway, with the remains of Scheduled Ancient Monument (SAM) known as the Gamlyn Viaduct.

The scheme also bisects the Afon (River) Cynon (midway along the route) and Nant Hir (in the northern part of the route).

An unnamed road leading to Gamlyn Isaf Cottage crosses the southern part of the proposed scheme.

The proposed route lies adjacent to the residential village of Llwydcoed approximately 500m to the east; the residential village of Penywaun around 150m to the west and residential properties towards the north of Aberdare some 600m to the south. There are also several properties located adjacent to the road in Croesbychan and scattered farms in adjacent fields.

The proposed scheme crosses two Public Rights of Way (PRoWs). The first is located south of the Afon Cynon and north of Penywaun and is a shared use path with the designated Sustrans Cycle Route 46. The other PRoW is a footpath to the north of the Afon Cynon which follows the valley within woodland.

In accordance with the Active Travel (Wales) Act 2013 the applicant also proposes to improve the infrastructure for walking and cycling. The Council has committed to

provide improvements to the existing active network that is frequently used by the surrounding communities. The works will include resurfacing and drainage works along the old Tram Road and the replacement of the Savannah Bridge.

There are no bridleways affected within the proposed scheme area.

There are a number of formal **landscape designations** are present within the 1km Study Area. These include:

- **Brecon Beacons National Park** - The boundary for this designation extends along the northern edge of the County Borough and partially follows the alignment of the A465 Heads of the Valleys Trunk Road
- **Brecon Beacons Edge at Llwydcoed Special Landscape Area** (RCT LDP Policy NSA 25) - This area, extending northeast from the edge of Penywaun, provides an important setting for and buffer to the Brecon Beacons National Park
- **Cynon Valley River Park** (RCT LDP Policy NSA 26) - This area extends between the edge of Penywaun and the former freight (Aberdare to Hirwaun) rail line.

The assessment of any **ecological designations** present within the 2km Study Area show that:

There are no internationally important sites (e.g., Special Areas of Conservation (SAC) or Ramsar sites). It should be noted however, that the **Blaen Cynon SAC** is located approximately 2.4km west of the site.

Sites of Special Scientific Interest (SSSI) - Nationally important

- Tir Mawr a Dderi Hir, Llwydcoed SSSI - Route passes through SSSI
- Bryncarnau Grasslands, Llwydcoed SSSI - Located 1.5km northeast

Sites of Importance for Nature Conservation (SINCs)

- 12 non-statutory sites lie within the 2km search area. The Upper Cynon Floodplain SINC lies within the route of the proposed scheme.

Ancient Woodland/ Tree Preservation Orders

- The proposed scheme will impact an area of Ancient Woodland which contains trees covered by a TPO in the central part of the route to the north of Afon Cynon crossing.

The following assessment of **cultural heritage assets** (historical designations) identify those present within the 1km Study Area and show:

The study area is **not** located within

- a World Heritage Site or
- a locally designated Conservation Area.

Scheduled Ancient Monuments

- Gamlyn Viaduct (GGAT 01229.11w/SM GM533) located adjacent to the scheme.
- Gellisaf/Llwydcoed Tramroad Bridge (GGAT01084m/SM GM411/LB 10872) 200m east of the southern extents of the proposed scheme.

Listed Buildings

- Grade II War memorial from 1921 (LB 10896) - located 800 m to the east of the scheme.
- Grade II 19th century St James Church (LB 10895) - located 700 m to the east of the scheme.
- Grade II 19th century Merthyr Road Railway Bridge (LB 81246) - located 750m east of the scheme.
- Grade II Gellisaf/Llwydcoed Tramroad Bridge – located 200 m east of the southern extents of the proposed scheme
- Grade II Gate Piers and former Railway Bridge (LB 10880) - located 750m to the south of the scheme.

Archaeological Assets

- A Historic Environment Record (HER) search identified 27 archaeological assets.
- The only physical prehistoric asset located within the study area are the earthworks of a settlement at Nant Moel (06238m), located close to the northern limit of the study area (approximately 750m to the north). Place-name evidence for Bronze Age cairns is indicated by the name Cae Carn Ucha (GGAT 01228m) also to the north.

PLANNING HISTORY

Committee is advised that the size of the application site means that there may be a number of Planning applications that may have been made within the site area or in close proximity to it however none of which are directly relevant to the consideration of this proposal.

Of particular relevance to the construction (if approved) of this project is the longstanding commitment (by WG) to complete the dualling of the A465 from Merthyr Tydfil to Hirwaun.

PUBLICITY

As part of the application process 92 individual letters were sent out to residents potentially affected by the development, in addition to 13 notices being placed both on site and in the wider community. A press notice was also placed in the Western Mail newspaper. As a result of this exercise 8 letters were received in objection/had concern and 21 letters were received in support. The material points in the letters have been summarised below for Committee's consideration.

Objection / Concern

- **The Welsh Government has issued a “climate emergency” and Wales is not yet on target to meet its commitment.**

- **RCT's DRAFT Council Tackling Climate Change Strategy shares "emission concerns" in particular to meeting carbon neutrality by 2030.**
- **The development of a new road is contradictory to the commitment.**
- **The development will adversely impact on an SSSI**
- **The development will impact negatively on bats**
- **The development of the former Mayhew Chicken Factory for use as a Metro Station is more environmentally friendly and will negate the need to spend £30 million which would be better spent on public services and increasing electric charging point provision.**
- **The bypass would contradict the aims of the Wellbeing of Future Generations Act (Wales) 2015 by encouraging the greater use of vehicles which will decrease air quality and remove the green space that is needed for the health and well-being of people.**
- **The bypass should be rejected or delayed until the outcome of the Roads Review has been published.**
- The development will result in the loss of farming land (and therefore a reduction in income)
- The development will result in the loss of Ancient Woodland (and natural habitat).
- The development will result in an increase in noise and pollution.
- The construction would result in the loss of a current view and its replacement with a new road.
- The construction (with all of its consequences) would result in a loss of enjoyment of the property / COVID-19 means that more people will now be working from home and will rely on their home to a greater extent.
- There is no need for an additional road / COVID-19 has changed commuting habits.
- The money would be better spent on other public services (especially flood defences).
- The creation of new jobs (as a result of the scheme) is spurious.
- The supports for the planned viaduct will result in a loss of habitat and affect the Marsh Fritillary Butterfly.
- The use of the road would result in more litter (thrown from passing cars).
- The use of the road would be detrimental to Aberdare Town Centre as it would make it easier for people to drive to the Cyfarthfa Retail Park.
- Concern that the National Vegetation Survey submitted as part of the application is inaccurate / inadequate. Questions are also raised as to the competence / qualifications of the authors of the report.
- The SSSI has statutory protection and proceeding with the project would be unlawful and expose the local authority to litigation.
- The new road will become a racetrack.
- The Council (as applicant) have failed to engage with affected properties in respect of compulsory purchase of land, fencing, access, etc.
- It is questioned whether the new road will actually be used.
- There are alternative routes (which are less destructive)

- The proposal of the link road was only revealed AFTER the Public Inquiry into the A465 and may have been deliberate to avoid objection.
- There is no faith in the road designers coming up with an elegant solution.
- Assumptions made in the decision to proceed with the road cannot now be relied upon due to the changes brought about by COVID-19.

Committee is advised that there is an objection received from **Joel James MS** (Shadow Minister for Social Partnership). The concerns expressed in the letter are cited in the above comments and highlighted in **bold** text.

Support

- **The Llwydcoed Community Action Group** - which is a voluntary group which aims to make Llwydcoed a more inclusive and better community to live in, and to improve the facilities and environment for all in the village. The bypass is urgently needed as the volume of traffic (currently) is too great for the Llwydcoed village.
- The village is used as a shortcut.
- Backlogs of traffic occur at certain times of the day.
- The existing roads of Llwydcoed are too narrow and not fit for purpose.
- The weight limit on the bridge is not adhered to.
- Pollution in the village is unacceptable due to emissions
- Traffic travels far too fast in the village – it is dangerous for children and the elderly to cross the road safely.
- Large vehicles ignore the signs and travel through the village regardless.
- The construction of the road will bring economic benefit to the town
- Support of the proposal subject to sympathetic tree planting, noise attenuation and speed control systems.
- Noise pollution from the volume of existing traffic is unacceptable.
- The village is used as a racetrack.
- The road is long overdue.
- In conjunction with the dualling of the A465 the bypass will eliminate dangerous blackspots (such as the access junction points at Baverstock's and Croesbychan.
- The road will improve the well-being of the Llwydcoed community as well as improving safety for motorised and non-motorised transport and pedestrians.
- The Planning Inspector (considering the A465) was in favour of the provision of this link road.

In addition to the above, correspondence has been received from **Councillors Ann Crimmings** and **Gareth Jones** who are Members for the Aberdare West & Llwydcoed Ward.

They both express their **support** for the scheme and advise that.

- Since being elected, they have met regularly with residents of Llwydcoed in relation to their concerns about the volume of traffic travelling through the village.

- The A4059 Cynon Gateway is a welcomed project and was a key consideration in the planning process for the dualling of the A465 (Heads of The Valley Road). As part of the Planning process for the A465 'Dualling' - the Planning Inspector made positive reference to the proposed Cynon Gateway scheme as without it, it is estimated a further 3,500 vehicles would travel through Llwydcoed village each day.
- This scheme is not about increasing road capacity, this is very much about dealing with displaced traffic through the A465 Dualling scheme and safeguarding the health and wellbeing of residents in Llwydcoed, who also feel strongly on this subject.
- They have not personally received one objection to the proposals and, therefore, overwhelmingly support the A4059 Cynon Gateway planning application.

A letter of support was also received from **Councillor Helen Boggis**, the Member for Penywaun. The points raised are:

- Acknowledged there may be some loss of flora and fauna and accepts that some residents may object on this ground, but the current route for heavy vehicles, commuters to the A465 is via Penywaun (and Llwydcoed) and this is untenable.
- The current situation is detrimental to highway (pedestrian) safety and there has been 3 accidents in recent months and that it is a significant danger for residents using public transport at Dawkins Place and Gamlyn Terrace.
- Developments at Ysgol Gufun Ryhydwaun with additional pupils attending has led to (traffic) chaos on the Estate and tailbacks on Hirwaun Road (with associated air pollution associated with stationary traffic).
- The road is needed to protect the health and well-being of the residents of Penywaun.

A letter of support has also been received from **Vikki Howells MS, the Member for the Cynon Valley**.

- The link road has been designed to link the existing A4059 to the A465 which is a strategic Trans European Highway.
- The Planning Inspectorate has concluded that the construction of the Cynon Gateway North was essential (when granting consent for Sections 5 & 6 (Hirwaun to Dowlais top))
- The road will benefit the residents of Llwydcoed and Penywaun by removing heavy traffic from the villages.
- Concern is expressed at the levels of local deprivation that exist in Penywaun with a higher percentage of life-limiting illnesses.
- The construction of the A465 will restrict access via B4276 at Llwydcoed or at the Rhigos entry and exit points. The construction of this road will reduce the impact for local residents (and other users) who will have a longer journey of some 4.5 miles.
- The construction of the road will improve safety for the pupils who attend the 2 Primary Schools and 1 Welsh Medium Secondary School.

- Similarly, there will be a decrease in pollution and noise for local residents.
- The provision of the road will have an immediate impact on connectivity and improve the opportunities of local businesses by not only improving access but reducing journey times.
- Recent research (conducted by the Bevan Foundation) shows there is a need to generate at least 8000 additional employment opportunities in the Cynon Valley, just to reach the Welsh average.
- Without the Cynon Gateway, there is a real danger that the A465 will just become another bypass, taking economic regeneration elsewhere and leaving the Cynon Valley in isolation.
- The Gateway is also vital to ensure that key development sites within the Cynon Valley are able to reach their full potential – sites like Robertstown Industrial Estate and the former Chicken Factory site are ripe for investment.
- It is acknowledged that the road may not please a number of keen environmentalists and lobbying groups who wish to protect the landscape. Only 2% of the site area will affect the SSSI, contrary to reports that are circulating on Social Media.
- Evidence is readily available that shows when set against the additional carbon emissions which would otherwise result from road users having to travel the additional journey time to Rhigos, in the long term, the Cynon Gateway North will create more environmental benefits than harm.

In addition to the statutory publicity exercise, both the Applicant and the LPA have met with the **Hirwaun & Penderyn Community Council** and the **Llwydcoed Community Action Group**. In both cases information was provided in such a way as to help them participate fully in the Planning process.

Committee is also advised that the applicant (the Council) will have also carried out a significant consultation exercise as part of the formal Pre-Application Consultation (PAC) requirements for proposals of this scale.

CONSULTATION

As part of the application process, the following were also consulted in respect of the proposal. A brief precis of responses has been included for Committee's information.

Again, Members are advised that the applicant will have carried out a formal PAC with the relevant consultees and addressed any comments received in the PAC Report submitted as part of the application.

RCT Internal

Highways & Transportation – no objection

Land Reclamation & Drainage – no objection

Public Health & Protection – No objection but recommend conditions are specifically added in respect of construction noise, dust suppression, hours of operation (during

construction) and contaminated land. Confirm that the scheme complies with both local and national air quality policies.

Countryside, Landscape & Ecology - no objection. Provides specific advice in respect of the provision (mitigation and enhancement) of the Marsh Fritillary Butterfly habitat and the impact of the development on areas of acknowledged landscape/ecological importance. Also advises on the relevant importance of the choice between habitat mitigation and enhancement when balanced against impact when viewed from the BBNP.

External

Natural Resources Wales (NRW) – have “significant concerns” but acknowledge that the applicant has sought to minimise any significant impacts as far as is possible. Have recommended the imposition of conditions to address any residual concerns although acknowledge that there will be an outstanding residual concern in respect of the impact of the development on the setting of the BBNPA. A full copy of NRW’s 3 consultation responses are included as part of the Appendices.

Coal Authority – Falls within a “high-risk” area. The CA is satisfied the risk involved has been identified appropriately and has no objection subject to the applicant carrying out detailed intrusive investigations prior to construction work taking place (by conditions).

Dwr Cymru / Welsh Water – the site is crossed by a number of water mains and a public sewer. Offer no objection subject to the imposition of conditions.

Cadw – expressed concerns in respect of an impact on the Gamlyn Viaduct (Scheduled Ancient Monument) but has not offered any objection subject to the applicant undertaking mitigation and enhancement works.

Merthyr Tydfil County Borough Council – no objection

Brecon Beacons National Park Authority – no response received

Hirwaun & Penderyn Community Council – have concerns / object to the proposal on the grounds of it being out of accord with.

- climate / environmental science,
- the Well Being of Future Generations Act,
- the UK Climate Change Act,
- RCT’s Draft Council Tackling Climate Change Strategy,
- the Wales Transport Strategy 2021,
- the RCT Local Development Plan,
- the impact on the SSSI, Special Landscape Area, a SINC and local wildlife sites.
- Objection is also raised to the impact of the road on the peace and tranquillity of the area and that the £30 million cost for the road cannot be justified.

Rhigos Community Council – no response

South Wales Police – no reply received

Welsh Government Highways Directorate – The plans correspond with the final design of the A465, and no objection (no direction for call-in) is raised.

Transport for Wales (TfW) – no objection in principle

Glamorgan Gwent Archaeological Trust (GGAT) – confirms that the scheme will require mitigation (in line with the applicant's own assessment, and suggests an appropriate condition is added).

Network Rail – have no comments to make and advise that TfW are consulted.

Coed Cadw / Woodland Trust – **Object** to the proposal in regard to the damage, direct loss and deterioration of the ancient woodland. Cites both local and national policies that seek to protect the resource in the Tir Mawr a Dderi Hir SSSI, the Upper Cynon Floodplain SINC and point out that the trees are protected by a TPO.

POLICY CONTEXT

Committee may be aware that the Welsh Government has recently announced a review of all road building schemes in Wales and the establishment of a road review panel.

While this (at the time of writing the report) may have implication for the funding / construction of this project, Members are advised that there has not been a WG Directive that prohibits LPAs from determining existing applications (as has been done with some other forms of development).

Clarification has been sought from WG which has confirmed that no Directive has or is proposed to be issued and that the funding mechanisms and planning considerations are not related and should be considered in isolation.

In light of this, Committee is advised that the consideration / determination of this application falls to be considered solely on its individual Planning merits and in accordance with the Planning policies set out in the relevant tiers of Development Plans and National Planning Policy, principally:

- The Local Development Plan
- Future Wales 2040 (the National Development Framework)
- Planning Policy Wales (Edition 11)

Committee is however, reminded that WG have issued an Article 18 Directive that prevents the approval of this application until such time as they have reviewed the proposal and decided whether or not that the application should be determined by the Welsh Ministers instead.

RCT Local Development Plan 2006-2021

Policy CS 8 - Transportation

Improvements to the strategic transportation network in Rhondda Cynon Taf will be secured through a combination of the following: -

a) The safeguarding and provision of land for the improvement of the strategic highway network, including development of: -

1. The Gelli / Treorchy Relief Road.
2. The Ynysmaerdy to Talbot Green Relief Road.
3. The A4059 Aberdare Bypass Extension, and
4. A465 Abergavenny / Hirwaun Dualling.

b) The implementation of a strategic transport corridor management system in the following strategic corridor areas.

1. A4119 / A473 Corridor.
2. A470 / A4059 Corridor, and
3. A4059 / A465 Corridor.

Provision of additional improvements in the highway network, public transport improvements and walking and cycling provision will be sought in accordance with policies NSA 20 to NSA 23 and SSA 18 to SSA 21.

4.71 The distinctive geography of Rhondda Cynon Taf has created a linear communications network. Transportation links tend to follow the valleys, with access across the plateau being more difficult. The major roads, particularly the M4, A470 and A4119 provide access to Cardiff and South-East Wales. Access to Swansea and West Wales is provided by the A465 Heads of the Valleys Road. Internal linkages in Rhondda Cynon Taf however, can be more problematic with congested residential streets and town centres, which are unsuitable for heavy traffic.

4.72 During the plan period the following committed Transportation scheme will be completed: -

- A465 Abergavenny / Hirwaun Dualling.

4.73 In many parts of Rhondda Cynon Taf major routes continue to run through residential areas resulting in environmental and safety problems as well as leading to traffic congestion. As long as there are economic, environmental and safety problems resulting from the existing road network, a road construction programme will continue to be an essential element of the overall transportation strategy. The Council will seek to ensure that the construction of new roads is undertaken in a manner which balances the socio-economic benefits with the environmental impact of construction.

4.74 The Southeast Wales Transport Alliance Regional Transport Plan identifies four major road schemes in Rhondda Cynon Taf as priority schemes for implementation during the period 2008 – 23. These schemes are as follows:

- Church Village Bypass (Completed).
- Gelli / Treorchy Relief Road.
- A4119 Ynysmaerdy to Talbot Green Relief Road, and
- **A4059 Aberdare Bypass Extension.**

4.75 Development throughout the County Borough will be directed to locations that offer a choice of modes of transportation. Particular importance will be placed on ensuring that development both supports and, where necessary, contributes towards the development of a modern integrated transport system. As a result, development proposals on sites capable of accommodating five dwellings or more / 1,000 m² net

commercial floor space within the A4119 / A473, A470 / A4059 and A4059 / A465 Corridors will be required to contribute to the development of a strategic corridor management system, improvements to the highway network and key junctions, public transport enhancements and park and ride / park and share provision as well as walking and cycling infrastructure. The objective of the strategic transport management system is to ensure the provision of highway improvements necessary to deliver allocated sites and to ensure that the growth proposed by the LDP has no adverse impact on the highway network. This approach will allow the Council to manage and minimise traffic growth within the County Borough and respond to change in the wider region.

4.76 The Council recognises that securing new highway infrastructure must be carefully balanced against other policy requirements contained in the plan.

4.77 Details of each of the proposed schemes are contained in Appendix 1.

4.78 Further guidance in respect of the identified strategic transportation corridors is contained in Supplementary Planning Guidance on Access, Parking and Circulation and on Planning Obligations.

Policy NSA 7 - Land at Robertstown/Abernant, Aberdare

In accordance with Policy CS 3 land is allocated at Robertstown / Abernant, Aberdare for the construction of 500-600 dwellings, 3.7 hectares of employment / leisure, a new primary school, medical centre and associated informal amenity space in a parkland setting.

6.35 The Council has assessed the development potential of the Robertstown / Abernant site in detail and would wish to see a proposal that addresses the following elements:

Robertstown:

- a) **Access – will be provided by improvements to the A4059 and the existing highway network at Robertstown.**
- b) Flood Risk – the exact area of development plateau and evacuation routes are to be determined at the detailed design stage.
- c) Commercial – B1 light industrial and office development on vacant land flanking Wellington Street.
- d) Commercial – hotel, cinema or similar commercial leisure use on the vacant land opposite the park and ride station.
- e) Community – medical centre adjoining the park and ride car park.

Aberdare Hospital

- f) **Access – will be provided by improvements to the A4059 and the existing highway network at Abernant.**
- g) Residential Development of 500 – 600 units on the vacated hospital buildings at higher density, on the field rear of Abernant Road and bordering the retained parkland at medium density; and on the field south of Moss Row at lower density.
- h) Community – a new community primary school off Abernant Road.

i) Trees and open space – the parkland northwest of the hospital buildings is largely designated a site of importance for nature conservation, along with the wooded slope down to the River Cynon and Cynon Valley Trail. The mature trees in this area and throughout the rest of the site are protected. The parkland is to be retained for the enjoyment of residents.

Appendix 1 - CS 8(a) (3) - The A4059 Aberdare Bypass Extension

The proposed extension to the existing A4059 Aberdare bypass will assist with the development of the Strategic Sites in Hirwaun and Aberdare. The scheme is largely dependent on the dualling of the A465 Heads of the Valleys Road by the Welsh Government. The scheme would need to be constructed at the same time as the A465 dualling, as the Aberdare bypass extension would need to be designed to tie in with the revised alignment of the A465.

Area-Wide Policies such as **AW5** (New Development), **AW6** (Design & Placemaking), **AW8** (Protection & Enhancement of the Natural Environment) and Policy **AW10** (Environmental Protection & Public Health).

Evidence Base Document – Strategic Transport Assessment (Oct 2007)

Site 4 – Robertstown / Abernant – Aberdare

6.4.3 - Local Highway Improvement Schemes

The A465 between Merthyr Tydfil and Abergavenny has recently undergone major re-alignment and conversion to a dual two-lane carriageway. The road was previously a single-lane carriageway with a crawler lane, generally on the uphill sections. The road was considered to be dangerous in places and was operating beyond capacity in certain places during the peak hours.

Planning is currently being sought for the next section of carriageway to upgrade, from Merthyr Tydfil to Hirwaun. This upgrade of the A465 will have a significant impact on the feasibility of future development in the area. The increase of road capacity, in combination with less congestion and more reliability, is likely to increase the desire of future businesses to locate in this area.

The proposed Aberdare bypass extension scheme is still awaiting funding. Current designs for the bypass extension show that the road will link the existing Aberdare bypass with the A465. This will allow for improved access to the upgraded Heads of the Valley Road from the Aberdare/Hirwaun area and will reduce congestion on both local and strategic trunk roads.

6.4.7 Proposed Site Access

Primary access to the commercial and industrial elements of the redevelopment could be taken from Wellington Street. This is an existing industrial estate spine road that adjoins Abernant to Robertstown and has historically provided access to industrial units. It is also linked via two roundabouts to the A4059 (Aberdare Bypass) which is vital north-south transport corridor for both businesses and commuters.

Primary access for a residential element could be located on Abernant Road. It should be a requirement of any future residential development of the site to link into the existing streets on the eastern side of Abernant Road. This will create a seamless community rather than a segregated development, thereby encouraging residents to cycle and walk along safe and convenient sustainable transport corridors, instead of utilising their motor car at every opportunity.

However, this is likely to be reliant on Abernant Road being able to accommodate the additional development traffic, which further studies will need to establish prior to redevelopment. An alternative primary / secondary access could also be taken from Wellington Street as it has a higher capacity than Abernant Road.

7.2 - Cumulative Development Impact

The cumulative impact has investigated the forecast traffic arising from all eight strategic development sites. A breakdown of the anticipated implications on each link is shown below, however in general it is not surprising that redevelopment of this quantum is likely to have some serious implications on the highway network unless it is mitigated against properly from the outset.

As demonstrated in Table 7.1, the Hirwaun to Merthyr Tydfil section of the A465 Heads of the Valley Road is forecast to operate well over capacity in 2025 with base and development traffic loading. The Welsh Assembly Government is currently considering plans for the A465 dual carriageway upgrade from Merthyr Tydfil to Hirwaun. This upgrade scheme on this section of road should then be able to accommodate the proposed level of base and development traffic in 2025. The upgrade may also draw trips from other parts of the network as driver choice is influenced significantly by perceived and actual levels of congestion.

This assessment has demonstrated that the A465 from Hirwaun to Neath and the A468 from Taff's Well to Caerphilly remain largely unaffected by the proposed redevelopment of the eight strategic development sites. Both highways have a significant amount of reserve capacity.

The A470 will be significantly over its capacity level in both directions in the year 2025, through background traffic growth over this period. This is unsurprising given the congestion that is currently experienced on this carriageway. The redevelopment of the eight strategic development sites will serve only to exacerbate this situation. The A470 is one of the most important roads within the RCT County Borough and as such this capacity issue must be addressed before levels of congestion restrict economic growth in this region. Further studies will be required in order to address the capacity problem facing this important commuter transport corridor. The situation may be aided by the construction of the Church Village bypass which will speed up the journey time from the A470 to Talbot Green and the M4 motorway, thereby allowing traffic travelling west to bypass Junction 32 (A470/M4), which is the busiest section.

There is a relatively large impact upon the A4059 from development traffic and it is demonstrated to operate within capacity under 2025 base traffic loadings. It is considered that there may be less demand on this road if the Aberdare bypass extension were to be built in combination with the A465 Merthyr Tydfil to Hirwaun Dual

carriageway upgrade scheme. Traffic from Aberdare and its surrounding settlements could then travel on higher capacity roads from Aberdare to Merthyr Tydfil and then south to Abercynon. It is recommended that further studies be conducted into the most appropriate method of managing future additional traffic from the upper Cynon Valley.

7.2 (Table) - The Aberdare Bypass Extension is listed as an existing road improvement scheme affecting the Phurnacite Plant strategic site, and the Robertstown / Abernant strategic site.

LDP Manual (Edition 3)

2.9 Following an SDP proposal coming forward, Regulations will be laid to establish the SPP and prescribe the Form and Content of the plan. Matters that will be resolved through an SDP will include:

- Infrastructure linked to growth at places
- A delivery trajectory for homes and jobs aligned to the implementation of infrastructure

3.10 The LDP system aims to achieve the following key outcomes. Plans should:

(7) Deliver what is intended through deliverable and viable plans, taking into account necessary infrastructure requirements, financial viability and other market factors

5.5 Development Plans Should Contain:

- Concept/schematic frameworks, design principles and infrastructure requirements for key sites (set out in policies) that are core to delivery of the plan. Key sites and Placemaking and infrastructure requirements should be considered in detail from the early stages of plan making, prepared in collaboration with developers and the community. They can provide a key starting point for further design collaboration and inform detailed site-specific master planning and viability work.

5.62 New Housing Allocations

These should come forward through the candidate site process. They will need to be supported by robust evidence on delivery, phasing, infrastructure requirements and viability. Allocations should comply with the National Sustainable Placemaking Outcomes, the Gateway Test applied to the site search sequence and the Sustainable Transport Hierarchy (PPW). The Manual gives specific guidance on Placemaking, how to consider the delivery and viability of allocations. PPW sets the policy tone to consider new allocations, supplemented by an SA/SEA analysis. The Manual also includes detailed sections on how to demonstrate delivery of key sites in the plan.

Key Sites – Sites key to the delivery of the plan will require greater evidence to support their delivery including schematic frameworks, phasing details, key transport corridors, critical access requirements, design parameters (in order to support SPG/Development Briefs/Master plans), s106 requirements, infrastructure and costs. Requirements essential to deliver these key sites should be elevated into the policy,

supported by a schematic framework. These principles should be set out in Statements of Common Ground (SoCG).

5.100 - The viability inputs set out above will need to be amended and/or refined as part of the site viability appraisals. Site viability appraisals can be requested by the LPA as part of the plan making process, advanced by site promoters, or prepared in collaboration between both parties where costs can be shared. It will be mutually beneficial to follow a collaborative approach.

5.101 - It is likely this work may take several months to complete depending on the number of sites; LPAs should ensure it is completed prior to the deposit stage. It should be integral to the plan making process and not an ‘add-on’ at the end. Table 25 sets out the level of detail required. This is not intended to be an exhaustive list but gives guidance on the level of detail/certainty required.

Table 25: Core Inputs: Site Appraisals

Input	Information Requirements
Physical Infrastructure Costs	<ul style="list-style-type: none"> • Drainage (including required hydraulic modelling assessments/feasibility studies and associated development costs) • Highways • Opening up and general external costs such as road access to dwellings and landscaping) • Abnormal Costs (where relevant) e.g., contamination

5.109 - National planning policy (PPW) states the provision of adequate and efficient infrastructure to deliver the plan is essential. Infrastructure can be broken down into two elements: public utility infrastructure provided by statutory bodies, and on/off site policy requirements/mitigation measures required to make development acceptable. Both elements should be combined to provide an overall assessment of infrastructure necessary for the implementation and delivery of sites and the plan. Where there are costs associated with infrastructure requirements, for example, access improvements or the provision of affordable housing, these should be factored into a viability assessment. The LDP should clearly indicate when proposals and allocations are expected to come forward, links to any required infrastructure, identify necessary infrastructure improvements and clearly state who will be responsible to fund such improvements at what point in the plan period to facilitate development.

5.110 - Development should be located and implementation planned in a way which allows for the most sustainable use of existing and future infrastructure improvements. When preparing a plan, it will be critical to utilise the five ways of working to:

- Understand if there is a need to fund any **shortfall/deficiencies** in infrastructure provision in advance of future funding programmes and factor this into the financial viability modelling of development
- Prepare an **Infrastructure Plan** utilising the five ways of working. The Infrastructure Plan will form part of the LDP evidence base to demonstrate how

the plan can deliver the necessary infrastructure, in the right place, by the right body, at an appropriate time.

Infrastructure Plan

5.125 - LPAs should prepare an Infrastructure plan as a background document to clearly evidence how infrastructure of the appropriate capacity, location, funding and timing, will be in place to support the implementation and delivery of the LDP. It should take into account all of the above points and should be regularly updated as work on key sites progress. The Infrastructure Plan will form a key piece of information and should also be used for effective monitoring in the AMR and plan review. It could also inform work on CIL, where appropriate.

An Infrastructure Plan is an essential tool to evidence and summarise infrastructure requirements as follows:

Existing contextual issues and provision (e.g., identify the existing capacity of the infrastructure network, sewerage, water supply, transport, communications, broadband, education, green infrastructure, cultural and health facilities).

Infrastructure type/location required to deliver the allocations in the plan – Transport (walking and cycling, road and rail), Education (nursery, primary, secondary), Health (hospitals, health centres, dentists, care of the elderly), Environmental Management (green infrastructure, biodiversity assets, flood risk and surface water management), Utilities (Water and wastewater, gas, electricity and telecommunications).

Funding mechanism/ phasing – Delivery lead/body, potential funding sources, delivery period, estimated costs, status).

7.18 - While an LPA should ensure that adequate provision is made for development and infrastructure when preparing its LDP, it is important that proposals are realistic and likely to be implemented over the plan period.

7.19 - Where circumstances change so that there are proposals in an adopted LDP which are no longer likely to be implemented, the LPA should take the necessary action to ensure that this is clear to those using or referring to the plan. This is particularly important in cases such as proposals for major development or infrastructure projects (e.g., road proposals) where uncertainty of the likelihood of proposals proceeding can lead to perceived blight to property owners in the vicinity.

National Development Framework: Future Wales 2040

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

The Welsh Government will play an active, enabling role to support the delivery of urban growth and regeneration. The Welsh Government will assemble land, invest in infrastructure and prepare sites for development. We will work with local authorities and other public sector bodies to unlock the potential of their land and support them to take an increased development role.

The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales. The public sector's use of land, developments, investments and actions must build sustainable places that improve health and well-being. Planning authorities must take a proactive role and work in collaboration with the Welsh Government and other public sector bodies to identify the best locations for growth and regeneration and provide certainty about how they should be developed.

Policy 5 – Supporting the rural economy

The Welsh Government will support investment in public transport, active travel and vehicle charging networks to support ultra-low emission vehicles. It will also support investment in the road network where this is necessary to maintain or improve rural accessibility, sustainability and community well-being.

Policy 11 – National Connectivity

The Welsh Government will support and invest in improving national connectivity. Our priorities are to encourage longer-distance trips to be made by public transport, while also making longer journeys possible by electric vehicles. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to support the delivery of the following measures to improve national connectivity:

- Rail Network – Transform the rail network and improve rail services for passengers.
- Bus Network – Invest in the development of the national bus network, fully integrated with regional and local bus networks, to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.
- Strategic Road Network – Invest in road improvements to reduce journey times, deliver a safer and more resilient road network, and improve air and noise quality. Create a network of rapid-charging points to enable longer distance travel by electric vehicles throughout Wales.
- National Cycle Network – Revitalise the National Cycle Network to create a network of traffic-free paths connecting cities, towns and countryside across Wales.

Planning authorities should support developments associated with improvements to national connectivity and, where appropriate, maximise the opportunities that arise from them. Planning authorities must ensure that, where appropriate, new development contributes towards the improvement and development of the National Cycle Network and key links to and from it.

Policy 12 – Regional Connectivity

The Welsh Government will support and invest in improving regional connectivity. In urban areas, to support sustainable growth and regeneration, our priorities are improving and integrating active travel and public transport. In rural areas our priorities

are supporting the uptake of ultra-low emission vehicles and diversifying and sustaining local bus services.

The Welsh Government will work with Transport for Wales, local authorities, operators and partners to deliver the following measures to improve regional connectivity:

- Active Travel – Prioritising walking and cycling for all local travel. We will support the implementation of the Active Travel Act to create comprehensive networks of local walking and cycling routes that connect places that people need to get to for everyday purposes.
- Bus – Improve the legislative framework for how local bus services are planned and delivered. We will invest in the development of integrated regional and local bus networks to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.
- Metros – Develop the Southeast Metro, Southwest Metro and North Wales Metro. We will create new integrated transport systems that provide faster, more frequent and joined-up services using trains, buses and light rail.
- Ultra-Low Emission Vehicles – Support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas.

Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed-use and car-free development around metro stations. Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement. Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points.

Policy 19 – Strategic Policies for Regional Planning

Strategic Development Plans should embed placemaking as an overarching principle and should establish for the region (and where required constituent Local Development Plans):

1. a spatial strategy.
2. a settlement hierarchy.
3. the housing provision and requirement.
4. the gypsy and traveller need.
5. the employment provision.
6. the spatial areas for strategic housing, employment growth and renewable energy.

7. the identification of green belts, green corridors and nationally important landscapes where required.
8. the location of key services, transport and connectivity infrastructure.
9. a framework for the sustainable management of natural resources and cultural assets.
10. ecological networks and opportunities for protecting or enhancing the connectivity of these networks and the provision of green infrastructure; and
11. a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

The Welsh Government requires the adoption of Strategic Development Plans in the North, Mid Wales, Southwest and Southeast regions.

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Strategic decisions on the location of development, key services and infrastructure should support existing built-up areas and be taken on a regional basis, ensuring they are located in the most accessible and sustainable locations, support actions to address inequality and deprivation

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Across Wales and the regions, the Welsh Government wishes to see development built in sustainable locations that are supported by the active travel and public transport infrastructure and services needed to enable people to live active and healthy lives. This includes ensuring average levels of air and noise pollution are reduced or at least minimised. The overall aim is to reduce the need to travel, particularly by private vehicles, and support a modal shift to walking, cycling and public transport.

Planning Policy Wales – Edition 11

Supporting Infrastructure

3.61 Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

3.62 Planning authorities should, in conjunction with key providers, take a strategic and long-term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations.

3.63 Development should be located so that it can be well serviced by existing or planned infrastructure. In general, this will involve maximising the use of existing

infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources.

Housing Delivery

4.2.19 As part of demonstrating the deliverability of housing sites, financial viability must be assessed prior to their inclusion as allocations in a development plan. At the 'Candidate Site' stage of development plan preparation landowners/developers must carry out an initial site viability assessment and provide evidence to demonstrate the financial deliverability of their sites. At the 'Deposit' stage, there must be a high-level plan-wide viability appraisal undertaken to give certainty that the development plan and its policies can be delivered in principle, taking into account affordable housing targets, infrastructure and other policy requirements. In addition, for sites which are key to the delivery of the plan's strategy a site-specific viability appraisal must be undertaken through the consideration of more detailed costs, constraints and specific requirements. Planning authorities must consider how they will define a 'key site' at an early stage in the plan-making process. Planning authorities must also consider whether specific interventions from the public and/or private sector, such as regeneration strategies or funding, will be required to help deliver the housing supply.

Economic infrastructure

5.1.1 Infrastructure, be it physical, electronic or digital, plays a pivotal role in maintaining the economic well-being of Wales. It enables people to connect and interact with each other, either in person or electronically, to increase prosperity. It delivers people to their place of work and home again. It enables goods manufactured here to be delivered to places around the world. It enables effective communication between people and businesses and provides a place for people to work and enjoy our natural and cultural assets. Poor infrastructure can be both a disincentive to investment and growth, and have a detrimental impact on quality of life, prosperity and the well-being of communities.

Transport Infrastructure

5.3.1 The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle the climate emergency, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport.

5.3.2 Planning authorities should support necessary transport infrastructure improvements, where it can be demonstrated that such measures are consistent with Welsh Government policy to encourage and increase use of sustainable transport and reduce reliance on the private car for daily journeys. Transport infrastructure should not generate significant demand for additional car movements or contribute to urban sprawl or neighbourhood severance. The planning and design of transport

infrastructure must consider the needs of users of active and sustainable transport before that of the private car, taking into account the sustainable transport hierarchy.

5.3.3 Development plans should identify and include policies and proposals relating to the development of transport infrastructure and related services (such as public transport interchange facilities, rail facilities, ports and airports), including areas safeguarded for future transport infrastructure/ routes. Where possible, the route of the proposed new or improved infrastructure should be shown in the development plan. When the precise route is not known, a safeguarding policy may be applied to the area of land necessary for the scheme. Blight should be kept to a minimum by including in development plans only schemes which are likely to commence within the plan period. When development plans are prepared or amended, existing transport proposals should be reviewed so as to remove any proposals that have previously been safeguarded, but are now abandoned, or any that are unlikely to commence during the plan period.

5.3.4 Great care must be taken to minimise the adverse impacts of new or improved transport infrastructure on the natural, historic and built environment and on local communities, including on public health resulting from community severance and airborne pollution. Green infrastructure measures to mitigate negative effects and enhance environmental quality and connectivity should be considered at an early stage. Routes should make the best use of existing landforms and other landscape features to reduce noise and visual effects, subject to safety and other environmental considerations. Where no other alternative routes or options are practicable, transport infrastructure schemes should provide mitigation measures to minimise the negative impacts and enhance the positive ones caused by their construction and operation, including reducing exposure to airborne pollution.

5.3.5 When assessing transport projects, planning authorities should have regard to the Welsh Transport Appraisal Guidance (WelTAG). WelTAG sets out a staged and evidence-led process for analysis of transport problems and the development and appraisal of transport options against a wide spectrum of policies and environmental social, economic and technical considerations. This objective process is especially important in the planning of strategic transport infrastructure projects and transport associated with major developments, as it helps to ensure account is taken of the full range of impacts of transport options. This helps identify solutions which maximise contributions to well-being goals and allows solutions and mitigation measures to be identified and developed before decisions to proceed with schemes are made. The WelTAG process also acts as a safeguard to ensure that solutions are appropriate for tackling the transport problems identified and to avoid the selection of modal options being pre-determined without supporting evidence.

Strategic Road Network

5.3.9 Trunk roads and motorways have a national and international role, providing a network of high-quality roads carrying long distance traffic between major centres.

5.3.10 Local authorities should utilise available powers to reduce the need to use trunk roads and other through routes for short, local journeys. Direct access to a motorway or motorway slip road would not be acceptable other than to a motorway service area

approved by the Welsh Ministers. Direct access from new development on to a primary road should be avoided where possible. Where feasible, access should be on to a secondary road. At any location, traffic flow and safety can be assisted by good junction design. The number of accesses permitted will depend upon the type and nature of the road. Similarly, the type of access provided should reflect the type of road and the volume and character of traffic likely to use the access and the road.

5.3.11 Development plans should specify the primary road network, including trunk roads, and separately identify the core network. These routes should be identified on the constraints map as corridors for movement adjacent to which development that would compromise this strategic transport role, or adversely affect the environment or people's health, amenity or well-being, will be resisted.

5.3.12 Development plans should include all proposals for new roads and major improvements to the primary road network over the plan period and set out the broad policy on priorities for minor improvements. For local road schemes, the development plan procedures should normally provide the means to examine both the need for and the alignment of the route.

5.3.13 The process of designing new road schemes and road improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles. This will help to minimise community severance from a scheme and its impacts on the safety, convenience and amenity of routes for journeys on foot, bicycle and public transport.

Welsh Government Technical Advice Notes (TAN)

- TAN5 – Nature Conservation
- TAN11 - Noise
- TAN12 – Design
- TAN15 – Development & Flood Risk
- TAN18 – Transport
- TAN23 – Economic Development

PLANNING CONSIDERATIONS (REASONS FOR REACHING THE RECOMMENDATION)

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the Development Plan for the purpose of any determination under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the Plan should not be allowed, unless material considerations justify the grant of Planning permission.

Members will be aware that the current LDP's intended lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were

commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, **Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.**

The principal material Planning considerations in the determination of the application are considered to be (in no particular order of importance): the need for the road (both the applicant's justification and the development plan policy context), ecology & the natural environment, the impact of the development on the historic environment, the impact of the development on the setting and "special qualities" of the Brecon Beacons National Park (and on the landscape in general), the Water Environment & Flood Risk, and the physical impact of the road on both **residential** and **visual amenity** of occupiers of properties living and working in close proximity. Clearly, highway safety is also a significant consideration, but the impacts are inherently associated with the provision of the road itself.

The Need for the Road

The applicant has advised that the proposed scheme seeks to reduce traffic through the communities of Llwydcoed and Penywaun, as well as create an important new gateway to the Cynon Valley and complement the proposed dualling of the A465 Heads of the Valleys Road.

The proposed scheme objectives are stated as follows:

- To reduce the volume of traffic in Llwydcoed and Penywaun, increasing road safety for both motorised and non-motorised users, improved air quality, reduced noise and vibration for residential and business receptors.
- To create a gateway to the Cynon Valley and result in a smoother journey for vehicles entering the Cynon Valley.
- The new link to the existing A4059 Aberdare bypass will assist with the development of the Strategic Sites in Hirwaun and Aberdare.; and
- To complement the Council's regeneration plans.
- Reduced journey times
- To provide an opportunity to improve existing Active Travel routes and networks in the local area.

Committee is advised that there is no specific requirement for an applicant to justify why a certain development is being proposed and it is incumbent on the Local Planning Authority to consider each application on its own merits. However, it is considered to be a material Planning consideration in helping the decision maker to evaluate the weight that should be given to a proposal in balancing the positive aspects of the development against any negative impacts. A number of objectors have expressed concern over whether the road scheme is needed and whether constructing new roads is actually sustainable.

While, ultimately, it is for Committee to decide how much weight to apportion to the merits of the scheme, it is considered important to note that, while there is no specific policy in the Local Development Plan that allocates the proposal *per se*, it does protect the line of the road and Members will note that there are many references to its intended provision within the LDP relating to the development of the Strategic Sites (see POLICY CONTEXT chapter) that cite the construction of both the dualling of the A465 and the provision of the bypass as an important consideration in meeting the aspirations and allocations of the LDP. As this proposal is reliant on the construction of the dualled A465, it has not been possible / practical for the Council (as applicant) to submit an application for such a scheme earlier than has been done (which would have been an uncertainty when developing policies and allocations in preparing the LDP).

In addition, the LDP recognises (4.73) that *“in many parts of Rhondda Cynon Taf major routes continue to run through residential areas resulting in environmental and safety problems as well as leading to traffic congestion. As long as there are economic, environmental and safety problems resulting from the existing road network, a road construction programme will continue to be an essential element of the overall transportation strategy. The Council will seek to ensure that the construction of new roads is undertaken in a manner which balances the socio-economic benefits with the environmental impact of construction”*. It is for Committee to decide whether this “balance” is acceptable.

While objectors may argue (not unreasonably) that circumstances have changed significantly

- (a) since the LDP was first prepared and adopted,
- (b) that climate change now forms a significant (potentially game-changing) consideration and
- (c) that COVID-19 has changed the way that many of us now work and live such that the need for new road schemes should be reconsidered,

the Council (as Local Planning Authority) can only consider an application in light of the policies in force at the time of making the decision. There would not seem to be any over-riding policy consideration either issued by the UK Government in Westminster or the Welsh Government in Cardiff that would supersede published Planning policies (and both the Future Wales 2040 and PPW11 are **very** recent documents).

The decision by WG to review the funding arrangements for all road schemes is not considered to be a material Planning consideration and, as such should not be given any weight in the determination of this proposal.

Committee may also wish to note that the provision of this road is one of four schemes that were identified within the County Borough and included within the South East Wales Transport Alliance Regional Transport Plan.

In light of the above considerations, it is considered that the need for the road is justified and is supported by the Development Plan(s) in force for the area.

The Impact on the BBNP & Landscape

The Brecon Beacons National Park Authority have been consulted in respect of the proposal, but no response has been received. Committee is advised that the lack of response does not negate the need for the determining authority to have regard to any impact on the setting or special qualities of the National Park, but the lack of response (specifically an objection) is a material consideration.

The BBNPA did however respond to the Applicant's PAC. Concerns were expressed about the impact of the road scheme *in combination* with the operation of the A465 dualling proposals, at the interchange of the Croesbychan Roundabout. Further concerns were expressed about the unnatural form of the steepness of the reinforced earth embankments (with further information requested on how they would "green-up") together with some additional planting to help assimilate the road scheme into the landscape. The BBNP also requested the submission of a CEMP (Construction Environmental Management Plan) to minimise these effects.

As the BBNPA have not responded to the consultation, it is difficult to ascertain whether these concerns actually translate into an objection or that, through the submission of additional details and conditions (submitted as part of the Planning application), that any concerns can be addressed.

Committee is also advised (reminded) that NRW are the Welsh Government's statutory advisors on landscape and have a specific remit to consider the impact on a National Park. Committee are advised that the potential for the scheme to impact significantly on the BBNP is also addressed (concluded) in the final consultation response included as **APPENDIX B(iii)**.

NRW's comments remind the LPA that the decision maker has a statutory duty to have regard to the purposes of National Parks and that this duty applies in relation to all activities affecting National Parks, whether those activities lie within, or in the setting of the designated area.

Committee is advised that the primary purpose of the National Park is to conserve and enhance natural beauty, wildlife and cultural heritage and that its "special qualities" include:

- a sense of peace and tranquillity,
- a sense of place and cultural identity,
- a sense of discovery, wilderness and remoteness,
- a feeling of vitality and helpfulness, sweeping grandeur and outstanding natural beauty,
- a working, living patchwork of contrasting colours, patterns and textures,
- extensive and widespread access to the diversity of wildlife and richness of semi-natural habitats,
- geographically rugged, remote and challenging landscapes,
- enjoyable and accessible countryside and,
- an intimate sense of community.

Committee is advised that no part of the proposed road scheme lies within the National Park, so any impact is to be considered in respect of its setting. There is no distinct boundary that defines a “setting” but Committee is advised that it is considered to be the surroundings in which the Park (and its special qualities) is experienced. Committee is also advised that the Brecon Beacons Edge at Llwydcoed Special Landscape Area (Policy NSA26 of the LDP) acknowledges that this area does actually provide an important setting for, and buffer to, the BBNP.

Clearly any impact during either the construction phases or the first few years after construction is going to have its greatest impact as the process of building the road and establishing any “softening” landscaping worsens any impact but as construction finishes and the landscaping establishes any impact diminishes. The benchmark for assessing any longer-term impact would appear to be around the 15-year mark where any impacts that remain are likely to be permanent. It is this long-term impact that NRW have most concern over, especially in conjunction with the dualling of the A465.

NRW’s consultation response is clear that there would appear to be a conflict between a need for tree planting (to *help* minimise any impact) and the desire to mitigate and enhance the landscape for the Marsh Fritillary Butterfly and acknowledge that it is not possible to have both (or even an “in-combination” compromise) and conclude:

“The relative importance of each of these matters...as material planning considerations is a matter for the Local Planning Authority to determine in the consideration of the planning application”

In considering such a dilemma, Committee is advised that it is not necessary, per se, to choose one option over the other but it must be acknowledged that having “both” is not an option as one is in direct conflict with the other. While it is perfectly reasonable to choose one over the other, each option has consequences that would need to be taken into account in reaching a decision and Committee may decide that while one option has more weight than the other, the nature of the concerns expressed (by NRW) for either could, by itself, constitute a reason to refuse the application. In reaching a decision to approve the application, Committee must conclude that any (all) consequences are acceptable.

In respect of any impact on the BBNP it would appear that the concern principally relates to the long-term impact (after 15 years). It is self-evident that the construction of any road scheme is going to have a significant impact where it runs through an area of countryside, especially where the countryside is in relatively close proximity to a National Park.

Committee is advised (reminded) that there is no designated “buffer zone” around the boundary of a National Park that prevents development, so any assessment will inevitably require an element of valued judgement.

The need for a new road means that it inevitably has to run from a “Point A” (in this case the new A465 roundabout at Croesbychan) to Point B (where it connect into an existing road therefore bypassing the village, which in this case is Penywaun). While the exact route between two fixed points is capable of some variation, regard must also be had to numerous other constraints (including ground conditions, topography,

ecology, drainage, past mining activity, Listed Buildings and Scheduled Ancient Monuments, etc.). It is considered the applicant has chosen the optimum route for the road taking everything into account. While it may have been possible to route the carriageway further away from some features (such as the Gamlyn Viaduct) it would have had different consequences elsewhere which may have led to objections from a key consultee. Committee is advised that the applicant did assess the possibility to move the line of the road further to the east however, on the advice of the Council's Ecologist, this was considered to have greater ecological impacts.

It is noted that the BBNPA, while having some concerns as part of PAC, did not object. The BBNPA have also not objected to the Planning application itself. Similarly, while highlighting the dilemma that the LPA (as determining authority) faces, NRW has not objected to the proposal. These are material considerations, and it is up to Committee to decide how much weight should be afforded to them.

While the detail of the proposed road (in terms of its exact line and construction) does not feature in the Rhondda Cynon Taf Local Development Plan, the line of the road is safeguarded and a number of the key allocations that were proposed and approved were predicated on the provision of the proposed road (in connection with the dualling of the A465) and the only reason that it has not been implemented earlier in the life of the LDP was the delays on other sections of the dualling which then, in turn, had consequences for its provision in Merthyr Tydfil and RCT.

It is inherent in its safeguarding that there would have to be an inevitable impact, that even with appropriate mitigation, would nevertheless, be an intrusion into the countryside and, by definition, visually obtrusive. While it is perfectly proper to consider any application on its individual merits (which can only be done when it is submitted) both the BBNP and NRW (then EA/CCW) would have been aware of the indicative proposal. Again, how much weight to give to this as a material consideration is a matter for Committee.

In reaching a decision, Committee will also need to have regard to the impact that the provision of the road will have on the area in which it is to be constructed and its impact on the setting (and "special qualities") of the BBNP.

While it is inevitable that there will be a negative impact, the backdrop against which the road will be viewed from the south-eastern boundary of the BBNP is largely the result of man-made influence and interference rather than a natural, largely unspoiled landscape for which the Park is famed and designated. It is considered that the current A465 provides a clear demarcation between land that is inside the BBNP and that which sits outside. The current dualling of the existing A465 carriageway will also have a greater impact on the BBNP and how it is viewed. While the construction of an additional "arm" could have a cumulative (negative) impact, it is not considered that its construction would be so consequential as to make its impact unacceptable *in combination*.

Additionally, until recently the LPG Gas facility was in operation at the Dynevor Arms and the Baverstock's Hotel (now a Nursing Home) and the existing highway intersection is also quite prominent man-made structures. The former land-fill operation and more recent construction of an Eco-Park at Bryn Pica also acts as a

backdrop as does large areas of conifer plantation which could be felled in the future (once it reaches maturity) with a potentially devastating impact on the landscape, arguably, much more in the short and medium term than the provision of a new road. Views from the BBNP further afield lead to the settlements of Hirwaun, Penywaun and Llwydcoed in RCT and Castle Park and Swansea Road in Merthyr Tydfil all of which are human interventions into the landscape and not the type of landscapes that one would necessarily expect to find in the BBNP of wilderness, peace and tranquillity. It is clear that the construction of the road *will* have an impact on the setting of the BBNP and that a “cumulative” impact is capable of being considered as “one development too many”. It is for Committee to decide how much the development affects the setting and whether, as a result, the impact is such as to warrant a reason for refusal (taking into account the views expressed by NRW and those concerns expressed at the PAC stage by the BBNPA). However, it is considered that the impact of the proposal does not impact unacceptably on the setting of the BBNP or has any meaningful impact on the “special qualities” of the BBNP nor would the provision of an area(s) of tree planting (as suggested by NRW) make such a difference as to make something that is potentially unacceptable, acceptable (even if it was capable of being provided).

Ecology

Habitats and Nature Conservation

Numerous ecological surveys have been undertaken for the project and the full description of the ecological impact on the scheme is include within the ES. A summary of the habitats and species that would be impacted by the scheme is as follows:
Habitats within the scheme boundary comprise mainly:

- Semi-natural broadleaved woodland
- Scattered trees
- Scrub
- Acid grassland, semi-improved acid grassland, marshy grassland, acid/ neutral flush, poor semi-improved grassland, improved grassland
- River corridors and small ponds
- Hedgerows and ancient hedgerows
- Disused railway line
- Tall herb ruderal/ bracken

The scheme will directly impact the following habitats and designated sites:
An area of Ancient Woodland which contains TPO'd trees in the central part of the route (north of Afon Cynon crossing).

The central section of the Tir Mawr a Dderi Hir, Llwydcoed Site of Special Scientific Interest (SSSI), designated for its species-rich neutral grassland and marshy grassland habitats, will be bisected by the proposed route.

The southern section of the proposed route passes through the Upper Cynon Floodplain Site of Importance for Nature Conservation (SINC).

The scheme will directly impact the following protected species:

- Dormouse – loss of known habitat in the northern section of the scheme
- Otters – using the Cynon and tributaries – some holts and resting places are noted close to the line of the road
- Reptiles are present along the scheme
- Marsh Fritillary butterfly – loss of habitat both within and outside of the Tir Mawr and Nant Hir, Llwydcoed SSSI
- Bats – potential impacts upon flight lines and some loss of foraging habitat. No roosts directly impacted (to date)
- Willow Glove fungus was present in woodland to the north of the River Cynon and likely to be directly impacted by the scheme.

As part of the application, both NRW and the Council's Ecologist were consulted. The views of the Council's Ecologist are summarised below (comments from NRW follow later in the report).

The Phase 1 Survey identifies the habitat importance of the area as a rich mosaic of unimproved and semi-improved drier species rich grassland, marshy grasslands, swamp, flushes, woodland, scrub, hedgerows, bracken, the River Cynon and other watercourses. The Phase II /National Vegetation Classification Survey further highlights the biodiversity importance of the study area, and in particular the 'open' dry and marshy grassland habitats, and associated flushes and peat features. These dry and wet grassland habitats (with associated peat features) are the primary designatory features of the Ty Mawr a Dderi Hir, Llwydcoed SSSI, the adjacent Bryncarnau Grassland SSSI and the Blaen Cynon SAC/Cors Bryn Y Gaer SSSI (which is also designated for Marsh Fritillary Butterflies), and to the north of Penderyn, Cwm Cadlan National Nature Reserve. The importance of these open ground habitat is also reflected in much of the designatory features of SINC 15.

The NVC surveys identified a range of priority open grassland and flush communities including drier MG5 and U4 grasslands, a small area of the rare MG4 floodplain grassland, wet M23, M24, M25 and M27 marshy grassland and peat based M6 flush. The survey work has confirmed the importance of the previous route refinement work undertaken between 2011 and 2014, in which assessment work and consultation with the (then) Countryside Council for Wales identified the current alignment as the preferred route within the Ty Mawr part of SSSI, because of its reduced impact on the priority grassland, mire and flush habitats.

Although the road alignment does reduce impacts on the key designatory features of the SSSI, there is still an inevitable and significant impact on the SSSI and SINC habitats, and areas of previously unrecorded species rich grassland habitat identified in the Phase I/Phase II surveys. The ES identifies that within the SSSI 2.25 hectares of grassland habitat and 2.4 hectares of woodland will be lost, 3.4 hectares of woodland and 1.7 hectares of grassland will be lost from SINC 15, and elsewhere 3.2 hectares of additional species rich grassland will also be lost.

In Section 6 of the Phase2 NVC report, the importance of robust grassland mitigation is identified and includes minimising habitat loss, providing enhancement management of retained areas of SSSI, developing compensatory measures to

restore/increase the nature conservation value of adjacent land, mitigating for habitat connectivity impacts and ensuring management access within in the SSSI is maintained. These recommendations have fed forward into the development of the SSSI and habitat mitigation and enhancement measures developed through the pre-application enquiry period including consultation with NRW (see further comments on Tir Mawr a Dderi Hir, Llwydcoed Site of Special Scientific Interest below). The biodiversity assessment within the ES concludes that with mitigation there will be a minor adverse impact associated with the loss of habitat in the SSSI, SINC 15 and other grassland habitat. Minor adverse is assessed as one which although a permanent impact will not affect the integrity or key characteristics of that resource. NRW's planning consultation response of December 2021 to the ES and the package of mitigation/enhancement measures for the SSSI and wider habitat context, has not raised an objection to those impacts subject to robust short and long-term mitigation delivery secured through CEMP and LEMP provisions. Having reviewed the ES and the mitigation and compensation provided, it is considered that the EIA conclusions are reasonable and justifiable and that therefore the impacts on the key habitats of the study can be acceptably mitigated.

Because of the mosaic of habitats within the road corridor a **lower plant** assessment was undertaken. The resulting 'Bryophytes and Lichen Survey' identified that the survey corridor supports a rich bryophyte flora (101 species) and relatively rich lichen flora (69 species). Although there were no nationally rare or scarce bryophytes were recorded, two Nationally Scarce and Notable lichens were recorded (*Bacilidia carneolglauca* (riverbank habitat) and *Eopyrenula grandicula* (ash trees). Both the localities for these two species are outside the direct corridor of the road alignment. The report identifies that the most significant lower plant habitats were associated with river/stream cliffs, rocky banks, and exposed bedrock. Although woodland areas had typical bryophytes assemblages the woodlands were considered generally too shady to have rich lichen floras. Grasslands were not particularly rich in lower plants. The Report identifies a priority need to avoid ground impacts at locality 17 which is to the north-east of the northern end of the road scheme. This construction protection measure will need to be included in the CEMP. There is also a need in the fine detail of landscape design to cross reference proposals with lower plant locality identified in the report.

The **Fungi Survey** identified that a rich mosaic of high importance woodland and grassland fungi habitat occurs with the road corridor study area (see Figure 1 of the Fungi report). Old woodlands and hedgerows were found to support 13 notable species, that included hazel glove an Environment (Wales) Act Section 7 list priority species. Younger scrubby woodland (including willow scrub) supported 7 notable species including willow gloves (Section 7 species) and fringed cup. In addition, two rare species were recorded (*Trichoderma britdaniae* and the woodwart Hypoxylon fuscoides). The grassland habitats of the study area are important for waxcap and other grassland fungi. Interestingly the less heavily grazed nature of these grasslands in the 2019 survey proved less suitable for grassland fungi than the 2013 survey. Such habitat condition issues in relation to different ecological features highlights the importance of balancing different site management and mitigation objectives and

outcomes along the route alignment e.g., the different grassland management requirements for marsh fritillary butterflies in comparison with grassland fungi.

The fungi report clearly identifies the importance of the study area for a variety of important species and species assemblages and habitat types. The assessment concludes that impacts to fungi habitat will be experienced through the direct loss of habitat, the potential for localised air quality impacts associated with road traffic and the potential for disruption to essential management of retained habitats (e.g., grasslands). The Report identifies as a priority mitigation the need to minimise habitat impacts through detailed construction design, and the necessity for specific mitigation for willow glove and other key species. Such measures will need to be delivered through the imposition of specific fungi requirements in the CEMP and LEMPs condition delivery. The report also highlights the re-use of felled timber as fungi habitats (and the need to ensure that access for future grazing management of grassland either side of the road corridor is maintained. Management access to the SSSI grassland areas either side of the new road is an important SSSI mitigation and is identified in the ES as having been designed into the scheme proposals. The biodiversity assessment within the ES concludes that with mitigation there will be a minor adverse impact from construction on fungi habitat. Minor adverse is assessed as one which although permanent impact will not affect the integrity or key characteristics of that resource. Detailed fungi mitigation will need to be provided through the CEMP, LEMP and Landscape condition requirements

The **Hedgerow Report** assessed 14 hedgerows effected by the scheme and identified that 11 of those qualify as important using the criteria of the Hedgerow Regulations (1997). Three hedgerows didn't qualify as "important" because they were species poor and/or classed as defunct. Two important hedgerows (HR 4 and 14) will require partial clearance to facilitate development. Section 7 of the Hedgerow report includes recommendations for hedgerow avoidance/protection, compensation/mitigation, enhancement and timing of works and these measures need to be detailed and delivered through the Schemes CEMP, LEMP and Landscape conditions.

Species

The **Bat Survey** report summarises the extensive series of bat assessments undertaken in the study area. These include data searches, bat roost assessments, emergence/return surveys, activity surveys, static detector and cross point surveys. In terms of bat roosts only one soprano pipistrelle maternity roost was recorded, there were however number of day roosts for common and soprano pipistrelle, a few other day roost and transitory roost use for other species (brown long-eared bats and myotis species), a possible hibernation site and a year-round roost for a single lesser horseshoe bat.

Activity survey work identified at least 11 bat species using (to varying degrees) the study area including low level use by greater horseshoe bats and a single possible Bechsteins bat register. The assessment concludes that the study area is of County Borough importance for commuting bats

Of 165 trees assessed as roosts within 100 metres of the centre line of the road, after climbing inspections, 36 were assessed as having moderate bat roost potential and 3 with high bat roost potential. Bat mitigation measures will be required for tree felling and will form part of the CEMP condition requirements (see below). NRW have also required a specific tree bat assessment condition (see below).

Section 10 of the Bat Report confirms that no bat licence will be required for the road scheme. Through the retention via bridge crossings of key bat connectivity habitat along watercourses, and the proposals to create community and foraging routes at Tir Mawr farm, the report concludes that habitat connectivity for bats will be maintained. The report identifies the requirement for soft felling of trees with bat potential with the oversight of an Ecological Clerk of Works. The need for bat sensitive lighting and the opportunities for bat roost creation in bridge abutments and the re-use of felled timber with holes as natural bat roosts. The report (10.9) identifies the requirement for a 5-year construction bat monitoring programme and a subsequent targeted post construction monitoring programme.

NRW (see following comments) have raised no objection to the application with regards to bats, although they have specified CEMP, LEMP, bat tree inspection and ecological sensitive lighting conditions (see below). It is considered that the bat mitigation, enhancement and monitoring requirements of Section 10 of the Bat Report are effective proposal which will need to be delivered through appropriate planning conditions.

The **Dormouse Survey** recorded dormice for the first time in the Cynon Valley. One dormouse was recorded, ten dormouse nests and one possible dormouse opened hazel nut. All conclusive evidence of dormouse was recorded from north of the disused railway line predominantly in hedgerows. Section 7 of the report concludes that dormouse nests identified (all of which were in test tubes) were either of dispersing adults or young animals looking for food. The report considers that the adjacent woods will support dormice, that the habitats in the study area are generally sub-optimal for dormice and the population is therefore likely to be vulnerable without mitigation.

Short term pre-construction impacts are identified as the removal of a small area of woodland (0.015 hectares) and three sections of hedgerow (the longest being 68 metres) which are assessed as temporary impacts causing severance of dormouse habitat, reduction to feeding/nesting habitat and potential for risk of injury or death. Longer term impacts are identified as removal of 0.2-hectare area of woodland, loss of 90 metre hedgerow and the potential to disrupt dormouse access along the Cwm Ynysminstan at Road Bridge 2. Based on criteria in the Design Manual for Roads and Bridges, the assessment concludes that unmitigated habitat loss, habitat severance and direct mortality risk all have major adverse magnitude impact, with construction disturbance a moderate magnitude adverse impact and street lighting a minor adverse magnitude impact. The report concludes significance of impacts ranging from slight to moderate adverse.

Section 8 of the Dormouse Report considers mitigation requirements north and south of Road Bridge 1. North of the bridge pre-construction impacts are identified as lighting, the need to retain wider riverbank edges for dormouse access and habitat

planting. For construction a European Protected Species Licences (EPSL) will be required from NRW, which amongst a series of detailed provisions could also include the installation of compensatory nest box provision, maximising habitat retention, lighting controls and toolbox talks. The EPSL licence will continue in the operational phase, but dormouse mitigation will also need to be integrated into LEMP and woodland habitat mitigation (including landscaping condition). The need for an appropriate condition, as recommended by NRW, is reiterated.

For south of Road Bridge 1 the pre-construction measures recommended relate to lighting and works to improve river crossings and underpasses for dormice use. Construction mitigation focuses on habitat retention, lighting, toolbox talks and a wildlife bridge within the pedestrian underpass. Operational measures include habitat management and nest box installation. Monitoring will be an essential component of the EPSL, CEMP and LEMPs. Section 8.7.1 and 8.7.2 of the ES identifies that with mitigation there is a negligible adverse impact on dormouse for both construction and operation. Negligible adverse is assessed a temporary impact that will not affect the integrity or key characteristics of the site. Subject to an EPSL and conditions, the Council's Ecologist acknowledges that NRW have not raised an objection to the impacts of the scheme on dormice and is therefore satisfied.

A_Badger Survey found no evidence of badger setts or activity within the study area. The badger report identifies precautionary measures that will form part of the CEMP, and in addition the long-term biodiversity mitigation/enhancement of the LEMP provides opportunities for positive land management works if badger use these areas in the future.

The **Otter Survey** report (July 2020) confirmed that River Cynon supports high value otter habitat. Five (5) otter holts (all resting not breeding) were recorded on the River Cynon section within the study area, and evidence of otter use was recorded on the Cynon and all the significant tributary streams. The survey assessment confirms the usual pattern of otter activity in RCT as a species utilising large home ranges, with the River Cynon representing high quality habitat. No otter holts will be lost, although one is close enough to the construction corridor to require an NRW Licence. The EIA identifies that road construction will have some direct impacts on the River Cynon at the viaduct crossing, particularly where 'rip-rap' natural stone protection needed for one of the piers of the road viaduct, and where a zone of bankside tree/scrub removal is needed to accommodate the viaduct. However, the River Cynon viaduct cross and Nant Hir corridor crossing will maintain otter passage along both watercourses reducing very significantly the potential for otter to cross the new road. Lighting mitigation of the viaduct is identified as a key mitigation measure together with pollution controls, and as part of the landscape mitigation targeted riverside planting, and enhancement opportunities in the form of re-use of stone and tree trunks to create otter cover. The Report concludes that providing mitigation and enhancement measures are developed as identifies in Sections 11 and 12 of the report there will no long-term impact on the viability of the population in the area affected by the road scheme. As a European Protected Species NRW have been consulted and providing mitigation is secured as per a Licence requirement and conditions as identified in the

NRW consultation response they have raised no objection. Otter will feature in CEMP and LEMPs and also as a stand-alone otter fencing condition (as required by NRW).

A **Great Crested Newt** (plus general amphibian) Survey/Assessment was provided, with eDNA sampling of the three ponds in the road corridor assessment area. Negative results for great crested newt were recorded through eDNA work. On the basis of the assessment and results, NRW (in its planning consultation response) raised no requirement for further great crested newt. However common frog, common toad and palmate were recorded within the assessment work and Section 7 of the report includes a number of precautionary amphibian mitigation measures and enhancement measures. These measures will need to be included and considered in the development of the CEMP and LEMPs.

The **Reptile Survey** recorded a number of areas with slow worm populations, the sizes of which ranged from low to good population depending on location, a single grass snake was also recorded. Section 6 of the report identifies reptile mitigation strategy requirements and Section 7 enhancement measures. Given the amount of suitable habitat within the road assessment corridor and connected landscape, there is significant capacity to successfully mitigate for reptile impacts through integration of these measures and requirements into the CEMP and LEMPs (and S106 if that is permissible).

The **Bird Survey** recorded 58 species and 200 nesting territories and concluded that the bird fauna was typical of the habitat types and mosaics present. The bird value of the corridor was assessed as being of local conservation value due to the number of species recorded, the relatively high number of species of high and medium conservation concerns, and a notable breeding colony of swallow. Nesting bird mitigation and enhancement measures are identified in the bird report and these need to be integrated into the measures and requirements of the CEMP and LEMPs.

Barn owls received a specific target consideration and assessment. The **Barn Owl Survey** (July 2020) recorded successful breeding within 500 metres of the road scheme and additional roosting sites. While direct loss of feeding habitat through road development for was considered to be of a “low adverse” impact , the survey report highlights the likelihood that some road mortality will occur in the operation of the road which without mitigation may have both short and long-term impacts. 8.7.2 of the ES identifies the residual operational impact of the road on barn owl as “moderate adverse”. Moderate adverse being a permanent impact that affect the barn owls within the immediate context of the new road corridor. The Barn Owl Report identifies a series of mitigation and enhancement measures to reduce that impact, including timing of works, roost re-surveys, monitoring, the compensatory provision of alternative roost sites located further from the road corridor and enhancement of existing roost sites. The report identifies the value of those areas of steep embankment in encouraging barn owls to cross the new road at height (thus reduce risk of traffic collisions) and the use of landscaping as a means to deter barn owls from foraging close to the highways elsewhere. The barn owl mitigation benefits of landscaping have been one of the important ecological design constraints considered in the landscape planting proposal, and the balance reached between screen planting for visual amenity and to help deter

barn owl from the proximity of the new road, and the importance of maintaining some open ground access for marsh fritillary butterfly connectivity. The Barn Owl Report itself recognise the balance of mitigation required. The delivery of barn owl mitigation and enhancement measures will be through the conditioning and delivery of the CEMP and the two LEMPs.

The Cynon Gateway Landscape sits within a larger landscape area of particular significance for the **Marsh Fritillary Butterfly**. This rare butterfly is a UK and Welsh priority species, it is fully protected under UK legislation, and protected under the Bern Convention (Annexe II) and EC Habitats and Species Directive (Annexe II). The butterfly's main breeding habitat is marshy grassland habitat with its larval foodplant (the Devil's-bit Scabious) although where its foodplant is present the butterfly will also sometimes breed in drier grasslands, and when dispersing adults will use flower rich habitats as steppingstone habitat.

The study area that includes Tir Mawr a Dderi Hir SSSI, SINC 15 and adjacent areas of previously unknown marshy grassland identified by the EIA, collectively represents very high-quality marsh fritillary habitat. As part of the Marsh Fritillary Survey Report submitted in support of the EIA, all areas of marshy grassland with Devil's-bit Scabious within the study area were surveyed for adults in 2019 with a partial autumn larval survey in the autumn of 2019. Adult butterflies were recorded in 19 of the 26 areas surveyed, 11 of these occupied sites supported single figure butterflies, 7 sites supported between 13 and 45 butterflies and one site (C15 within the SSSI) supported 210.

Table 8.15 of the ES identifies the loss of 3.85 hectares of Marsh Fritillary habitat during construction of the road. With reference to the Marsh Fritillary Report (October 2020) 5 of the 19 areas occupied by marsh fritillary butterflies in 2019 are directly affected by the road's impact, an impact assessed in ES (before mitigation) as a moderate adverse impact with a large adverse significance. With reference to the Marsh Fritillary Report the most significant habitat losses are the SSSI compartments CO2 (0.48-hectare loss), and CO4 (which is not in the SSSI but is in SINC 15) with nearly one of hectare of loss. CO4 is assessed as the most significant area of Marsh Fritillary habitat lost because of area, quality of habitat and good numbers of the butterfly, and also because it is centrally located and connected to 6 other habitat unit and therefore is likely to play an important connectivity role. The Marsh Fritillary Report identifies the importance of retaining as much useable habitat in CO4 as possible, using attenuation features developed in the near vicinity as sites for marsh fritillary habitat restoration and re-using soils from marsh fritillary areas as donor habitat for mitigation elsewhere within the Scheme. The Report also identifies potential for positive marsh fritillary habitat mitigation elsewhere within the new road corridor e.g., units 13 and 14 at the north-east end of the road. The SSSI and Marsh Fritillary Mitigation and Compensation Strategy (October 2020) provides further details of Marsh Fritillary mitigation with details of SSSI protection, management and re-use of soils and the provision of a 6-hectare SSSI and Marsh Fritillary compensation area to the immediate south and south-east of the Tir Mawr A Dderi Hir SSSI.

The SSSI and Marsh Fritillary Mitigation and Compensation Strategy (October 2020) also highlights the importance of maintaining habitat connectivity for the marsh fritillary butterfly metapopulation that exists in this part of the Cynon Valley. The report includes a summary plan which illustrates how the SSSI, and Marsh Fritillary compensation area are closely connected to a network of pre-existing Marsh Fritillary habitat mitigation schemes that have been secured by the (RCT) Council through previous planning permissions. The Marsh Fritillary Butterfly functions at a landscape scale through a so-called metapopulation dynamic. The complexities of a requirement for appropriate marshy grassland habitat to be in suitable condition for breeding, a complex and cyclical parasitic relationship with a parasitic wasp species and the vagaries of flight season weather, determines that within a landscape occupied by a functioning metapopulation the butterfly survives by moving periodically between sites, and depends on its ability to disperse between sites to re-occupy areas after localised, temporary extinction events. The cyclically process of colony 'boom and bust' means that smaller sites, which provide a vital interconnecting steppingstone function between larger (usually) SAC or SSSI sites, will periodically lose the butterfly but will also periodically be re-occupied. As an example, monitoring over ten years of at the National Grid owned Marsh Fritillary mitigation site at Rhigos Sub-station (to the west of Hirwaun) has chartered this process of periodic occupation of one particularly important steppingstone site. Connectivity of marsh fritillary habitat is therefore essential for the long-term survival of the butterfly because the butterfly depends on its ability to disperse and re-colonise habitats in order to maintain itself.

The Cynon Gateway North scheme is 2.7 km north-west of the core Blaen Cynon Special Area of Conservation (SAC) designation. The Habitats Regulation Assessment undertaken for the Cynon Gateway North scheme concluded no adverse impact on the SAC associated with the road development, and NRW have broadly agreed with that conclusion in their consultation responses. However, NRW has identified the importance of Marsh Fritillary habitats and habitat connectivity outside the core SAC area. This includes the landscape area around the Cynon Gateway North scheme and NRW has required that a robust mitigation and compensation for Marsh Fritillary Butterflies and their habitat and habitat connectivity is delivered through long-term provisions secured through planning condition (and if appropriate a planning agreement).

The Blaencynon SAC designation is recognition of the European importance of the greater Hirwaun landscape for the Marsh Fritillary Butterfly, and the butterfly's presence on adjacent SSSIs (including Tir Mawr A Dderi Hir SSSI) and a number of SINC sites, is evidence of the extent of the landscape area used by the butterfly. In terms of the context of the Cynon Gateway North scheme, the Blaen Cynon SAC lies to north-west of Hirwaun, while Dderi Hir SSSI, Ty Mawr SSSI and Bryncarnau Grassland SSSI (which all support Marsh Fritillaries) all lie east of Hirwaun. Hirwaun and its associated infrastructure sits in the valley bottom, with the Heads of the A465 crossing east-west through the landscape. Connectivity between the SAC, SSSIs, SINC sites and the Marsh Fritillary habitat requires connectivity around the Hirwaun, and two such routes exist.

One route is to the south of Hirwaun, where considerable work secured through planning agreement mitigation has realised a wide corridor of 'useable' Marsh Fritillary Habitat from the Rhigos Substation site (Hirwaun Industrial Estate) in the far west, east through habitat management and restoration requirements for Tower Colliery site, then via a wide corridor of restored habitat south of Hirwaun to Marsh Fritillary Habitat restoration land at the Aberdare College development site to the immediate west of the Ty Mawr SSSI area (as per the Connectivity Figure in the SSSI and Marsh Fritillary Mitigation and Compensation Strategy). This connectivity then continues through Tir Mawr part of the SSSI north to the Dderi Part of the same SSSI and then east to further habitat at Bryncarnau Grasslands SSSI and a large marsh fritillary habitat mitigation area managed as marsh fritillary mitigation for the A465 improvement works. A route north of Hirwaun lies within the Brecon Beacons National Park and uses a relatively narrow corridor of lowland enclosed pastures on the lowest slopes of the hillside of Mynydd y Gog. The northern corridor of Marsh Fritillary connectivity is through grazed permanent pastures and small areas (steppingstones) of marshy grasslands.

As the Marsh Fritillary survey work for the Cynon Gateway North scheme showed (with 19 of the 26 Marsh Fritillary habitat units surveyed in 2019 supporting the butterfly), habitat occupancy of sites by Marsh Fritillary Butterfly within this wider landscape is good. Evidence from the last plus twenty-plus Marsh Fritillary conservation work in this landscape provides confidence that habitat connectivity functions well in this landscape and also provides evidence that marsh fritillary butterflies do cross-roads and other infrastructure as part of periodic dispersal between sites. Within the Cynon Gateway North Study Area, the Marsh Fritillary Report highlights in its discussion and recommendation section that, 'whilst many of the habitat patches (*for Marsh Fritillary*) are small, there is good connectivity across the area and reducing impacts that result from fragmentation is one of the great challenges for the project'. Woodland is a barrier to marsh fritillary movement and this factor is identified in the Marsh Fritillary Report. Therefore, a key mitigation measure for the scheme for Marsh Fritillary Butterfly conservation is balancing the need for woodland planting with that of retaining areas of open grassland connectivity either side of the road. This is particularly important in the northern part of the road scheme, where currently the landscape is more open to butterfly movement and where connectivity across the road can be most effectively retained. Other key routes for butterfly movement are identified in the ES as the river/stream crossing and a railway embankment.

The issue of maintaining habitat connectivity for the Marsh Fritillary has been the subject of much discussion during the development of the landscaping proposals. In my opinion an acceptable balance has been reached within the landscape scheme submitted, which when integrated with habitat retention, compensation and management measures does provide for landscape permeability across the new road (from east to west) for the butterfly. The location of compensatory SSSI and marsh fritillary habitat developed through the scheme is also well connected to the network of pre-existing marsh fritillary mitigation areas.

The ES concludes that with mitigation and compensation measures the residual impacts on marsh fritillary butterfly use of the site and wider landscape will not be significant. In terms of operation of the road, the ES in (8.7.2) identifies a "negligible

adverse” residual impact on Marsh Fritillary mortality through butterfly crossing the road. Negligible adverse is assessed a temporary impact that will not affect the integrity or key characteristics of the site. Indeed, for Marsh Fritillary metapopulation to function the butterfly has to be able to cross the road, and while fatalities may occur that function of dispersal is essential. Subject to CEMP conditioning and the detailed long-term mitigation, compensation and monitoring of LEMP provision, NRW has not objected (see below) to the impacts of the scheme on Marsh Fritillary Butterflies. Given my professional knowledge and experience of Marsh Fritillary conservation within the Hirwaun metapopulation area I am also of the opinion that providing effective, robust and long-term mitigation and compensation is developed the impacts of the scheme on the Marsh Fritillary will be mitigable. It is therefore recommended that a slight amendment to the NRW recommended CEMP and LEMP conditions is included.

A baseline **Native Crayfish** Study was undertaken to identify potential in the River Cynon. The assessment concludes that crayfish presence was very unlikely and having assessed the EIA, NRW has not raised a protected species concerns related to crayfish. There are no known extant populations of native crayfish in RCT. The **aquatic invertebrate** survey/assessment of the River Cynon has identified baseline aquatic invertebrate status of the river up and down stream of the road crossing. Key mitigation relates to pollution controls and sensitive river working, and these need to be conditioned through the CEMP. There is also some potential longer term biodiversity mitigation and enhance associated with beneficial land management of catchment areas within the ecological provisions of the LEMP, and aquatic environment of those areas needs to be considered within those proposals. NRW have assessed the EIA and providing planning permission conditions include pollution control measures as they recommended, NRW have raised no objection to the scheme in relation to the environmental status of the River Cynon.

Tir Mawr a Dderi Hir, Llwydcoed Site of Special Scientific Interest

The proposed road scheme runs through part of Tir Mawr A Dderi-Hir, Llwydcoed Site of Special Scientific Interest (SSSI). In addition to the ES, the supporting document ‘SSSI and Marsh Fritillary Mitigation and Compensation Strategy (October 2020)’ provides further assessment details of the SSSI impact and issues. As identified in Table 8.15 of the ES, 2.52 hectares of SSSI will be lost to the road scheme of which 1.34 hectares is neutral or marshy grassland which are primary designation features of the SSSI and 1.18 hectares of woodland. Through the detailed vegetation, and species assessment (discussed above) the key direct and indirect impacts of the road development on the SSSI have been addressed. The process has also included discussion and dialogue with NRW which had commenced with CCW through previous route option assessment work and continued in the development of the survey/assessment requirements of the EIA process and the development of SSSI mitigation and compensation. The direct habitat loss to the SSSI is identified within the ES as 5% of the SSSI area.

The hydrological impacts of the scheme are assessed in different parts of the ES but are summarised in the SSSI and Marsh Fritillary Mitigation and Compensation Strategy. This identifies marshy grassland, fen meadow and flush as key SSSI

designation feature which are groundwater dependent terrestrial ecosystems. The assessment concludes that surface water flows are more important to these wet ground SSSI habitats than groundwater. Furthermore, the assessment concludes that surface water flows within the SSSI will not be blocked by the proposed scheme, and that because there is no engineering 'cut' in the SSSI the groundwater impacts will be no greater than minor adverse and not significant. The ES concludes that hydrological impacts on the SSSI are not significant enough to require mitigation, although SSSI compensatory measures (as identified in the SSSI and Marsh Fritillary Mitigation and Compensation Strategy (October 2020)) will help off-set any localised hydrological impacts. NRW is not objecting to the hydrological impacts of the proposal on the Tir Mawr A Dderi Hir, Llwydcoed SSSI, although as set out in their consultation of 13/12/21 NRW is requiring ground contamination, surface and groundwater conditioning, all of which may have potential mitigation benefits for the SSSI (and other sensitive ecological receptors).

The ES has assessed the air quality impacts of construction (dust soiling impacts) and operation (NO_x deposition) on the SSSI at 3 different locations. With regards to construction impacts (dust soiling impacts) 6.6.8 of the ES identifies Tir Mawr a Dderi Hir, Llwydcoed SSSI as a highly sensitive designated receptor. Using Institute of Air Quality Maintenance (IAQM) criteria, the sensitivity of the area to ecological impacts related to dust is assessed as high. Step 5 Appendix 6, Volume 3 of the ES identify the mitigation required to manage the construction air quality impact and concludes that with implementation of those standard industry air quality management measures the construction phase air quality on the SSSI will be acceptable mitigated. In addition, (in 6.8.1) the residual impacts of construction are also assessed as temporary and mitigatable by application of standard and appropriate measures. The EIA also concludes no cumulative air quality impacts associated with construction. The air quality mitigation associated with construction will therefore need to be conditioned and implemented through an approved Construction Environmental Management Plan (CEMP).

The traffic-based air quality operational impact of the road is considered in the ES in terms of NO_x deposition on vegetation and soils. Nitrogen deposition into grassland soils can increase fertility loading of the soil leading to increased grass growth and potential loss or change in floristic diversity. NO_x deposition can also affect the pH of soils and cause detriment to flora and fauna requiring higher pH status. Road traffic is a major source of NO_x.

The ES (in Table 8.16) identifies that the 30 ug/m³ threshold for NO_x is not reached in the modelling for the SSSI. However, there is a predicted increase in NO_x, with the SSSI area of the river experiencing a 127% increase in NO_x close to the new road, falling to an 18% increase 95 metres from the road. South of the River Cynon the modelling predicted a 181% increase in NO_x near to the southern roundabout falling to a 0% increase 200 metres into the SSSI. The ES concludes however that critical loads of NO_x within the SSSI will not be reached and that therefore it is unlikely that vehicle emissions will cause significant impacts to the SSSI. However, in the absence of mitigation the ES takes a precautionary approach to this impact and concludes a minor adverse magnitude impact of slight adverse significance. Having reviewed the

ES, NRW have not raised objection to the planning application on the basis of air quality impacts on Tir Mawr a Dderi Hir Llwydcoed SSSI and the ES conclusion that a non-significant impact on the air quality of the SSSI habitat is therefore considered a justified conclusion.

The SSSI and Marsh Fritillary Mitigation and Compensation Strategy sets out mitigation for impacts within the SSSI (Section 4). These include (in 4.1) the initial route option assessment (undertaken between 2011-2014) which identified the alignment of the proposed road scheme as the least SSSI damaging option assessed. The report (at 4.2) identifies those areas of SSSI that are to be retained within the road boundary. Paragraph 4.3 identifies the requirement for a Construction Environmental Management Plan (CEMP) and 4.4 sets out a series of general working practices within the SSSI to reduce SSSI damage during construction. Then, 4.5 includes proposals for SSSI turf (seed bank) removal, storage and re-use with the highway corridor and SSSI compensation areas and, in 4.6 the stripping and re-use of woodland soils/seedbank within landscaping and woodland mitigation areas. Paragraph 4.7 then identifies the provision of management access for grazing and other essential activities to both sides of the bisected SSSI. 4.8 identifies SSSI improvement measures to help maximise ecology value of retained areas of SSSI, these include new provision of water (drinking points) for livestock in those parts of the SSSI currently without such provision (e.g., Gamlyn Viaduct and Penywaun Meadow are both currently deficient in livestock drinking provision), selective scrub and bracken management to recover areas of priority SSSI habitat that have been recently lost to scrub/bracken encroachment and SSSI invasive plant control. 4.8 identifies that such habitat improvement opportunities and measures will be integrated into conditions (CEMP and LEMP) and within 5 year after-care management and emphasises that any such measures will need to be planned to not interfere with any pre-existing SSSI management agreement arrangements. The Council's Ecologist has stressed that NRW consultation and consenting will be essential activities.

Section 5 of the SSSI and Marsh Fritillary Mitigation and Compensation Strategy identifies in Paragraph 5.3, a series of compensation measures to off-set the loss of grassland, marshy grassland and fen meadow habitats are identified. These include bringing forward an area of approximately 6 hectares of habitat restoration within close proximity of the SSSI (and adjacent SINC), which through long-term habitat restoration and aftercare will have a good potential to develop flora and fauna communities that will provide effective compensation for SSSI impacts. The larger of the compensation areas is Aberdare Cemetery (Areas 9 and 12) which is identified in the Report as currently supporting a mosaic of semi and unimproved marshy grassland with some Devil's-bit Scabious, but which has been heavily encroached on by scrub and young trees. As historic aerial photos indicate this site was once a more extensive areas of grassland which has over recent decades become increasingly overgrown with rank vegetation which has developed and spread through a lack of management. The 'root habitats' of the original grassland are however old pasture, with similar unimproved soils to adjacent SSSI and SINC areas and therefore have a good potential to become more extensive and species rich through the habitat restoration and enhancement management work that 5.3 identifies. There is a good potential that key SSSI (and

SINC) grassland, marshy grassland, and fen meadow communities, such as National Vegetation Classification communities MG5, M23, M24 and M25 can be restored. In addition, Devil's-bit Scabious planting and the potential SSSI (and other) soil/seedbank re-use provide options for further mitigation and compensation. Long-term (identified as 'in perpetuity' in the SSSI and Marsh Fritillary Mitigation and Compensation Strategy) habitat management and ecological monitoring are identified as key components. Aberdare Cemetery compensation site is within 40 metres of the Tir Mawr part of the SSSI, and therefore has good SSSI connectivity, and will form a southern extension of nature conservation managed land to the designated SSSI area.

The second compensation area is Site 20, which is a floodplain meadow adjacent to the River Cynon. This is a damp field with semi-improved neutral grassland (National Vegetation Classification MG 5 and 6 grassland and M23 marshy grassland). The site is situated in a similar floodplain valley bottom location to areas of adjacent SSSI, with unimproved soils and seedbank. The site has been used as pony paddock/exercise land without conservation focused management, however with appropriate grassland management, Devil's-bit Scabious planting, bracken/bramble clearance, the potential for re-use of SSSI/SINC grassland soils/seedbanks, invasive plant control and appropriate aftercare management and monitoring there is good potential to deliver grassland habitat enhancement which can support SSSI National Vegetation Classification communities. The site is 85 metres from the closest part of the Tir Mawr part of the SSSI, and therefore has excellent habitat connectivity with the SSSI, and will form a south-eastern extension to the designated SSSI area.

With mitigation the residual impacts of SSSI loss to construction are assessed in the ES (in 8.7.1) as a minor adverse impact. Minor adverse is assessed as one which although permanent impact will not affect the integrity or key characteristics of that resource. In terms of operation of the road the ES (in 8.7.2) identifies a negligible adverse residual hydrological impact on the SSSI, with a conclusion that there will be a temporary impact that will not affect the integrity or key characteristics of the site. NRW's Planning consultation response of December 2021 to the ES and mitigation/compensation proposals for the SSSI has not raised an objection subject to robust short and long-term mitigation delivery secured through CEMP and LEMP provisions in light of NRW's comments and having reviewed the ES and the mitigation and compensation proposed it is concluded that the ES conclusions regarding SSSI impacts are justified and reasonable.

Summary (RCT Ecology)

The Cynon Gateway North Road Scheme affects an area of high nature conservation value, with SSSI and SINC designation and a number of key protected species. A detailed and extensive suit of ecological survey and assessment has been undertaken and extensive ecological consultation, discussion and design consideration have informed the final road scheme and mitigation and compensation delivery. The proposed scheme will involve some significant ecological impacts to both sites and species, to off-set those impacts a scheme of robust ecological mitigation and compensation measures has been developed through the EIA process.

Subject to the conditioning of mitigation requirements and commitments NRW have raised no ecological objections and having fully reviewed the ES, the Council's Ecologist agrees with that conclusion.

In addition to RCT's Ecologist, NRW were a key consultee in the consideration of this application. NRW were also consulted as part of the applicant's PAC process.

The first consultation response from NRW was received at the end of May 2021. It comprised 24 pages of comments, in which the key message was:

"We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met, and you attach the following conditions to the permission. Otherwise, we would object to this planning application"

Rather than summarise the key issues (and risk diluting the concerns expressed by NRW, a copy of the consultation response has been included as APPENDIX ???). It is, however, important to note that NRW do NOT OBJECT to the proposed development, and this is a significant material consideration.

NRW advise that *"While the various measures outlined.... appear to provide the necessary scope for minimising damage to ecological features of interest.... the specific details for the planning, implementation, and long-term security of the various measures will be key in deciding whether or not the impacts of the proposed scheme will be sufficiently and effectively mitigated and/or compensated for."*

They go on to state:

"While we are generally supportive of the various measures outlined.... the details of individual measures will need to be agreed at appropriate stages of the project, as soon as practicable but at the very latest, a suitable time ahead of any impacts occurring from commencement of on-site works".

As Committee will note from the Appendix, the applicant was required to submit further details (some pre-determination and some capable of being considered post-approval). To address the outstanding requirements, the applicant submitted a further body of work to address NRW's remaining concerns. This was submitted to NRW in November 2021 where upon the details were considered and a second consultation response was received in December 2021. In this response NRW advised:

"We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding land contamination, controlled waters and landscape. If this information is not provided, we would object to this application".

Again, for the avoidance of any doubt, a full copy of this response has been included as **APPENDIX B (i) (ii) (iii)**.

Committee is advised that both of the (first two) consultation responses need to be read holistically as the second response supplements the first and refines the information that is outstanding, the vast majority of which is capable of being conditioned. NRW have recommended conditions that they would expect to see included within any approval and concerns (resulting in an objection) would arise if the application was approved without the conditions being incorporated. Committee is advised that the conditions suggest / required have been included.

As part of their second consultation response, there remained two outstanding issues that required to be addressed. To resolve any issues, meetings were held with NRW on 24th and 25th January (via Teams). A further formal consultation response was received on 9th February 2022. The key message in this response is as follows:

“We continue to have concerns with the application as submitted with regards to landscape, protected sites, European Protected Species, land contamination and controlled waters. We are satisfied that our concerns regarding protected sites, European Protected Species and land contamination and controlled waters can be overcome by attaching a Section 106 Agreement (or other appropriate mechanism) and conditions to any planning permission granted, as outlined within this response and our response dated 13/12/2021. With regard to landscape, we continue to have concerns....”

Again, for completeness a copy of this response has been included as **APPENDIX B**.

The outstanding issue relate to the potential for the development to impact on the setting of the Brecon Beacons National Park and the inability to provide any tree cover to soften any impact of the development when viewed from the Brecon Beacons National Park and surrounding areas.

In discussions with NRW it was explained that the nature of any land in and around the application site lent itself to the favourable conservation status of the Marsh Fritillary Butterfly and its habitat and that any tree planting, while entirely possible, would be detrimental to this habitat and would actually be harmful to the prospects of the Butterfly.

NRW were advised that they could have either (a) enhanced tree planting or (b) mitigation and enhancement of the terrain to support the Marsh Fritillary Butterfly, but not both. At the meeting it seemed that the habitat mitigation and enhancement was (amongst the Ecologists present) the most favoured option, but it is for Committee to make the “Planning-balance” in reaching a decision however, a further complication would seem to be that if appropriate mitigation and enhancement for the Marsh Fritillary Butterfly was not provided (in lieu of the tree provision), both NRW and the Council’s Ecologist would likely raise concerns and object to the proposal. The issue in respect of the impact on the BBNP has been addressed in an earlier section of the is report and comments regarding the material considerations (and the weight that should be given to them) are addressed later in the report.

Historic Environment

The proposed scheme will impact on a known industrial heritage asset that are within the footprint of the scheme. The South-East Wales Industrial Ironworks Landscape

project identified several industrial assets within the Site, including features associated with:

- Cym Nant-yr-Hwch: small areas of quarrying and a quarry face, main tips and abutments of the overbridge, possible workers cottages and former tramways.
- Vale of Neath Railway: although the Merthyr line was dismantled, the Aberdare remains in existence although disused.
- Water Management features: River Cynon and feeder channel associated with the ore extraction within the valley.

Such remains contribute to the understanding of the historic landscape. The scheme will provide an opportunity to further investigate these remains through mitigation fieldwork as part of pre-construction works. This will increase understanding of the industrial remains within the valley and appreciation of the historic landscape.

The Gamlyn Viaduct lies immediately adjacent to the western boundary of the site and is designated a Scheduled Monument (GM533). Constructed in 1854 to 1855 on the broad-gauge Dare and Aman Branch of the Vale of Neath Railway, Gamlyn Viaduct is one of two wooden fan viaducts constructed by Isambard Kingdom Brunel. The larger of the two, c. 183 m in length and 21.3 m in height, the viaducts were dismantled in 1947 following the closure of the line in 1939. **All that survives today are the masonry piers.** The heritage significance of this historic asset derives from its historical association with engineer Isambard Kingdom Brunel and historic and evidential value as part of the development of railway infrastructure during the late nineteenth century which saw the establishment of many railway routes across the country.

Whilst historically the setting of the viaduct would have been defined by its relationship with the railway over the River Cynon, this setting and the intelligibility of this historic asset has been somewhat compromised by its removal as it reduces understanding of the original function, purpose and form. Consequently, its setting derives from the immediate physical surroundings of the existing features, including the surviving cast iron GWR boundary markers. As a result of it being dismantled in 1947 it does not retain prominence within the landscape and there is no visibility the surrounding landscape due to its small scale and the presence of intervening built form and vegetation.

Whilst the scheme will result in a change to the immediate setting of the scheduled monument it will not impact upon the physical fabric of the remains which contribute to its heritage significance.

Cadw were consulted both as part of the applicant's PAC process and as part of the application. Cadw have **not objected** to the development but have expressed significant concerns in respect of the impact of the development on the (remains of the) Gamlyn Viaduct. They have raised a number of procedural issues in respect of the information submitted by the applicant which has resulted in some further work and clarification being submitted but their principal concerns centre on the impact on the setting of the Viaduct.

Meetings have taken place with both the LPA and applicant. While the route of the road has been chosen to have the least impact, it would have to be moved significantly in order for it not to have an adverse impact on its setting, which is not practical or desirable (taking all other constraints into account). Cadw would seem to accept this however feel that a suite of specific and committed compensatory measures are put into place to help mitigate any impact. Cadw have advised that if this mitigation is not agreed, then it would result in an **objection** to the scheme. Constructive dialogue has taken place between the applicants and Cadw and it would seem that a partial agreement has been reached on the type of mitigation being suggested but a final agreement has not yet been reached. The applicant has appointed a Heritage Consultant to propose appropriate mitigation however the timescales involved in this process mean that it will not be possible to reach an agreement prior to the application being considered by Committee. While the impact of a development on the setting of a Listed Building or, in this case, a Scheduled Ancient Monument, is an important material consideration, it is evident that sufficient progress has been made that the process can continue through the imposition of an appropriately worded condition that requires the details to be agreed prior to the construction of the road and the mitigation measures to be provided, on site (where possible) prior to the first use of the road.

Similarly, GGAT have not objected to the proposal but, understandably, have come concerns over the impact of the construction of the road on the archaeology. The applicant's Environmental Statement acknowledges that further intrusive investigations will be required and that there is a likelihood of encountering and impacting on archaeological remains. These will include several known industrial features such as Cym Nant-yr-Hwch, Tappenden Tramroad, etc., as well as agricultural remains in the northern part of the proposal. It is acknowledged by both the applicant and GGAT that the development will result in the loss of these archaeological features but that further investigation will enable them to be identified and recorded. Accordingly, a condition is proposed to secure such ground investigation and recording.

While there are a number of other Listed structures within the assessment zone, it is not considered that there would be any material impact. Neither Cadw or GGAT have offered any concerns in that respect.

The Water Environment & Flood Risk

The River Cynon is the primary watercourse within the area and is a tributary of the River Taff.

After forming its headwaters north-east of Penderyn, the Cynon flows in a largely south-easterly direction before entering the study area at the western extent.

The River Cynon, fast flowing watercourse runs in south-easterly direction through the central section of the site. The watercourse width is ranging from approximately 5 to 35 m in places with banks supporting semi-natural broadleaved woodland ranging from flat and shallow to the steep and rocky cliffs, deep, with gravel substrate in the channel throughout the survey area. The river continues in a south-easterly direction and eventually joins the River Taff at Abercynon.

Further to the north-east are tributaries of the Afon Cynon namely Nant Hir, and Nant Melyn.

Nant Hir crosses the proposed route at its northern end. These tributaries are fast flowing and run in south-westerly direction towards the site. The watercourses have rocky, gravel channel and wooded banks. These watercourses are natural and unmodified rivers with just occasional culverts directing them under the roads.

Other tributaries which cross the site are Tir Mawr Tributary to the north of where the Afon Cynon crosses and Gamlyn Isaf crosses to the south of the Afon Cynon crossing. Just to the north of the A4059 is the Cwm Nant-yr-Hwch tributary.

The River Cynon is a main river, and as such is under the Water Framework Directive (WFD). There is also a groundwater body under the WFD that will be crossed by the proposed scheme.

The NRW flood maps indicate that the majority of the proposed scheme lies outside Flood Zones 2 and 3. Where the proposal crosses the Nant Melyn and Afon Cynon it lies within the NRW Flood Zone 2 and 3. However, the elevation of the road lies above the maximum flood level predicted for both the Nant Melyn and Afon Cynon.

The scheme has been designed to minimise the impact on flood risk. The majority of the proposal is not within an area at risk of surface water flooding. Where the scheme intersects with areas at risk of surface water flooding the road is elevated above existing ground levels.

The scheme has been designed with a range of measures to manage surface water and to mitigate against increased surface water runoff. In the unlikely event the Nant Moel or Nant Hir reservoirs should fail there is a risk of flooding along the Nant Melyn and Cynon Taf. However, flood risk to the proposed road from the reservoirs is very low.

NRW have not offered any objections in relation to this aspect of the development and is therefore considered acceptable.

Dwr Cymru/ Welsh Water (DC/WW) were also consulted as part of the development. Their response advises that the site is crossed by a public sewer to which the development would be directly above. They also advise that, if required, it may be possible to divert the sewer (subject to agreement) but are satisfied that the issues can be addressed through the imposition of two conditions.

Impact on Residential Amenity

Committee will note from the plans provided as part of the presentation that the proposed road lies in relatively close proximity to some residential areas and several isolated dwellings. The nearest cluster of residential properties in Penywaun is approximately 156 metres away (to the foot of the embankment) with Gamlyn Isaf Cottage being closer at a distance of approximately 51 metres. Another isolated property (Brynawel Bungalow) is situated approximately 65 metres away. Members

will also note from the PUBLICITY section that very few comments (objections) have been received in respect of the impact on the occupiers of any of the residential properties affected. Committee is reminded that any issues regarding the willingness of any property to co-operate in the process of acquiring land needed for the development (whether by Compulsory Purchase or negotiation) is a matter that sits completely outside of the planning process and is not considered to be a material Planning consideration. However, the LPA must assess any impact of the development on the occupiers of these properties.

Committee is advised that it is self-evident that the construction of a road (where one currently does not exist) will have a significantly detrimental impact on these properties, however, Committee is also advised that having to look at a road, even where the view previously was of green fields and countryside, is not, of itself, necessarily unacceptable and not a reason to refuse the application. What is of relevance is whether any part of the road, whether through its construction or operation, is so detrimental to the standards of amenity the occupiers of these properties could reasonably expect to enjoy, so as to warrant its refusal. While some parts of the road will be elevated and include significant retaining structures, it is not considered that any impact is so unacceptable as to warrant a refusal. Similarly, it is not considered that, in operation, the road would give rise to any significant impacts. The Council's Public Health and Protection Service has considered the application and is satisfied that the scheme complies with both local and national air quality policies. No objections were received in respect of noise, albeit conditions have been attached to help minimise any implications (noise, dust, hours of operation, etc.) during the construction (and restoration phase) through the submission of a Construction Management Plan (CMP), however any resident would also be afforded the protection of Environmental Health regulations in respect of a complaint being a statutory nuisance.

While, often, Committee is asked to consider whether any negative impacts are acceptable or not, the provision of this road would bring some considerable positive benefits to the residents of Llwydcoed. As part of the application process, a meeting was held with the Llwydcoed Action Group during which time the problems (with traffic) experienced in the village were conveyed (and subsequently relayed in the letters of support for the scheme). While the scheme "affects" the settlements of Penywaun, Hirwaun and Llwydcoed (and the periphery of the Rhigos Ward), it is suggested that while there may be some benefits for Hirwaun, the significant benefits (congestion, highway safety, air pollution, etc.) will be to the residents of Llwydcoed and Penywaun.

As highlighted in the POLICY CONTEXT section, the need and justification given for this road proposal formed part of the LDP and residents of this area have a reasonable expectation that this road should be provided.

Other Issues

There are a number (in issues rather than volume) of objections raised in letters of objection. There are 8 letters of objection received from members of the public and two letters of objection received from the Hirwaun & Penderyn Community Council and Joel James MS. While the volume of objection to any development is not, of itself,

a reason to refuse or approve an application, given the size and nature of the proposed development, there would appear to be surprisingly few objections.

Issues that relate to the need for the road have been addressed earlier in the report. Concerns over whether or not there would be other, more deserving causes that the money could be spent on is not a matter for the Local Planning Authority to consider, an application has been submitted and the LPA must determine it.

Several objectors have cited that the development of a road would be contrary to the aims and objectives of the Well Being of Future Generations Act. Committee must determine the application having regard to this Act and taking all of the evidence into account. Committee will be aware that it is not possible for any development to fit neatly into a framework without there having to be some judgement calls over whether something is acceptable or not. It is also necessary for Committee to conclude that there is some thing or some elements of the proposed development that is/are unacceptable on their individual Planning merit rather than cite the WBoFGA itself as a reason for refusal. It is suggested that there are both environmental and economic benefits of building the road that is underpinned by a well-established (and democratically approved) documents such as the LDP and the Regional Transport Plan which propose the development in question. Therefore, while Committee may decide to refuse the application based on a component (negative) consequence of the development that would also be contrary to the WBoFGA, it is not considered, of itself, to constitute a reason for refusal.

It is considered that calls for any decision to be delayed until such time as WG Road Review is complete is unnecessary. The determination of the application is a (necessary) procedural matter that would enable the construction of the road however, as the road would appear to rely on external funding, then the outcome of the RR would seem to be the ultimate arbiter of whether it can go ahead. It is considered that the two processes can run parallel to each other as one does not specifically rely on the other.

Concerns have been raised as to whether the COVID-19 pandemic has forever changed the way that we all live and work and whether there is now a need for new roads (where commuting is no longer as prevalent than it was) with a greater emphasis being given to the enjoyment of the home. This is considered to be an issue that many can identify with however, there would not appear to be any over-arching policy introduced that would suggest that an application for development (of any kind) should be considered in any other way than they have always been considered having regard to what is often referred to as “residential amenity”. Members are referred to some relevant comments earlier in this report but will need to decide whether or not the proposed development affects any resident in any property, to such a degree as to make the development unacceptable (having regard to Policy AW5 of the LDP).

Concerns have been expressed in respect of the validity of some of the submissions in respect to things like vegetation and ecology surveys. While such objections are noted neither NRW nor the Council’s Ecologist have commented that such reports are unacceptable. Since the beginning of the application, further clarification on certain issues have been sought (by NRW and the Council’s Ecologist) both of whose

comments are included in greater detail earlier in this report and, in the case of NRW, are attached as APPENDICES.

A concern is raised about the development resulting in the loss of agricultural land. Committee is advised that the loss of some land that could be described as agricultural (albeit it is not known whether this land is in beneficial agricultural use) would be lost, it is not considered that the category of land (as defined by the WG Agricultural Land Classification) merits protection in its own right. There is a presumption against the loss of Grades 1, 2 & 3(a) land however, the land in question does not fall into any of these categories so is not, of itself, a reason to refuse the application.

Objections have been made to the effect that when completed it will become a "racetrack" and the road will result in more litter being thrown from passing cars. While such concerns are, to a degree, understandable, they are not considered to be of sufficient weight (or evidenced) to impact on the RECOMMENDATION.

Similarly, there are a number of other issues raised (see PUBLICITY Section) which are similar to those outlined above or have been addressed, in greater detail, elsewhere in the report.

It is not considered that the objections either individually or collectively are of sufficient weight to warrant the refusal of the application.

Concerns were also expressed about whether the money being spent to construct the road would be better spent on other priorities. Committee is advised that this is solely a matter for the applicant and not a matter for the local Planning Authority to consider. Concerns were also raised as to whether potential improvements to the railway line would negate the need for this road. While this is a broader consideration and one which would offer people a better choice as to which mode of transport to use, Committee is advised that it must determine this application at this time having regard to the prevailing policies at the time of determination.

One (very) important issue (resulting in an objection) is that the development will result in the loss of trees.

The applicant has advised the following:

Woodland/ Trees to be removed

- Category A = 716.97m² + 9 Individual trees (Trees of High Quality)
- Category B = 22,360.33m² + 60 Individual trees (Trees of Moderate Quality)
- Category C = 9,902.48m² + 2 Individual trees (Trees of Low Quality)

Total area of woodland lost = 32,979.78m² + 17No Individual trees

Proposed Woodland Planting

- LE 3.1 – Native Woodland Planting with transplanted understorey = 18,671.81m²
- LE 3.2 Native Woodland Edge Planting = 1,173.16m²
- LE 3.3 Riparian Woodland = 3,867.46m²

Total proposed woodland = 23,712.43m²

The applicant has also advised that indicative planting has been agreed however a final plan has yet to be formulated as the final detailed engineering design of the road will take place only after consent was granted but it may be possible to plant these areas more densely (subject to appropriate arboricultural advice).

Some of these trees are in areas covered by a Tree Preservation Order and are in areas designated an Ancient Woodland. Committee is advised that there is a general presumption in favour of retaining these trees. Members will note that Coed Cadw / Woodland Trust have specifically objected to the proposal as a result of this loss (both the Ancient Woodland and a TPO tree). They cite that the area of "Ancient Semi-Natural Woodland" is a broadleaf woodland comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years. Ancient woodland ecosystems, and the soils on which they have developed, are of special importance because of their long history of ecological and cultural continuity. This contributes to ancient woodland being one of the most diverse terrestrial habitats in the UK. By definition, ancient woods are irreplaceable and cannot be replaced by new planting.

All ancient woodlands come within the definition of priority woodland habitats listed in Section 7 of the Environment Act (Wales). The Environment Act places a duty on public authorities to maintain and enhance biodiversity in the exercise of functions in relation to Wales and take all reasonable steps to maintain and enhance those species and habitats.

CC/WT cite PPW11 as the policy context for making a decision where at Paragraph 6.4.26 it states:

"Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits: this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory"

The objection also cites a Ministerial letter from Julie James MS which states:

"It is my strongly held view that we must not sacrifice the principles of sustainable development and place making in the pursuit of economic recovery at any cost"
CC/WT suggest that this is a clear commitment from Welsh Government towards ensuring that future development in a post Covid-19 world respects and protects natural assets, such as ancient woodland and trees.

In reaching a decision, Committee must decide whether the loss of these trees is acceptable and, in doing so, accept that 400+ year old trees are truly irreplaceable.

The key words in PPW11 (6.4.26) is *"unless there are significant and clearly defined public benefits"*. Committee will need to weigh up the benefits of providing this road

against the consequences of it. In respect of PPW, NRW's comments have been appended and no specific objection has been made to the loss of these trees. Similarly, the comments from the Council's Ecologist in respect of biodiversity and mitigation and enhancement measures have been included and no specific objection has been made in this respect. Committee will also need to decide how much weight to give to the Ministerial letter from Julie James MS (7th July 2020). It is clear that CC/WT place a lot of emphasis on what has been said although Committee is advised that it seems more of a generic statement than any specific comment on the loss of trees that form part of any Planning application where proper regard can be had to the overall benefits/consequences of any individual proposal.

It is clear that the loss of these trees is regrettable. By moving the line of the road, it could be possible to avoid the loss of these trees, however, as has been highlighted elsewhere in this report, every action would inevitably result in a different consequence. It is considered that the applicant has chosen the optimal (or least worse) route for the road. While the comments from CC/WT are fully acknowledged and the consequences are stated clearly, the lack of a specific objection from NRW or the Council's Ecologist would suggest that any impact, however regrettable, is acceptable and that the significant and clearly defined public benefits (through its inclusion in the LDP) means that the development is not out of accord with PPW11 in this regard.

In addition to the letters of objection, Committee will note that the application has generated 21 letters in support of the development including Councillors of the Aberdare West & Llwydcoed Ward and the Ward of Penywaun. A letter of support has also been received from the MS of the Cynon Valley, Vikki Howells. These letters cite the positive benefits that the construction of the road would have on Llwydcoed and Penywaun and the uplift in the quality of life that would result (if the road was constructed) for the residents of these areas. Most cite the highway safety (parking, speed, noise, etc.) that results from cars using these villages and welcome the resultant safety and pollutant improvements that would result.

In reaching a decision, Committee will also need to take into account the views of those in support of the development and decide whether, geographically, the residents of these villages will benefit to such a degree that such benefits outweigh the negative aspects of the development.

CONCLUSIONS

Committee is advised that the proposal under consideration is complex and that there are both clear benefits of providing the road as well as some clear consequences,

It is considered that the principle of the road has already been established through the identification and allocation of the road in the Regional Transport Plan and the safeguarding of the route in the Local Development Plan.

It is considered that issues about funding, the need for the road following the COVID19 pandemic or concerns about global warming / climate change are very relevant and are material Planning considerations, however, must be balanced against the need for the Local Planning Authority to determine a Planning application that has been

submitted, having regard to the relevant Planning policies that are in place at the time of consideration / determination. Committee is advised that there would not appear to be any over-riding Planning policy consideration that prohibits the construction of new roads and, therefore the application falls to be determined on its individual Planning merits.

It is considered that the applicant has chosen the route with the fewest consequences. It is clear that (within reason) the applicant could have chosen a slightly different line however any gains in certain key areas would be lost in others therefore it must be accepted that there is no “zero-consequence” option that could have been submitted. It is for Committee to decide whether the consequences are acceptable (or not).

NRW have and have always had “significant concerns” in respect of the proposal but have not objected. Those issues that relate to the loss of habitat can be considered to have been minimised so far as is possible and where there is an impact, the impact is acceptable in conjunction with mitigation and enhancement measures that have been put forward and agreed by both NRW and the Council’s Ecologist. A residual concern exists where NRW cite the construction of this road, in conjunction with the dualling of the A465, would have an adverse effect on the setting of the Brecon Beacons National Park. Mitigation measures were suggested by NRW in the form of additional landscaping however, any meaningful landscaping to help screen the development would have to take place on land put forward by the applicant (and agreed with NRW) as land to mitigate and enhance the habitat for the Marsh Fritillary Butterfly. In reaching a decision, it is considered that the need to provide mitigation and enhancement for the Butterfly has the greatest weight of the two and that the nature of the landscape in question is such that it would not impact on the BBNP to such an effect as to warrant a refusal. Committee would need to decide whether the impact on the setting (and “special qualities”) of the BBNP is acceptable.

The development would also result in the loss of trees that form part of an Ancient Woodland and are afforded the protection of a TPO. The loss is regrettable and, in approving the application, it would need to be acknowledged that no amount of replanting could ever replace the loss. There is a general presumption in favour of retaining the trees (at a national policy level) however it acknowledges that, under certain circumstances, such a loss can be considered. It is considered that, on balance, the loss is justified however regrettably. It is for Committee to decide whether the loss meets this criterion.

The development will also affect the setting of a Scheduled Ancient Monument (SAM). Very little remains of the Gamlyn Viaduct which was dismantled at the end of WW2. There is very little context in which the setting can be either viewed or appreciated but Cadw have raised concerns. It is considered that the discussions that have been held so far have been meaningful and that an agreement with Cadw can be reached. Any agreement will not improve the setting, *per se*, but a range of measures aimed at increasing awareness of it and other cultural features in the area would seem to help alleviate Cadw’s concerns. It has not been possible to reach a “final” agreement of a scheme however a condition has been proposed which will achieve the objective.

Committee would need to decide whether the construction of this road would so adversely affect its setting as to warrant its refusal.

It is suggested that the majority of other material Planning considerations to be taken into account fall under the umbrella of issues at a more “human-scale.” It is considered that the settlements of Penywaun and Llwydcoed are likely to be most affected by the provision of this road. It is also considered that most of the issues will result in a positive outcome for the residents of these areas resulting in both highway safety improvements, noise reduction and pollution enhancement (reduction). Members will need to weigh up the issues raised in the letters of objection against those raised in letters of support however, it is considered that the impact of the road is not so significant on the amenities enjoyed (or reasonably capable of being enjoyed) by occupiers of any property such as to warrant a refusal of the application. Conversely, there would appear to be significant benefits to the residents of the villages of Penywaun and Llwydcoed as to make a significantly positive impact.

RECOMMENDATION: Approval subject to Conditions

Committee is advised that, as the Council are the applicants for this proposal, it is NOT possible to it to enter into a S106 Agreement which would be the mechanism used to secure the provision of certain requirements as part of the Planning Application process. The reason for this is that the Council, cannot enter into such an agreement with itself and, in the event that a requirement was not met, it would not be possible for the Council to enforce against itself. In light of this, all requirements normally secured by a S106 Agreement are proposed as conditions

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans, drawings and documents submitted in the document (email) from the Service Director of Highways & Engineering entitled **“STRATEGIC PROJECTS – Cynon Gateway North – List of documents submitted with the Planning Application received by the Local Planning Authority on 24th February 2022,** unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of, or detriment to, the environment.

4. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer and strategic water mains crossing the site has been submitted to, and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby approved has commenced and shall be retained at all times for the duration of the approved operations including restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage system and water supply system, in the interests of health and safety.

5. No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP) Species & Habitat Protection & Mitigation Scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The CEMP should include all species and habitat protection and mitigation measures identified in all ecological assessments submitted as part of the Environmental Statement and include:

- **Construction methods;** including details of plant, machinery, materials and methods of working.
- Procedures to ensure only approved works occur
- **Site preparation, species and habitat protection:** including the delineation of areas to be protected, and measures for protection (e.g., fencing and buffer zones)
- **Soil Management;** including methods of stripping, turving, storage methods, location and protection, and its reinstatement or re-use, re-establishment of vegetation and after-care.
- Detail of temporary works on habitat, such as temporary access routes, with detail of methods and mitigation to minimise the extent and duration of damage to the habitat.
- The role and level of authority of the Ecological Clerk of Works (ECoW) and details of other persons and bodies responsible for activities associated with the CEMP and emergency contact details

- Project level construction policies and procedures relevant to implementing the CEMP and minimising habitat and environmental impacts
- Details of the construction programme including a timetable for all phases
- **General Site Management:** details of the construction programme including timetable, details of site clearance, details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain,
- Biosecurity controls with regard to invasive and non-invasive species,
- Groundwater Management Plan,
- **Resources Management:** details of fuel and chemical storage and containment: details of waste generation and its management, details of wastewater
- Details of wheel wash facilities.
- **Pollution Prevention:** demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan,
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Details of the process of CEMP delivery reporting to the LPA and other statutory bodies.

The CEMP shall be implemented as approved during the site preparation and construction phase of the development.

Reason: To protect the natural environment in accordance with PPW11 and Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No works on site shall commence until a Landscape Ecological Management Plan (LEMP) – SSSI & Habitats, for the long-term management of affected habitat location and sites identified for habitat enhancement and compensation has been submitted to, and approved in writing, by the Local Planning Authority. The LEMP must include:
- Details of habitats and ecological features present at habitat locations to be affected and to be managed, with suitable baseline surveys.
 - Details of the desired condition of the habitat to be achieved at the habitat locations.

- Details of the scheduling and timings of after-care, habitat enhancement and compensation measures.
- Details of short- and long-term management, monitoring and maintenance for existing, enhanced and compensatory habitat, to deliver and maintain the desired condition.
- Details of management and maintenance responsibilities and delivery mechanisms.
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed.
- Details of the financial mechanisms to ensure delivery.

The LEMP – SSSI and other key habitats as identified in the ecological assessments submitted within the Environmental Statements, shall be carried out in accordance with the approved details.

Reason: To protect the natural environment in accordance with PPW11 and Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

7. No tree felling, with the potential to impact on bats, shall commence until a pre-felling survey has been carried out immediately prior to any works starting. If the survey confirms the presence of bats, the results of the survey, together with proposed mitigation measures, shall be submitted to, and approved in writing by, the Local Planning Authority. The tree felling shall be carried out in accordance with the approved details.

Reason: To afford protection to bats in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

NOTE: Should bats be found to be present during the survey works, works to the tree must not be undertaken until such time as a European Protected Species licence has been obtained from Natural Resources Wales

8. No development, including site clearance, shall commence until a site wide dormouse conservation plan have been submitted to and approved in writing by the Local Planning Authority. The conservation plan shall build upon the principles outlined in the submitted information, and shall include:

- A written assessment of the impacts of the scheme supported by drawings showing habitat to be retained, habitat to be lost and habitat to be created which should identify the extent and location and species composition on an appropriate scale
- Details of measures to be employed to minimise severance, including drawings showing proposed dormouse crossing design at Underpass 2; we would anticipate these drawings

including detailed planting information associated with the features.

- Details of timing, phasing and duration of construction activities and conservation measures, including timetable for implementation of planting
- Details of initial aftercare and long-term maintenance
- Details of monitoring proposals, including timescales for the long-term monitoring, timescales for submission of monitoring reports. details of any necessary contingency and remedial actions and timescales for these actions

The Dormouse Conservation Plan shall be carried out in accordance with the approved details.

Reason: To afford protection to dormice in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No works on site shall commence until a scheme (drawings and details) setting out the arrangement of planting at each crossing point intended to function for protected species, and design of fencing at each location where it is intended to provide safe passage by otter under the road, has been submitted to and approved by the Local Planning Authority.

The scheme shall be implemented as agreed.

Reason: To afford protection to otters in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

10. No works on site shall commence until a Landscape Ecological Management Plan (LEMP) - Protected species (and any other species identified as requiring mitigation/enhancement measures in the ecological assessments included within the Environmental Statement) for the provision, management and maintenance of the landscaping and ecological features at the site has been submitted to and approved by RCTCBC. The LEMP must include:

- Details of habitats and ecological features present or to be created at the site.
- Details of the desired condition of features (present and to be created) at the site.
- Details of scheduling and timings of habitat creation and management activities
- Details of short and long-term management monitoring and maintenance of new and existing habitats and ecological features at the site, to deliver and maintain the desired condition.

- Details of management and maintenance responsibilities and delivery mechanisms
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed
- Details of the financial mechanisms to ensure delivery

The LEMP shall be carried out in accordance with the approved details.

Reason: To protect the natural environment in accordance with PPW11 and Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to its installation, full details of any lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular at river crossings, underpasses and culverts intended to function as wildlife corridors
- Light spill from the proposed roadside lighting to be modelled in three dimensions, to illustrate any downward light spill and light levels surrounding the protected species crossing points most likely affected, namely, north to south: River Bridge 2, Underpass 1, and Culvert 1
- An Environmental Lighting Impact Assessment against conservation requirements for protected species
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

Reason: To protect the natural environment in accordance with PPW11 and Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development or phase of development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

13. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unexpected contamination shall be dealt with has been submitted to, and approved in writing by, the Local planning authority. The remediation strategy shall be carried out as approved.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out without unacceptable risks in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that

there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved scheme.

Reason: To prevent both new and existing development from contributing to, or being put at, unacceptable risk from being adversely affected by unacceptable levels of water pollution and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development, or phase of development, shall commence until details of piling or any other foundation designs using penetrative methods, sufficient to demonstrate that there is no unacceptable risk to groundwater, have been submitted to, and approved in writing by, the Local Planning Authority. The details shall be carried out in accordance with the approved scheme.

Reason: To ensure that there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Prior to the commencement of development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority in respect of groundwater.

- The scheme shall be based on the final engineered design of the carriageway and shall include
- baseline (pre-development) groundwater level monitoring information,
- a baseline (pre-development) groundwater quality monitoring plan,
- a groundwater monitoring report
- details of post-development monitoring along with
- details of a remediation strategy to deal with any increase in groundwater quality deterioration.

Reason: To ensure that there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environmental mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on

the archaeological resource and to accord with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

18. No development shall commence until such time as a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity. Any remediation works and/or mitigation measures to address land instability arising from a coal mining legacy, as may be necessary, have been implemented on site, in full, All intrusive site investigations and remediation works proposed shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the site is safe and stable for the proposed development and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the first beneficial use of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is safe, or has been made safe and stable for the approved development shall be submitted to, and approved in writing by, the Local Planning Authority. The document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the site is safe and stable for the proposed development and to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

20. No development shall commence on site until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The CMS shall include (but not be limited to):

- The means of access into the site for all construction traffic;
- The parking of vehicles on site for operatives and visitors;
- The management of pedestrian and vehicular traffic;
- Areas for the loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The provision of wheel cleansing facilities
- Arrangements for the sheeting of lorries leaving the site
- Measures for minimising noise and dust arising from construction
- A contact telephone number and email address where local residents can report any issues arising from construction activities.

The approved Construction Method Statement shall be adhered to throughout the construction phase.

Reason: In the interests of the safety and free flow of traffic and residential amenity in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

21. During the construction and restoration phase, hours of work of the development shall be restricted to the following times (unless authorised in advance by the Local Planning Authority):

- Monday to Friday 08.00 - 18.00 hours
- Saturday 0800 – 1300 hours
- Sundays & Bank Holidays Not At All


Reason: To ensure that the noise emitted from this development's construction is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.


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- Key:**
- Red Line Boundary (Offset 25m as per planning requirement)
 - Proposed Carriageway
 - Proposed verge
 - Proposed Earthwork
 - Proposed Maintenance Track
 - Existing Woodland to be Retained
 - Proposed Soft Landscaping
 - Proposed Site Compound/ Storage Area
 - Proposed Culverts
 - Environmental Compensation Areas

Funding Partners

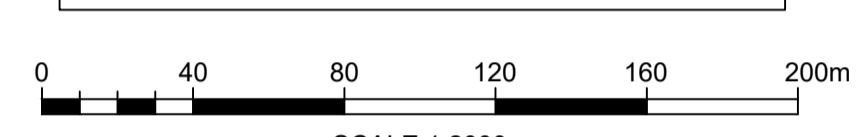

 RHONDDA CYNON TAF


 Llywodraeth Cymru
 Welsh Government

Design Consultant


 REDSTART

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 CNES(2020) Distribution Airbus DS


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**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-144980-M7J2
Eich cyf/Your ref: 21/0273/08

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
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Rhondda Cynon Taf,
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southeastplanning@cyfoethnaturiolcymru.gov.uk

24/05/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED BYPASS

LLEOLIAD / LOCATION: LAND TO THE WEST OF LLWYDCOED AND THE EAST OF PENYWAUN, LINKING THE A465 AT CROESBYCHAN WITH THE A4059 AT THE SOUTH EAST CORNER OF PENYWAUN

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 09/04/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Section 106 Agreement : Long term management, monitoring and maintenance of new and retained habitats and structures.

Requirement 1: Further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).

Requirement 2: Commitment to longer term dormouse habitat management and monitoring, and dormouse monitoring, to be reflected in the submitted ES.

Requirement 3: Submission of a Detailed Groundwater Monitoring Plan.

Requirement 4: Submission of baseline groundwater level monitoring information.

Requirement 5: Submission of baseline groundwater quality monitoring information.

Requirement 6: Submission of a groundwater monitoring report.

Requirement 7: Landscape – further mitigation is considered.

Condition 1: Designated Sites - Construction Environmental Management Plan – Habitat Protection and Mitigation.

Condition 2: Designated Sites - Landscape and Ecological Management Plan – SSSI and Habitats.

Condition 3: Immediately prior to felling, all trees with potential roost features must be inspected for the presence of bats.

Condition 4: Mitigation and conservation strategy for dormouse.

Condition 5: Agreement on the design of planting and otter fencing at each crossing point to facilitate safe passage by bats, dormice and otter under the road.

Condition 6: A Landscape and Ecology Management Plan (LEMP) – Protected Species, which sets out the proposals for the long-term management of the habitats provided in mitigation for impacts on protected species, and species monitoring proposals.

Condition 7: Prior to its installation, full details of lighting shall be submitted and agreed in writing.

Conditions 8 -11: Land Contamination.

Please note that the list of conditions above should not be considered to be exhaustive; if further information is provided to satisfy the requirements, it may then be necessary to request further conditions to avoid / mitigate other environmental effects. Further details in relation to each requirement and condition are given below.

We received a statutory pre application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 25/11/2020.

We attach a copy of our statutory pre-application consultation response for your information. We note a number of additional documents have been submitted at planning application stage that were not available at statutory pre-application consultation stage.

Section 106 Agreement and Conditions 1 and 2 : The proposal and control over environmental Impacts and Statutory Designated Sites

The proposed development bisects the main southern block of Tir Mawr a Dderi Hir, Llwydcoed SSSI and also affects another, smaller parcel of the site. This SSSI contains important species and habitat features. As such, the development will have a substantial impact on the site, through direct (and permanent) land-take (2.52ha) of SSSI habitats

along the footprint of the final alignment; additional impacts during construction; indirect effects such as reductions in air quality (dust during construction and incremental effects of increased NOx levels during operation); and issues for future management of the site which will be divided by a major road.

With regards to our requirements 1 and 2 at statutory pre-application stage, we note additional information submitted at planning application stage, including the 'A4059 CYNON GATEWAY NORTH - OUTLINE PHASED ECOLOGICAL CONTROL PLAN' ref. GC3144-RED-0074-XX-RP-L-0088. The document is comprehensive in its scope, although the necessary detail is lacking at this stage. (It is noted this document forms part of the Outline Construction Environmental Management Plan submitted.)

While the various measures outlined in the document appear to provide the necessary scope for minimising damage to ecological features of interest pre-, during and post-construction; the specific details for the planning, implementation and long term security of the various measures will be key in deciding whether or not the impacts of the proposed scheme will be sufficiently and effectively mitigated and/or compensated for.

While we are generally supportive of the various measures outlined in the document, the details of individual measures will need to be agreed at appropriate stages of the project, as soon as is practicable but at the very latest, a suitable time ahead of any impacts occurring from commencement of on-site works.

We would wish to be consulted on the detailed Construction Environmental Management Plan (CEMP) and Designated Sites Landscape and Ecological Management Plan (LEMP) covering Tir Mawr a Dderi Hir, Llwydcoed SSSI and other ecologically important areas.

We note the outline CEMP states that the full CEMP will be submitted to RCTCBC 12 weeks prior to start of construction. This will need to be sent to us for review and approval as early as possible to allow us sufficient time to review and to allow for any necessary amendments. For your information, at statutory pre-application stage, we advised '*Minded of the potential likely complexities of managing the construction and environmental protection, we would wish to see a fully worked up detailed CEMP in good time, ideally 6 months, ahead of the start of construction in case there are substantive issues that need considered further with the projects construction and environmental team.*' As such we highlight that submitting detailed information well in advance of the anticipated start date of works, should planning permission be granted, is important.

We would point out that the success of the measures outlined in the above document depends upon the detail yet to be put forward and the use of competent specialists working in liaison with your LPA ecologist and NRW, through all stages of the development, from pre-commencement of works, through construction to post construction phase in relation to both the application site, its environs and compensation land. As such, we welcome the opportunity to be included in the Project Environmental Management Board (PEMB) and will endeavour to send NRW representative to all meetings where possible.

Ecological compensation sites

We continue to advise that the ecological compensation sites should not only be 'secured' ahead of construction commencing but their condition (effected by a suitable management regime) should be such that they are functioning ecologically to offset the effects of the development for which they are compensating, ahead of the point of impacts occurring from on-site works. The habitat management programme for the scheme (including all compensation areas) will need to be sufficiently flexible to adapt as needed to unforeseen changes in construction programme and respond to the changing requirements of the various habitats as they develop.

Compounds and storage areas

We note that site compounds and storage areas will not be located within Tir Mawr a Dderi Hir, Llwydcoed SSSI or on habitat suitable for use by the marsh fritillary butterfly. We advise areas of other species-rich habitats or otherwise high ecological interest should also be avoided to help reduce impact of scheme.

Non-Native Invasive Species

We welcome the outline measures proposed to manage invasive non-native species (INNS) during the project and also implementation of control of these species as part of project delivery. It will also be important to ensure that the detailed CEMP (and other method statements as appropriate) contain rigorous biosecurity controls to ensure that species (INNS in particular) are not spread into the construction footprint from elsewhere by plant movements or other activities on site.

Nationally rare fungi

We note that the proposals are likely to affect the populations of the nationally rare fungi *Hypocreopsis lichenoides* (Willow Gloves) and *Hypocreopsis rhododendri* (Hazel Gloves). As previously advised, impacts on these species should be minimised by avoidance as far as is possible. Where impacts are unavoidable, every effort should be made to translocate these species to alternative suitable areas, as suggested in the Fungus Survey by Sturgess Ecology, dated April 2020.

Air Quality

At statutory pre-application consultation stage, we advised that impacts to the SSSI from the proposal included indirect effects including reductions in air quality (dust during construction and incremental effects of increased NO_x levels during operation). Dust deposition must be avoided on the SSSI but a deposition limit of 200mg/m²/day would be acceptable to limit damage to the SSSI. In addition, any damage that may occur due to any direct and indirect construction activities must be restored to SSSI quality and incorporated into the restoration plan to bring habitats back to SSSI quality.

Section 106 Agreement: Long term management, monitoring and maintenance of new and retained habitats and structures

We note the commitment to the provision of compensation land and long term management, monitoring and maintenance of new and retained habitats.

Long term management, monitoring and maintenance is required of all areas proposed to mitigate or compensate impacts of the scheme, including retained, enhanced and newly created habitats and crossing points created to provide safe passage for species across the road.

To ensure the long term management, monitoring and maintenance of new and retained habitats and structures, we advise a section 106 or similar planning obligation be put in place which:

- i. Delivers the long-term management of all retained, enhanced and newly created areas of habitat associated with the scheme, and crossing points for species, for a period of no less than 25 years
- ii. Ensures that financial measures are in place to secure ongoing habitat management and species monitoring provisions;
- iii. details the management and monitoring of all areas referred to in i;
- iv. Ensures agreement with local landowners upon whom aspects of the compensation proposals depend;
- v. details and provides assurance that an appropriately skilled body will be employed to implement the management and monitoring provisions.

With respect to controlling the further detail needed, we repeat our statutory pre-application request for conditions 1 and 2 relating to a detailed CEMP and LEMP. We also refer you to our comments relating to the CEMP in our Groundwater and Contamination section below:

Condition 1 Construction Environmental Management Plan – Habitat Protection and Mitigation

We require a Construction Environmental Management Plan (CEMP) Construction Environmental Management Plan – Habitat Protection and Mitigation, which sets out the measures to be used during construction to minimise habitat loss and for the protection of the environment during construction. We would request submission of a CEMP to be conditioned.

We advise the following condition:

No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP), Habitat Protection and Mitigation, has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods, including details of plant, machinery materials and methods of working;
- Procedures to ensure only approved works occur
- Site preparation and habitat protection, including the delineation of areas to be protected, and measures for protection e.g. fencing, buffer zones.

- Soil Management, including methods of stripping, turfing, storage methods location and protection, and its reinstatement or re-use; re-establishment of vegetation and after-care.
- Detail of temporary works on habitats, such as temporary access routes, with detail of methods and mitigation to minimise the extent and duration of damage to the habitat.
- The role and level of authority of the Ecological Clerk of Works (ECoW) and details of other persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Project level construction policies and procedures relevant to implementing the CEMP and minimising habitat and environmental impacts.
- Details of the construction programme including timetable for all phases,
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biosecurity controls with regard to invasive non-native species
- Groundwater Management Plan
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of wastewater.
- Details of wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

In preparation of the CEMP, we would recommend referring to the Guidance for Pollution Prevention documents, particularly GPP5:

https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

We will be pleased to comment further on the above aspects and others, as relevant, when more detail is available

For the post construction phase we seek:

Condition 2: Landscape and Ecological Management Plan – SSSI and Habitats

A Landscape and Ecology Management Plan (LEMP), which sets out the proposals for the long-term management of affected habitat locations and sites identified for habitat enhancement and compensation, and the monitoring required.

We advise the following condition:

No works on site shall commence until a Landscape Ecological Management Plan (LEMP) – SSSI & Habitats, for the long-term management of affected habitat locations and sites identified for habitat enhancement and compensation has been submitted to and approved by RCTCBC. The LEMP must include:

- Details of habitats and ecological features present at habitat locations to be affected and to be managed, with suitable baseline surveys;
- Details of the desired condition of the habitat to be achieved at the habitat locations;
- Details of scheduling and timings of aftercare, habitat enhancement and compensation measures
- Details of short and long-term management, monitoring and maintenance for existing, enhanced and compensatory habitat, to deliver and maintain the desired condition;
- Details of management and maintenance responsibilities and delivery mechanisms;
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed
- Details of the financial mechanisms to ensure delivery

The LEMP – SSSI and Habitat shall be carried out in accordance with the approved details.

Please also note that enhancement and compensation on the SSSI land outside of the redline boundary will need to be agreed with NRW and land owners as part of agreeing a SSSI Notice of Assent for those operations and activities.

Water Framework Directive Assessment

We note that the additional document, 'River Habitat Survey Report' by Redstart dated 18/11/2020, revision P01, states a Water Framework Directive Assessment is required prior to construction. We support this and we advise this is forwarded to us for comment as the River Cynon is designated as poor under the Water Framework Directive, and we need to ensure that the watercourse experiences no deterioration.

Marsh Fritillary Butterfly and Habitats Regulations Assessment (HRA)

Our advice regarding Habitats Regulations Assessment (HRA) made at statutory pre-application stage remains relevant, namely:

Under the Conservation of Habitats and Species Regulations 2017, a Habitats Regulations Assessment (HRA) should be undertaken by your Authority to assess the likely significant effects of the proposals on relevant Natura 2000 sites, including Blaen Cynon SAC. We note that a Statement to Inform the Appropriate Assessment (SIAA) has been produced as part of the application and are in broad agreement with its conclusion of no adverse effect on the integrity of Blaen Cynon SAC, given that the impacts on marsh fritillary habitat are outside of the SAC core habitat area and beyond 2km from the SAC.

We note, however, that the scheme will result in a loss of 3.85ha of marsh fritillary habitat, some of which is located within Tir Mawr a Dderi Hir, Llwydcoed SSSI. While the habitat which will be lost lies outside of the Core Habitat Area of Blaen Cynon Special Area of Conservation (SAC), it is nonetheless a very important resource which currently supports the species in good numbers. Furthermore, it is all within the Upper Cynon Valley Functional Landscape Area and any losses will affect the degree of resilience of the metapopulation within the functional area which includes the SAC. The areas of marsh fritillary habitat which are to be lost to the proposed development are also located less than 2km from other significant populations of this species such as that at Bryncarnau Grasslands, Llwydcoed SSSI. Comprehensive mitigation measures and compensation for the impacts, must be delivered by the scheme, with compensation for loss being in perpetuity.

Section 106 Agreement and Requirements 1 and 2 and Conditions 3 - 7: European Protected Species

We have reviewed the updated submitted information provided in relation to European Protected Species (EPS).

European Protected Species: Legislation and Policy

Dormice, otters and all species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'. These requirements are translated into planning policy through Planning Policy Wales (PPW) February 2021, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5 , Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Section 106 Agreement: Long term management, monitoring and maintenance of new and retained habitats and structures

As outlined above, long term management, monitoring and maintenance is required of all areas proposed to mitigate or compensate impacts of the scheme, including retained, enhanced and newly created habitats and crossing points created to provide safe passage for species across the road. We have advised a condition relating to the preparation and implementation of a management plan and bespoke advice relating to species is set below. However, we also advise that it is essential that the long-term delivery of ecological mitigation and management is covered by Section 106 or similar. We refer you to our advice on pages 4 & 5 above.

Bats

We note that the submitted documents are the same as we commented on at the statutory pre-application consultation stage, with the exception of the technical note on the favourable conservation status of bats.

Bats in buildings

As indicated at statutory pre-application consultation stage, we note that some buildings within a 250m corridor centred on the proposed scheme have not been surveyed due to Covid-19 restrictions. We advise that, as a minimum, emergence surveys of the buildings concerned (S17, S27, S28 and S30 as indicated by Table 8.7 in the ES) will be required.

Bats in Trees

Our advice remains as per our statutory pre-app advice, that is we note from the information submitted that soft-felling of trees containing potential roost features (PRF) is recommended, with an inspection of the PRFs following felling. We advise that all trees with PRF must be inspected for the presence of bats *immediately prior* to felling, and that this pre-felling survey be secured through a condition.

In view of the above, we advise of the need for the following requirement and condition in relation to bats:

Requirement 1: Further information regarding bats - Additional surveys and updating of documents

We advise that at minimum, emergence surveys of the buildings not yet surveyed as a result of Covid-19 restrictions will be required. Should any significant roosts, which could be adversely affected by the proposals, be discovered during survey, we advise that mitigation proposals are established appropriate to the impacts and set out in the ES.

Condition 3: Pre-felling bat survey

No tree felling works with the potential to impact on bats shall commence until a pre-felling survey has been carried out for bats immediately prior to any works starting. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in

writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Should bats be found to be present during either survey, works to the tree must not be undertaken until a European Protected Species licence has been obtained from Natural Resources Wales.

Dormice

Requirement 2: Commitment to longer term dormouse habitat management and monitoring, to be reflected in the submitted ES.

Further to our statutory pre-application consultation advice, we welcome the preparation and submission of the 'Outline Dormouse and Management and Monitoring Plan' by Redstart dated 08/02/21 revision P01. In addition to the submission of the version of the Environmental Statement which we previously commented on. We note and welcome that the outline plan indicates a commitment for the long-term management of habitat for dormice, and dormouse population monitoring for a minimum 25 year period. This should be reflected in the ES 8.6.10 which still refers to 5 years.

We accept that the loss of dormouse habitat arising from this scheme is not extensive. However, we note that there is no agreement presently with the local landowners to deliver the proposed mitigation. The applicant should note that this will need to be legally assured before NRW could issue a licence in this regard. We advise that this land is covered by the implementation of a S106 agreement or similar, as indicated above, and addressed in the Conservation plan below.

Whilst the 'Outline plan' provides the general principles of long-term dormouse habitat management and monitoring, and dormouse population monitoring, there will still be a need for detailed conservation strategy which provides further clarity and assurance as to the mitigation to be delivered.

In view of the above, we advise the following conditions in relation to dormice:

Condition 4: Mitigation strategy for dormouse (as stated in our statutory pre-application advice)

No development, including site clearance, shall commence until a site-wide dormouse conservation plan have been submitted to and approved in writing by Rhondda Cynon Taff County Borough Council (RCTCBC). The conservation plan shall build upon the principles outlined in the submitted information, and shall include:

- A written assessment of the impacts of the scheme supported by drawings showing habitat to be retained, habitat to be lost and habitat to be created which should identify the extent and location and species composition on an appropriate scale
- Details of measures to be employed to minimise severance, including drawings showing proposed dormouse crossing design at Underpass 2; we would

anticipate these drawings including detailed planting information associated with the features.

- Details of timing, phasing and duration of construction activities and conservation measures, including timetable for planting
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the construction
- Details of initial aftercare and long-term maintenance
- Ecological Compliance Audit, including key performance indicators
- Details of monitoring proposals, including timescales for the long-term monitoring, timescales for submission of monitoring reports, details of any necessary contingency and remedial actions and timescales for these actions

The Dormouse Conservation Plan shall be carried out in accordance with the approved details.

Further Advice

We also advise that the delivery of the proposed landscape planting will need to be coordinated with the adjacent consent A465 scheme, particularly in the area of the roundabout at the northern end of the scheme. We will consider this aspect in more detail when agreeing the detailed dormouse conservation strategy and at the EPS licensing stage.

Condition 5: Agreement on the design of planting and otter fencing at each crossing point to facilitate safe passage by bats, dormice and otter under the road.

Further to our statutory pre-application consultation comments on the landscape drawings GC3144-RED-61-XX-DR-L-3001, GC3144-RED-61-XX-DR-L-3002 and GC3144-RED-61-XX-DR-L-3003, we note that the same drawings have been submitted in support of this application.

Our statutory pre-application consultation comments 'We note from drawings GC3144-RED-61-XX-DR-L-3001, GC3144-RED-61-XX-DR-L-3002 and GC3144-RED-61-XX-DR-L-3003 that the colours within the key are too similar for different habitat types to be easily distinguished, and that it is difficult to tell which habitats are to be lost, retained, existing or proposed. Enhanced habitat seems not to be included.'

We advise that drawings depicting planting should be provided both at the existing scale, but additionally scaled up for accuracy, and the colours for different habitat types selected to be easy to discern. Any drawings illustrating planting for the scheme must cover, and clearly distinguish between, all existing, proposed, retained, lost and enhanced habitat. Long-term management of all retained, created and enhanced habitat to be subject to a condition.'

Therefore, our previous advice still applies and we advise that the following condition is attached to any consent granted for the scheme:

No works on site shall commence until drawings setting out the arrangement of planting at each crossing point intended to function for protected species, and design of fencing at each location where it is intended to provide safe passage by otter under the road, has been submitted to and approved by RCTCBC. The drawings shall be implemented as agreed.

Condition 6: Landscape and Ecological Management Plan – Protected Species

Our statutory pre-app advice still stands; we advise the following condition is attached to any consent granted:

No works on site shall commence until a Landscape Ecological Management Plan (LEMP) – Protected Species for the provision, management and maintenance of the landscaping and ecological features at the site has been submitted to and approved by RCTCBC. The LEMP must include:

- Details of habitats and ecological features present or to be created at the site;
- Details of the desired condition of features (present and to be created) at the site;
- Details of scheduling and timings of habitat creation and management activities
- Details of short and long-term management, monitoring and maintenance of new and existing habitats and ecological features at the site, to deliver and maintain the desired condition;
- Details of management and maintenance responsibilities and delivery mechanisms
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed
- Details of the financial mechanisms to ensure delivery

The LEMP shall be carried out in accordance with the approved details.

Condition 7: Lighting

The submitted street lighting details appear to be the same as we commented on at the statutory pre-application stage, and therefore our previous comments still apply. We stated:

'We note and welcome that, when operational, lighting on the scheme will be restricted to the vicinity of the two roundabouts at each end of the bypass. However, we advise that the nature of this and construction lighting is agreed under a condition in order to manage the potential environmental impacts of external lighting during construction and operation of the project. We advise the following condition:'

We advise that the following condition is attached to any consent granted:

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular at river crossings, underpasses and culverts intended to function as wildlife corridors
- Light spill from the proposed roadside lighting to be modelled in three dimensions, to illustrate any downward light spill and light levels surrounding the protected species crossing points most likely affected, namely, north to south: River Bridge 2, Underpass 1, and Culvert 1
- An Environmental Lighting Impact Assessment against conservation requirements for protected species
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

European Protected Species Licence

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice, bats or otters. Please note that the granting of planning permission does not negate the need to obtain a licence.

Birds

We refer you to your ecologist for advice regarding birds.

Use of Culverts and Fish Migration

At statutory pre-application stage we advised of our concerns with installing new culverts into watercourses as these often hinder fish migration. We advised *'If the use of culverts in these works are justified then we strongly recommend over-sized box culverts are used and the invert of any culvert should be at least 150mm below and parallel to the natural bed of the watercourse. To minimise the effect of the culverts on the natural bed, baffles could be precast into the culvert to increase the retention of natural gravel bed. This would slow the water flow to make fish migration through the culvert easier.'*

We have considered the application information and still have concerns about the culverts being suggested, as culverts can inhibit fish passage within a watercourse. Culverts tend to cause a high flow velocity, inadequate water depth, high turbulence and the excess drop at many culvert outlets during low flows makes the culvert impassable to fish.

One way to make the culverts passable to fish would be to have baffles installed into the precast concrete prior to installation into the watercourse. This would decrease flow velocity, increase water depth and help to maintain the natural gravel bed within the culvert which would allow for fish passage through the culvert. If it is not possible to have baffles cast into the concrete prior to installation, baffles can still be put into place afterwards. We have attached some pictures with examples of baffle designs for your information.

Requirements 3 - 6 and Conditions 8 - 11: Groundwater and Contamination

We have reviewed the information submitted in relation to Groundwater and Contamination and advise as follows. We note the following Requirements are outstanding, further details are given below.

Requirement 3: Submission of a Detailed Groundwater Monitoring Plan

This remains outstanding. The nature of the proposed additional groundwater monitoring to complete a 12-month monitoring programme is to be provided. The Plan should also include a rationale for why additional monitoring locations have been proposed.

Requirement 4: Submission of baseline groundwater level monitoring information

This is partially completed but 'worst-case' groundwater conditions data still need to be provided based on a 12-month monitoring programme. (Please see Requirement 6 below).

Requirement 5: Submission of baseline groundwater quality monitoring information

Additional site investigation is currently underway as such we await additional data/report. Water quality information was obtained in January/February 2020 and was provided as part of the GIR from October 2020.

Requirement 6: Submission of a groundwater monitoring report

This remains outstanding. A baseline groundwater monitoring report has been provided although the data is not reflective of 'worst-case' conditions. Twelve months of monitoring is planned; the current groundwater monitoring report will form part of the 12-months of monitoring.

The Addendum Report on Existing Monitoring by Redstart dated 21/01/21 revision P01 states that groundwater monitoring took place along the scheme from 12th February 2020 to 24th June 2020. This period is more reflective of conditions where high groundwater levels are receding and therefore are generally not reflective of 'worst-case' groundwater levels which typically occur between October and February. The need to monitor for worst-case groundwater levels/conditions is reflected in the ICE Earthworks Guidance 2015 (2nd edition), CG 501 Design of Highway Drainage Systems, 3.22.1, and BRE 365.

In response to the need for at least 12 months of monitoring data we note it has proposed additional monitoring stations for the next phase of the ground investigation. The new locations together with the existing locations will be monitored for twelve months from the date the next investigation commences. We would advise further summary details e.g. a summary table of the proposed groundwater monitoring plan described above, such as locations to be monitored, rationale and the nature of monitoring e.g. hand-dipping versus datalogging and the temporal nature of the monitoring e.g. monthly or weekly or daily etc. The shallow nature of groundwater levels in some areas of the scheme may influence how groundwater monitoring is performed.

We also seek further clarification on the following: In the Earthworks Plan drawing Figure GC3144-RED-61-XX-DR-C-601 Revision P02 dated July 2020 depicting Earthworks Calculations, three areas designated as pink speckling in have not been included in the earthworks calculation. Additional information needs to be provided as to the ground engineering that will take place in these particular areas.

Comments on Existing and Proposed Monitoring Hole Location Plan July 20

This plan requires some brief supporting information as to why the proposed monitoring locations have been proposed and what the nature of the monitoring will be.

Comments on the Preliminary Sources Study Report September 2020 Appendix part 2

We note the contents of this document which appears to be largely a compendium of historic maps along the proposed route. There appears to be no interpretation of the significance/relevance of these in relation to the proposed scheme. It is understood that additional site investigation and monitoring works are planned for the proposed scheme and it would therefore be important to understand the factors and rationale that are being considered to inform upon the proposed scope of works. These factors may include historic information either associated with land contamination or the potential for land contamination such as the Aberdare cemetery located within the southern portion of the proposed scheme. For example, does the historic presence of Aberdare Cemetery within the southern portion of the proposed scheme, have implications with respect to drainage, contamination and groundwater? Is the cemetery still used for burial? In essence, do the historic maps provide additional information to inform upon additional site investigation and monitoring for contaminants? We are uncertain if this has or will be done.

Comments on the A4059 Cynon Gateway North – Pre-application Consultation (PAC) Report – February 2021

Pg28. Table 3: Requirement 5 - Submission of baseline groundwater level monitoring information

It is stated:

Water levels in the vicinity of the cutting to the north of the Proposed Scheme is approximately 1mbgl., however nearby boreholes put groundwater in the area approximately 2mbgl. Therefore no interaction anticipated.

We request information as to what is the anticipated invert elevation of the cutting to the north given that the worst-case groundwater levels have not been encountered to date.

It is stated:

Information on the attenuation ponds is described in the drainage report, and also outlined in the WFD report. A two-stage treatment will be implemented for all attenuation ponds. The 1st stage pond will intercept and treat drainage water, and the 2nd stage pond will primarily provide flood attenuation at the 1 in 100 year plus 40% climate change. The 1st stage attenuation pod will be unlined and planted with marginal aquatic vegetation. This will allow seepage into groundwater. The

2nd stage attenuation pond will be fully lined with an impermeable base layer, either clay or geotextile membrane. Marsh grassland will be planted to surround both attenuation ponds.

At the Pond 2 location, BH35 has yielded a maximum groundwater level measured between February and June 2020 of approximately 179mAOD. This level does not appear to have changed significantly over the monitoring period. Invert levels of the retention (unlined) and attenuation (lined) ponds appear to be 176.735mAOD and 177.825mAOD respectively which are below the maximum groundwater level measured to date. The 179mAOD groundwater level is likely to be exceeded when groundwater levels are measured during the wetter periods of the year typically winter months which generally reflect worst-case conditions. Pond 2 also appears to be connected to a water course/channel that eventually discharges into the Afon Cynon. Given that the Pond 2 system is operating within groundwater and that the groundwater is likely to be hydraulically connected to the water course that flows into the Afon Cynon, the applicant needs to provide comment on how the current proposed Pond design and operation protects groundwater and the Afon Cynon from routine stormwater pollutants and potential impacts from a road spill, albeit a rare event.

It is stated:

Regarding the requirement for the Groundwater monitoring, this is agreed and this requirement has been included as part of the mitigation proposed in the ES (ES Volume 1, Paragraph 11.6.10 & 18.6.11).

The following paragraphs from ES Volume 1 together with Paragraph 11.6.12 are provided for clarity:

11.6.10. Earthworks drainage shall be installed no deeper than the minimum required depth to minimise lowering of the groundwater level within the aquifer. The installation of groundwater monitoring points during the ground investigations, in areas where cuttings are anticipated, will permit the effects of the proposed cutting on the hydrogeology to be understood. Monitoring will be undertaken for a period of 12 months to allow seasonal variations to be understood. The likelihood of risks to the aquifer will be fully understood once depths to rockhead along the route of the Proposed Scheme have been determined.

11.6.11. The completion of a targeted site investigation within the area of historical mining area in the south of the study area will allow the development of risk assessments and appropriate mitigation measures to prevent adverse impacts from any pervious workings and better understand the remaining mineral deposits within the study area.

11.6.12. It is important that the quantum of mine voids is established beneath the site along with the hydrogeological model, including the mechanism for mine water drainage and where it intercepts the ground surface and can flow to streams and rivers. Circumstances may arise where grout curtains are deemed at risk of causing

damming effects and unwanted new springs / flows. In this scenario alternative road support solutions such as piled granular blankets should be considered to reduce the impact on groundwater flows as they can be designed to be permeable, reducing the impact on the current groundwater regimes and the risk of unwanted new flow paths / springs.

We note that attenuation Pond 1 located in the southern portion of the proposed scheme is located closest to existing groundwater monitoring borehole BH19. Monitoring data indicates that groundwater levels measured in BH19 have remained at 0.03mbgl. The applicant needs to confirm if this particular monitoring point is functioning correctly.

Pg29 Table 3: Requirement 7 – Groundwater Monitoring

It is stated:

Groundwater quality was part of the initial ground investigation carried out in January/February 2020 and was reported on in the GIR completed in October 2020. The information that the NRW outlined in the meeting on the 11/12/2020 had only been partially addressed. The additional sampling and laboratory testing proposed as part of the next phase of the ground investigation would address this. The GIR to my knowledge was not available in its completed form during the public consultation.

The applicant needs to confirm when the additional land quality data, interpretation and reporting will be made available to us and also the timetable for the CEMP.

It is stated:

The completion of a targeted site investigation within the area of historical mining area in the south of the study area to allow the development of risk assessments and appropriate mitigation measures proposed as part of the mitigation set out in Chapter 11, Geology and Soils.

The CEMP document, once commissioned will be prepared using current on-site ground investigation results assessed against UK soils and groundwater standards, and the pattern of impact would then be compared with the baseline model in order to confirm the full extent of areas of contamination. The highway scheme will have a Ground Investigation Report (GIR) and Geotechnical Design Report (GDR) design stage which will require a risk assessment to be undertaken to determine what, if any, site specific remediation measures are required to break contaminated land linkages. The investigation is currently on site.

The findings from the targeted site investigation of historic mining areas should be included in the additional land quality report. Also we request the applicant provide us with a copy of the GIR.

Comments on the Outline Construction Environmental Management Plan dated January 2021 Revision P1.0

The current version of the CEMP will require updating based on additional information obtained from further site investigations and monitoring which have been proposed.

Therefore, in addition to the requirements outlined above, we advise the following conditions be included on any permission your authority is minded to grant.

Condition 1: Construction Environmental Management Plan (CEMP)

Aspects of the CEMP will be informed upon by the additional site investigation that is currently underway. We note an outline CEMP has been provided. An updated version of the CEMP informed by the additional site works and monitoring data needs to be provided.

Condition 8: No <development or phase of development>, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

This is partially completed but is still required. Aspects of this condition need revisiting in light of the additional site investigation that is currently underway. Fulfilment of the Condition will be informed upon by additional site data that is currently being obtained through further site investigation works. For ease of reference, please see Appendix A to this letter for details of this condition.

Condition 9: Unexpected contamination encountered during scheme development

This is still required. It is applicable during all site related works that disturb ground. For ease of reference, please see Appendix A to this letter for details of this condition.

Condition 10: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority

This is still required. There are some queries associated with the performance and potential hydraulic linkage/contamination linkage between attenuation ponds, groundwater and surface water. For ease of reference, please see Appendix A to this letter for details of this condition.

Condition 11: Foundation design using penetrative methods

This is still required. Potential risks, if any, are to be informed by the additional site works that are currently underway. The current design suggests potential risks are low. For ease of reference, please see Appendix A to this letter for details of this condition.

Requirement 7: Landscape

In our statutory pre-app letter dated 25/11/20 we advised the following requirement with respect to landscape.

'Requirement: Information to address whether further appropriate planting options are available and could be secured to reduce the effects of the scheme on the landscape character of the BBNP, or to demonstrate if the current proposals minimise the effects.'

We refer you to the advice provided in our statutory pre-application consultation response, attached, dated 25/11/2020. This advice remains relevant.

As you will note we stated 'We advise that further mitigation should be considered, in the form of substantial tree and woodland planting around the corridor of the Nant Hir and nearby stream to replace some of the wooded character of the area and integrate the proposal more successfully with its surroundings. There will be a need to avoid planting on other high quality habitats, but from the details provided it would appear there is land immediately outside the red-line boundary near the Croesbychan roundabout/Nant Hir valley, which may be of low value, with potential to reduce the effect on landscape character. Whilst it may not be possible to mitigate for all effects, due to the nature of the proposals, effects on the landscape character of the National Park should be minimised as far as possible.'

We acknowledge the applicant's response in the PAC report. We note the need to balance tree and woodland planting with other habitats. This is reflected in our statutory pre-application consultation response. However, we do not accept that there are no opportunities within the area of the Nant Hir corridor and nearby stream for additional woodland planting, either within or outside the red line boundary. Habitats shown on the landscape plan in this area include existing and amenity grassland and agricultural grassland, which are not noted as ecologically important. Detailed survey and consideration would be required to identify suitable areas for additional planting.

Flood Risk

Our flood risk advice as set out in our statutory pre-application consultation response dated 25/11/2020 is no longer relevant and is superseded by the below.

We have reviewed the document 'A4059 Cynon Gateway North Flood Consequence Assessment' revision P02 dated October 2020 reference GC3144-CAP-0005-XX-RP-D-0002. We advise as follows:

The proposal is for less vulnerable development (road, bridges, culverts and underpasses). Our Flood Risk Map confirms the proposal site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. Our records also show that part of this site has previously flooded.

Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a

Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

Comments on the data / model used to inform the FCA

A detailed 1D/2D Estry-Tuflow hydraulic model has been developed, for the purposes of assessing fluvial flood risk from the Afon Cynon and the Nant Hir to the Proposed Scheme and the impact of the Proposed Scheme on fluvial flood risk.

As part of the hydraulic modelling a hydrological analysis was undertaken to update the inflows to the model. The model and flows have been reviewed and agreed by NRW.

The Proposed Scheme includes a new road on a raised embankment linking the A4059 with the A465 Heads of the Valleys Road between Penywaun and Hirwaun north of Aberdare, between 1 and 1.5km to the west of the existing stretch of the A4059 Hirwaun Road. The Proposed Scheme includes bridges over the Afon Cynon and its floodplain, as well as a tributary of the Afon Cynon, the Nant Hir further to the north. These two watercourses will be crossed by an arch bridge and viaduct respectively.

The Proposed Scheme passes through land in DAM zone C2, Flood Zones 2 and 3 in the vicinity of the Afon Cynon and Nant Hir. The proposed attenuation pond 2 is within Flood Zone 2.

The FCA has considered 25% as a climate change value and as a sensitivity exercise the upper end estimate, 70%, was also applied to the 1% AEP design flood event. This was undertaken to allow consideration of whether mitigation measures were required to give the Proposed Scheme resilience with respect to flood risk.

A1.14 Criteria and A1.15 Criteria of TAN15

The results of the modelling indicate that while in the present day baseline conditions the route of the Proposed Scheme is at risk of fluvial flooding, there is no flood risk to the Proposed Scheme itself. The bridge soffits and road levels are above the maximum modelled water levels predicted in the 0.1% AEP design event and the 1% AEP design event with 70% allowance for climate change scenarios. Model results also indicate that the Proposed Scheme increases water levels, compared to the baseline, by only 1mm in the 1% AEP design event with 25% climate change allowance and by only approximately 2cm in the 1% AEP with 70% climate change allowance where it crosses the Afon Cynon. The bridge over the Nant Hir does not increase predicted flood levels.

Blockage scenarios were considered and discussed with NRW, but due to the large size of the proposed bridges the probability of blockage was considered very low and not required.

The proposed structure itself is therefore considered to be compliant with both A1.14 and A1.15 of TAN 15.

A1.12 Criteria

The predicted increase in water levels at River Bridge 1 (Afon Cynon) in the 0.1% AEP design event and 1% AEP with climate change (2080 upper allowance) is less than 200mm

and is not considered significant; it causes no detriment to the surrounding area and does not affect any buildings.

Mitigation Measures

The Proposed Scheme includes mitigation measures which manage the risk of flooding to the scheme and ensure the Proposed Scheme does not increase flood risk elsewhere, in compliance with TAN 15.

To summarise, the FCA demonstrates the proposal is compliant with both A1.14 and A1.15 of TAN15 and does not cause any detriment to the surrounding area.

Further Advice

Flood Risk Activity Permit (FRAP)

A Flood Risk Activity Permit (FRAP) will be required for this scheme as any works in, under, over or within 8 metres of the landward toe of any bank or within the fluvial floodplain will require a Flood Risk Activity Permit from us. This should also be submitted before the commencement of any development.

Waste

We recommend the generation of waste be limited or the removal of waste off site and advise that the incorporation of excess soils/inert materials within the design/construction, to reduce the need for disposal off site. We also advise the use of recycled aggregate over the import/use of virgin materials.

We recommend that waste produced during the construction phase of the development be dealt with appropriately and in line with all relevant waste legislation, including Duty of Care Regulations and Hazardous Waste Regulations. As part of the waste duty of care, the Applicant must classify the waste produced:

- before it is collected, disposed of or recovered;
- to identify the controls that apply to the movement of the waste;
- to complete waste documents and records;
- to identify suitably authorised waste management options;
- to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. Information on how to classify waste and register as a waste carrier or hazardous waste producer is available on our website. Further guidance can be found on the Gov.UK. website.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Annabelle Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

Appendix A – Groundwater and Contamination Conditions

Condition 8

No <development or phase of development>, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 9

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 10

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Condition 11

No <development or phase of development,> shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The <piling/foundation designs> shall be implemented in accordance with the approved details.

Justification: <Piling/foundation details> should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-173760-T7J5
Eich cyf/Your ref: 21/0273/08

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13/12/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED BYPASS

LLEOLIAD / LOCATION: LAND TO THE WEST OF LLWYDCOED AND THE EAST OF PENYWAUN, LINKING THE A465 AT CROESBYCHAN WITH THE A4059 AT THE SOUTH EAST CORNER OF PENYWAUN

Thank you for reconsulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 11 November 2021.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding land contamination, controlled waters and landscape. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a Section 106 Agreement and conditions regarding protected sites, European Protected Species, land contamination and controlled waters should be attached to any planning permission granted. Without the inclusion of the Section 106 Agreement and these conditions we would object to this planning application.

We have used the same headings/references as our previous response dated 24 May 2021 (Ref: CAS-144980-M7J2) for ease of reference.

Section 106 Agreement and Conditions 1 and 2: The proposal and control over environmental Impacts and Statutory Designated Sites

We have considered the additional information and confirm we still require the Section 106 Agreement and Conditions 1 and 2 and that our advice/comments set out in our letter dated 24 May 2021 still stand. For ease of reference our requirements for the section 106 agreement and wording for conditions 1 and 2 are repeated below.

Section 106 Agreement: Long term management, monitoring and maintenance of new and retained habitats and structures

Long term management, monitoring and maintenance is required of all areas proposed to mitigate or compensate impacts of the scheme, including retained, enhanced and newly created habitats and crossing points created to provide safe passage for species across the road.

To ensure the long term management, monitoring and maintenance of new and retained habitats and structures, we advise a Section 106 or similar planning obligation be put in place which:

- i. Delivers the long-term management of all retained, enhanced and newly created areas of habitat associated with the scheme, and crossing points for species, for a period of no less than 25 years;
- ii. Ensures that financial measures are in place to secure ongoing habitat management and species monitoring provisions;
- iii. details the management and monitoring of all areas referred to in i;
- iv. Ensures agreement with local landowners upon whom aspects of the compensation proposals depend;
- v. details and provides assurance that an appropriately skilled body will be employed to implement the management and monitoring provisions.

We note the Rhondda Cynon Taff County Borough Council's response from Gerwyn Davies's memorandum dated 11 November 2021, which states: "*RCTCBC acknowledge the request from NRW that a section 106 or similar planning obligation be put in place through the appropriate procedure. RCTCBC will differ [sic] to guidance from the Local Authority planning officer for how best to pursue this action.*"

We maintain our advice that a Section 106 Agreement, which covers long term management, monitoring and maintenance of new and retained habitats and structures, is put in place.

We further note the above document responds to our comments relating to: Ecological compensation sites; Compounds and storage areas; and Nationally rare fungi.

With regard to nationally rare fungi we note it is proposed in the above document 'that Condition 6 for the LEMP is amended to extend its description to state Protected and other important Species. Thus, ensuring these fungi are included.' Previously we advised '*impacts on these species should be minimised by avoidance as far as is possible. Where impacts are unavoidable, every effort should be made to translocate these species to alternative suitable areas, as suggested in the Fungus Survey by Sturgess Ecology, dated April 2020.*' We support the protection of nationally rare fungi via condition and leave it to the Local Planning Authority (LPA) to determine the best way of doing so (either as a stand alone condition or incorporation within another condition).

Condition 1: Construction Environmental Management Plan – Habitat Protection and Mitigation (CEMP)

We require a Construction Environmental Management Plan (CEMP) – Habitat Protection and Mitigation, which sets out the measures to be used during construction to minimise habitat loss and for the protection of the environment during construction. We would request submission of a CEMP to be conditioned.

As previously advised, aspects of the CEMP will be informed upon by the additional site investigation that is currently underway/has been undertaken. We note an outline CEMP has been provided. An updated version of the CEMP informed by the additional site works and monitoring data needs to be provided.

Condition 1

No development or phase of development, including site clearance, shall commence until a site wide or phase Construction Environmental Management Plan (CEMP), Habitat Protection and Mitigation, has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods, including details of plant, machinery materials and methods of working;
- Procedures to ensure only approved works occur
- Site preparation and habitat protection, including the delineation of areas to be protected, and measures for protection e.g. fencing, buffer zones.
- Soil Management, including methods of stripping, turfing, storage methods location and protection, and its reinstatement or re-use; re-establishment of vegetation and after-care.
- Detail of temporary works on habitats, such as temporary access routes, with detail of methods and mitigation to minimise the extent and duration of damage to the habitat.
- The role and level of authority of the Ecological Clerk of Works (ECoW) and details of other persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Project level construction policies and procedures relevant to implementing the CEMP and minimising habitat and environmental impacts.
- Details of the construction programme including timetable for all phases,
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biosecurity controls with regard to invasive non-native species
- Groundwater Management Plan
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of wastewater.
- Details of wheel wash facilities.

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

In preparation of the CEMP, we would recommend referring to the Guidance for Pollution Prevention documents, particularly GPP5:

https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf?utm_source=website&utm_medium=social&utm_campaign=GPP5%2027112017

Condition 2: Landscape and Ecological Management Plan – SSSI and Habitats

A Landscape and Ecology Management Plan (LEMP), which sets out the proposals for the long-term management of affected habitat locations and sites identified for habitat enhancement and compensation, and the monitoring required.

We advise the following condition:

Condition 2

No works on site shall commence until a Landscape Ecological Management Plan (LEMP) – SSSI & Habitats, for the long-term management of affected habitat locations and sites identified for habitat enhancement and compensation has been submitted to and approved by RCTCBC. The LEMP must include:

- Details of habitats and ecological features present at habitat locations to be affected and to be managed, with suitable baseline surveys;
- Details of the desired condition of the habitat to be achieved at the habitat locations;
- Details of scheduling and timings of aftercare, habitat enhancement and compensation measures;
- Details of short and long-term management, monitoring and maintenance for existing, enhanced and compensatory habitat, to deliver and maintain the desired condition;
- Details of management and maintenance responsibilities and delivery mechanisms;
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed;
- Details of the financial mechanisms to ensure delivery.

The LEMP – SSSI and Habitat shall be carried out in accordance with the approved details.

Please also note that enhancement and compensation on the SSSI land outside of the redline boundary will need to be agreed with NRW and land owners as part of agreeing a SSSI Notice of Assent for those operations and activities.

Water Framework Directive Assessment

We note the Rhondda Cynon Taff County Borough Council's response from Gerwyn Davies's memorandum dated 11 November 2021 which responds to our comments regarding Water Framework Directive Assessment. We reaffirm the comments in our response dated 24 May 2021.

Marsh Fritillary Butterfly and Habitats Regulations Assessment (HRA)

We note the Rhondda Cynon Taff County Borough Council's response from Gerwyn Davies's memorandum dated 11 November 2021 which responds to our comments regarding Marsh Fritillary Butterfly and HRA. However, we would reaffirm the comments in our response dated 24 May 2021.

Section 106 Agreement, Requirements 1 and 2 and Conditions 3 - 7: European Protected Species

We welcome submission of the following new documents in support of the above application:

- *A4059 Cynon Gateway North - Environmental Statement Addendum* by Redstart dated November 2021
- Memorandum titled *Re: Cynon Gateway planning application consultation* by Gerwyn Davies dated 11-11-21

We have previously reviewed documents including the following:

- *A4059 Cynon Gateway North. Planning, Design and Access Statement* by Redstart dated February 2021;
- *A4059 Cynon Gateway North. Environmental Impact Assessment Volumes 1-3 - Environmental Statement'* by Redstart dated October 2020;
- Landscape drawings 1 to 3:
 - GC3144-RED-61-XX-DR-L-3001 (Rev P02) entitled '*A4059 Cynon Gateway North. Planning Application. Landscape Plan Sheet 1 of 3*' by Redstart dated 28/9/20;
 - GC3144-RED-61-XX-DR-L-3002 (Rev P02) entitled '*A4059 Cynon Gateway North. Planning Application. Landscape Plan Sheet 1 of 3*' by Redstart dated 28/9/20;
 - GC3144-RED-61-XX-DR-L-3003 (Rev P02) entitled '*A4059 Cynon Gateway North. Planning Application. Landscape Plan Sheet 1 of 3*' by Redstart dated 28/9/20;
- Drawing CGW-RED-78-XX-DR-S-0100 (Rev P01) entitled '*A4059 Cynon Gateway North. Planning Application. Location Plan for Structures*' by Redstart dated 9/7/20;

- Drawing GC3144-RED-61-XX-DR-C-0001 (Rev P02) entitled 'A4059 Cynon Gateway North. Planning Application. Site Location Plan' by Redstart dated May 2020;
- Street Lighting drawings 1 and 2:
 - GC3144-RED-61-XX-DR-E-1301(Rev P01) entitled 'A4059 Cynon Gateway North. Street Lighting Sheet 1 of 2' dated 10/7/20;
 - GC3144-RED-61-XX-DR-E-1302 (Rev P01) entitled 'A4059 Cynon Gateway North. Street Lighting Sheet 2 of 2' dated 10/7/20;
- Technical Note 'A4059 Cynon Gateway North. Maintaining Favourable Conservation Status for Bats' by Richard Poole/Redstart dated 15/1/21;
- A4059 Cynon Gateway North. Outline Dormouse Management and Monitoring Plan' by Redstart dated February 2021.

We note from the Environmental Statement Addendum that since the completion of the EIA in October 2020 there have been no changes to the proposed scheme.

Previous advice on the application

In our previous response dated 24 May 2021, to which we refer you, we indicated that we would recommend to the planning authority that the following requirements should be met before permission is granted and the conditions outlined below should be attached to any permission. We address each point in detail below.

Section 106 Agreement: Long term management, monitoring and maintenance of new and retained habitats and structures

In our previous response, we advised the following requirement:

A section 106 or similar planning obligation is in place which:

- i. Delivers the long-term management of all retained, enhanced and newly created areas of habitat associated with the scheme, and crossing points for species, for a period of no less than 25 years*
- ii. Ensures that financial measures are in place to secure ongoing habitat management and species monitoring provisions;*
- iii. details the management and monitoring of all areas referred to in i;*
- iv. Ensures agreement with local landowners upon whom aspects of the compensation proposals depend;*
- v. details and provides assurance that an appropriately skilled body will be employed to implement the management and monitoring provisions.*

We note the Rhondda Cynon Taff County Borough Council's response from Gerwyn Davies's memorandum dated 11-11-21, which states: "*RCTCBC acknowledge the request from NRW that a section 106 or similar planning obligation be put in place through the appropriate procedure. RCTCBC will differ [sic] to guidance from the Local Authority planning officer for how best to pursue this action.*"

We maintain our advice that a section 106 agreement, which covers long term management, monitoring and maintenance of new and retained habitats and structures, is put in place.

Previous Requirement 1: Further information is required to demonstrate that the proposal will not be detrimental to the maintenance of the favourable conservation status of Bats (European Protected Species).

We note the justification of omitting further surveys of buildings S17, S27, S28 and S30 (as indicated by Table 8.7 in the ES), which lie within a 250m corridor centred on the proposed scheme. Based on this further information, we are satisfied that the mitigation proposals as set out in the ES are appropriate for the level of bat use within the roosts present in the vicinity of the development site.

We therefore consider requirement 1 to be fulfilled by the new information.

Condition 3: Immediately prior to felling, all trees with potential roost features must be inspected for the presence of bats.

We continue to advise that the following condition is included in any permission:

Condition 3: Pre-felling bat survey

No tree felling works with the potential to impact on bats shall commence until a pre-felling survey has been carried out for bats immediately prior to any works starting. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Should bats be found to be present during either survey, works to the tree must not be undertaken until a European Protected Species licence has been obtained from Natural Resources Wales.

Previous Requirement 2: Commitment to longer term dormouse habitat management and monitoring, and dormouse monitoring, to be reflected in the submitted ES.

From the ES Addendum we note and welcome the intention to change paragraphs 8.6.10 and 8.6.11 of Volume 1 of the ES to indicate that dormouse habitat monitoring, and dormouse absence/ presence monitoring of newly created and managed habitats adjacent to the Proposed Scheme will be carried out for a minimum of 25 years.

We therefore consider requirement 2 to be fulfilled by the new information.

Condition 4: Mitigation and conservation strategy for dormouse.

As stated in our previous response, we welcome the preparation and submission of the 'Outline Dormouse and Management and Monitoring Plan'. We note and welcome that the outline plan indicates a commitment for the long-term management of habitat for dormice, and dormouse population monitoring for a minimum 25-year period, which is now also reflected in the ES Addendum.

We accept that the loss of dormouse habitat arising from this scheme is not extensive. However, we note that there is no agreement presently with the local landowners to deliver the proposed mitigation. The applicant should note that this will need to be legally assured before NRW could issue a licence in this regard. We advise that this land is covered by the implementation of a S106 agreement or similar, as indicated above and addressed in the Conservation plan below.

Whilst the 'Outline plan' provides the general principles of long-term dormouse habitat management and monitoring, and dormouse population monitoring, there will still be a need for detailed conservation strategy which provides further clarity and assurance as to the mitigation to be delivered.

In view of the above, we continue to advise the following condition:

Condition 4: Mitigation and conservation strategy for dormouse

No development, including site clearance, shall commence until a site-wide dormouse conservation plan have been submitted to and approved in writing by Rhondda Cynon Taff County Borough Council (RCTCBC). The conservation plan shall build upon the principles outlined in the submitted information, and shall include:

- A written assessment of the impacts of the scheme supported by drawings showing habitat to be retained, habitat to be lost and habitat to be created which should identify the extent and location and species composition on an appropriate scale
- Details of measures to be employed to minimise severance, including drawings showing proposed dormouse crossing design at Underpass 2; we would anticipate these drawings including detailed planting information associated with the features.
- Details of timing, phasing and duration of construction activities and conservation measures, including timetable for implementation of planting
- Details of initial aftercare and long-term maintenance
- Details of monitoring proposals, including timescales for the long-term monitoring, timescales for submission of monitoring reports, details of any necessary contingency and remedial actions and timescales for these actions

The Dormouse Conservation Plan shall be carried out in accordance with the approved details.

Further Advice

We also advise that the delivery of the proposed landscape planting will need to be coordinated with the adjacent consent A465 scheme, particularly in the area of the roundabout at the northern end of the scheme. We will consider this aspect in more detail when agreeing the detailed dormouse conservation strategy and at the EPS licensing stage.

Condition 5: Agreement on the design of planting and otter fencing at each crossing point to facilitate safe passage by bats, dormice and otter under the road.

We have previously commented on landscape drawings GC3144-RED-61-XX-DR-L-3001, GC3144-RED-61-XX-DR-L-3002 and GC3144-RED-61-XX-DR-L-3003 and note that no further landscape information appears to have been submitted in support of this application. Therefore, we maintain our previous advice, and we advise that the following condition is attached to any consent granted for the scheme:

Condition 5: Agreement on the design of planting and otter fencing at each crossing point to facilitate safe passage by bats, dormice and otter under the road.

No works on site shall commence until drawings setting out the arrangement of planting at each crossing point intended to function for protected species, and design of fencing at each location where it is intended to provide safe passage by otter under the road, has been submitted to and approved by RCTCBC.

The drawings shall be implemented as agreed.

Condition 6: A Landscape and Ecology Management Plan (LEMP) – Protected Species, which sets out the proposals for the long-term management of the habitats provided in mitigation for impacts on protected species, and species monitoring proposals.

Our previous advice still stands; we advise the following condition is attached to any consent granted:

Condition 6: Landscape and Ecological Management Plan – Protected Species

No works on site shall commence until a Landscape Ecological Management Plan (LEMP) – Protected Species for the provision, management and maintenance of the landscaping and ecological features at the site has been submitted to and approved by RCTCBC. The LEMP must include:

- Details of habitats and ecological features present or to be created at the site;
- Details of the desired condition of features (present and to be created) at the site;
- Details of scheduling and timings of habitat creation and management activities
- Details of short and long-term management, monitoring and maintenance of new and existing habitats and ecological features at the site, to deliver and maintain the desired condition;
- Details of management and maintenance responsibilities and delivery mechanisms
- Details of the method to review and update plans (informed by monitoring) at specific intervals as agreed
- Details of the financial mechanisms to ensure delivery

The LEMP shall be carried out in accordance with the approved details.

Condition 7: Prior to its installation, full details of lighting shall be submitted and agreed in writing.

It is our understanding that no further information on street lighting to that commented on previously has been submitted in support of the application; therefore our previous comments still apply. We advise that the following condition is attached to any consent granted:

Condition 7: Prior to its installation, full details of lighting shall be submitted and agreed in writing

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas, in particular at river crossings, underpasses and culverts intended to function as wildlife corridors
- Light spill from the proposed roadside lighting to be modelled in three dimensions, to illustrate any downward light spill and light levels surrounding the protected species crossing points most likely affected, namely, north to south: River Bridge 2, Underpass 1, and Culvert 1
- An Environmental Lighting Impact Assessment against conservation requirements for protected species
- Details of lighting to be used both during construction and operation
- Measures to monitor light spillage once development is operational

The lighting shall be installed and retained as approved during construction and operation.

EPS Licence

We advise that the applicant seeks a European Protected Species licence from Natural Resources Wales under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice, bats or otters. Please note that the granting of planning permission does not negate the need to obtain a licence.

Use of Culverts and Fish Migration

We acknowledge Rhondda Cynon Taff County Borough Council's response from Gerwyn Davies's memorandum dated 11 November 2021.

Requirements 3 – 6 and Conditions 8 – 11: Groundwater and Contamination

We have reviewed the documents prepared by Redstart Report titled:

- 'A4059 CYNON GATEWAY NORTH, ENVIRONMENTAL STATEMENT ADDENDUM, November 2021'
- 'CYNON GATEWAY NORTH GROUNDWATER and SURFACE WATER MONITORING PLAN, November 2021'

[Previous Requirement 3: Submission of a Detailed Groundwater Monitoring Plan](#)

The plan submitted is satisfactory, this requirement has therefore been met.

[Previous Requirement 4: Submission of baseline groundwater level monitoring information.](#)

The Applicant has responded:

'On completion of the current monitoring on the 5th September 2022 the worst-case groundwater levels will be identified. The previous monitoring carried out between 12th February 2020 and 24th June 2020 will be included in the analysis.'

This has partially been undertaken but has not been completed. We still require this information. Potentially this information could be conditioned to be provided prior to the start of works. It should be noted, however, that this information should inform the proposed development and may influence its design depending on what monitoring data reveals.

We request that the groundwater level data be represented in the report in tables, hydrographs and groundwater contour maps. We also request vadose zone thickness maps, notably the worst-case conditions, be provided.

[Previous Requirement 5: Submission of baseline groundwater quality monitoring information](#)

The Applicant has responded:

'A further addendum report will be produced when the current phase of groundwater quality monitoring is completed in September 2022 and will include the results from the 1st phase of the ground investigation.'

We still require this information. Potentially this information could be conditioned to be provided prior to the start of works. It should be noted, however, that this information should inform the proposed development and may influence its design depending on what the data reveals.

We request that the Applicant include the measurement of ORP as a field sampling parameter.

[Previous Requirement 6: Submission of a groundwater monitoring report](#)

The Applicant has responded:

'As previously mentioned in response to requirement 5, an addendum report will be produced when the current groundwater monitoring information has been received, including the results of the testing for groundwater quality. Whilst generally worse case situations are expected between October and February, sometimes this does not occur.

This was the case with the first phase of the ground investigation when Storm Dennis occurred in the period that monitoring was carried out. The present monitoring will be over 12 months and the results will be compared with the first phase results. A detail groundwater plan for the current monitoring is provided.

The present monitoring will utilize previous monitoring stations as well as new ones. The rationale for this in the Groundwater Monitoring Plan.

The location of Aberdare cemetery to the proposed route will be considered in the groundwater monitoring report.

On the other issues raised, these are clarified below:

- *Pre-application Consultation (PAC)*
- *Cuttings – There is only one local area of cutting currently proposed and the monitoring will provide details of the worst case by October 2022.*
- *Attenuation Ponds – NRW concerns will reviewed and addressed by the drainage engineer.*
- *Historical mining -Further ground investigation has been completed and mitigation measures will be addressed in a future report due at the end of 2021. The ground investigation will provide details of the voids in the ground due to previous mining.*
- *The GIR is available - A copy will be forward to you.*

We request the Applicant provide a copy of the current Geotechnical Investigation Report (GIR) and confirm whether aspects of the GIR will require amendment depending on the findings of the 12 months of monitoring.

We also request the Applicant confirm how or if stormwater management design may be amended depending on the findings of the proposed monitoring.

Conditions 8-11

Condition 8 indicates that no development or phase of development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. Preliminary Risk Assessment
2. A site Investigation
3. Based on 1 and 2 a remediation strategy
4. A verification plan

The Applicant has responded:

'On completion of the current ground water monitoring programme the contamination will again be reviewed, and a comparison undertaken with the previous data from phase 1 of the ground investigation. The risk assessment previously produced will be updated and an options appraisal and a remediation strategy will be provided to the Local Planning Authority, should pollutant linkages be present.'

We acknowledge the risk assessment undertaken and advise that should an Options Appraisal and Remediation Strategy be required this be submitted to the LPA at the earliest opportunity.

With regard to Conditions, 9 (Unexpected contamination), 10 (focused on stormwater design) and 11 (Piling/foundation design), we note the need for these has been accepted by the Applicant.

The wording of these conditions was provided in Appendix A of our letter dated 24 May 2021. For ease of reference the wording of these conditions is below.

Condition 8

No <development or phase of development>, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 9

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 10

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Condition 11

No <development or phase of development,> shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The <piling/foundation designs> shall be implemented in accordance with the approved details.

Justification: <Piling/foundation details> should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

Requirement 7: Landscape

In our response dated 24 May 2021 we required additional information regarding Landscape (Requirement 7). We advised '*we do not accept that there are no opportunities within the area of the Nant Hir corridor and nearby stream for additional woodland planting, either within or outside the red line boundary. Habitats shown on the landscape plan in this area include existing and amenity grassland and agricultural grassland, which are not noted as ecologically important. Detailed survey and consideration would be required to identify suitable areas for additional planting.*'

We note the applicant's response to our Requirement 7 in the Rhondda Cynon Taff County Borough Council (RCTCBC) letter dated 11 November 2021, which states that *'Following consultation with the appointed design consultant and the RCTCBC Ecologist Richard Wistow RCTCBC is satisfied that within the redline boundary for the scheme, a fine balance has been achieved with regards to the landscaping/ecology mitigation.'* The response goes on to refer to two areas of agricultural grassland in the Landscape Figures within the redline boundary, east of the proposed road, which it considers should be restored to Marsh Fritillary habitat and/or retained as grassland.

Our requirement referred to potential areas both within or outside the redline boundary. The applicant's response in relation to our landscape concerns under Requirement 7 focusses on ecology and makes no reference to landscape character or the setting of the National Park. In addition it is unclear from the applicant's letter which areas of agricultural grassland in the Landscape Figures are being referred to.

Our requirement therefore remains as per our letters of 25 November 2020 and 24 May 2021. Whilst we note the need to balance tree and woodland planting with other habitats, we do not accept that there are no opportunities within the area of the Nant Hir corridor and nearby stream for additional woodland planting either within or outside the redline boundary.

Flood Risk

We refer you to our response dated 24 May 2021.

Further Advice: Flood Risk Activity Permit and Waste

We refer you to our response dated 24 May 2021.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Annabelle Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

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09/02/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED BYPASS

LLEOLIAD / LOCATION: LAND TO THE WEST OF LLWYDCOED AND THE EAST OF PENYWAUN, LINKING THE A465 AT CROESBYCHAN WITH THE A4059 AT THE SOUTH EAST CORNER OF PENYWAUN

Thank you for reconsulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27/01/2022.

We have previously provided detailed comments in relation to the above proposal the content of which are still pertinent (our reference CAS-173760-T7J5).

In our last response dated 13/12/2021 we advised on two outstanding concerns regarding land contamination and controlled waters and landscape. To address our concerns, meetings were held regarding each matter on the 24 and 25 January 2022. We are also in receipt of additional information regarding landscape/ecology submitted on 27/01/2022.

We continue to have concerns with the application as submitted with regards to landscape, protected sites, European Protected Species, land contamination and controlled waters. We are satisfied that our concerns regarding protected sites, European Protected Species and land contamination and controlled waters can be overcome by attaching a Section 106 Agreement (or other appropriate mechanism) and conditions to any planning permission granted, as outlined within this response and our response dated 13/12/2021. With regard to landscape we continue to have concerns and our detailed advice is provided below.

Landscape

We refer you to our previous responses dated 13/12/2021 and 24/05/2021 and our statutory pre-application response dated 25/11/2020.

We have reviewed the additional information submitted (namely an email from Gerwyn Davies dated 27 January 2022) and continue to have concerns regarding this proposal.

We consider that the proposal would have significant adverse effects on the landscape character of the National Park and its immediate setting adjacent to the boundary in the northern section of the proposal and in combination with the proposed A465 project which connects with the proposal and lies adjacent, within the park.

PPW11 6.3.5 notes that planning authorities have a statutory duty to have regard to the purposes of National Parks. This duty applies in relation to all activities affecting National Parks, whether those activities lie within, or in the setting of the designated area. The primary purpose of the National Park is to conserve and enhance natural beauty, wildlife and cultural heritage.

The Landscape and Visual Impact Assessment considers that the effects on the landscape character of the National Park would be moderate adverse and significant at Year 1, but would reduce to slight adverse and not significant at Year 15. It considers that landscape character effects on the adjacent setting would be large at Year 1, reducing to moderate at Year 15, therefore remaining significant in the long term.

We consider that residual significant adverse effects on the landscape character of the National Park and its immediate adjacent setting would remain after Year 15 and into the long term. These would result from the urbanising of the setting through increased traffic, lighting, loss of trees and woodland, the elevated road and embankments and substantial bridge across the Nant Hir at Cwm Ynysminton. The landscape character at the boundary of the park in this location flows across the boundary, comprising fields bounded by hedgerows and mature trees and substantial areas of woodland along the natural stream corridors.

We consider that significant adverse effects on landscape character in combination with the A465 dualling project, would remain after Year 15, at this location on the boundary of the park, particularly resulting from the combination of the Croesbychan junction of the A465 with this proposal.

We agree that the visual effects from Viewpoint 11 within the National Park are unlikely to be significant, due to the intervening landform and vegetation. However, there is the potential for some significant adverse visual effects along the minor road which forms the National Park boundary at the northern end of the scheme, in close proximity to the Nant Hir Bridge and embankments either side, as well as the Croesbychan roundabout of the A465 project.

We acknowledge and welcome the detailed justification provided within Gerwyn Davies's email dated 27 January 2022. From this, and a meeting with the applicant/project manager and Local Authority ecologist, attended by the LPA case officer on 25 January 2022, we note it is maintained there are no opportunities for further woodland planting within the road corridor (either within or outside the red line boundary) to further mitigate or minimise the effects on the landscape character of the National Park. This is due to the stated need to retain all existing grassland in the area as potential marsh fritillary habitat. As a

result, residual significant adverse effects on the landscape character of the National Park and its immediate adjacent setting would remain after Year 15 and into the long term.

Ultimately, there appears to be a conflict between providing woodland planting for landscape mitigation and the provision/continued provision of land for habitat/connectivity for the marsh fritillary butterfly. The relative importance of each of these matters (marsh fritillary butterfly and landscape character of the National Park and its setting) as material planning considerations is a matter for the Local Authority to determine in the consideration of the planning application.

Groundwater and Contamination

In our response dated 13/12/2021 we commented on our 'previous requirements' numbers 4, 5 and 6 regarding submission of baseline groundwater level monitoring information, baseline groundwater quality monitoring information and a groundwater monitoring report respectively. We advised requirements 4 and 5 could potentially be conditioned but requested further information regarding requirement 6.

To clarify our comments, a meeting to discuss these three requirements was held on 24 January 2022 with the applicant/project manager and consultants, attended by the LPA case officer. Dialogue regarding each of the three requirements confirmed that additional information did not need to be submitted prior to the determination of the planning application but could be provided via one single pre-commencement of works condition attached to any planning permission the LPA is minded to grant, with the wording of the condition to be drafted by the LPA and agreed by NRW. As such we advise that an appropriately worded condition (Condition 12) relating to submission of baseline groundwater level monitoring information, baseline groundwater quality monitoring information and a groundwater monitoring report to be submitted to the LPA for approval prior to commencement of development is included within any permission granted.

Other Advice

We refer you to our previous response dated 13/12/2021 in relation to our request for:

- Section 106 Agreement (or other appropriate mechanism) regarding Protected Sites and European Protected Species
- Conditions 1 - 2: Protected Sites
- Conditions 3 - 7: European Protected Species
- Conditions 8 – 11: Groundwater and Land Contamination

Please note, without the inclusion of the Section 106 Agreement (or other appropriate mechanism) and these conditions we would object to this planning application.

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Annabelle Evans

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0667/10 (EL)
APPLICANT: RCTCBC
DEVELOPMENT: Extension to the existing car park serving Llwynypia Train Station.
LOCATION: LLWYNYPYA TRAIN STATION CAR PARK, TONYPANDY, CF40 2JJ
DATE REGISTERED: 19/05/2021
ELECTORAL DIVISION: Llwynypia

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS:

REASONS: The proposal would provide additional car parking at the train station and this would benefit current public transport provision and accessibility options in the locality. Furthermore, the facility would improve wider transport connections in the area having economic benefits for the County Borough as a whole.

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, the impact it has upon the amenity and privacy of the neighbouring residential properties, the impact on ecology and the impact on highway safety. In all other material planning considerations, the application is acceptable.

APPLICATION DETAILS

Full planning permission is sought for the provision of additional car parking at Llwynypia Railway Station to support a Park and Ride scheme.

The development consists of a revised park and ride layout, including the provision of new and improved footway access, the realignment of the existing spine road to the parking areas, additional parking bays on both east and west sides of the spine road, the addition of disabled parking bays and electric car parking with charging facilities. The proposed redevelopment would increase the car parking capacity at the Llwynypia Park and Ride from the existing 12 parking spaces to a total of 35 parking spaces. Two motorcycle parking spaces and at least two cycle parking stands are also proposed.

The application is supported by:

- Drainage Strategy Report
- Flood Consequence Assessment

- Ground Investigation Report
- Ground Investigation Scope Report
- Preliminary Ecological Appraisal
- Stage 1 Road Safety Audit
- Transport Statement

SITE APPRAISAL

The application site consists of a parcel of land, extending to approximately 1600sqm, which is located to the west of the existing Llwynypia Railway Station. The station already benefits from an existing car park, with the current scheme seeking to improve car parking provision at the site. Access to the site is currently gained from the south of the site, off the A4058 (Salem Terrace), it is proposed that this arrangement would be retained. There are a number of residential properties located in the vicinity of the application site, including a dwelling to the east of the access road that serves the site and Taff Cottages, which lie to the north of the existing car parking area.

PLANNING HISTORY

21/1544	Llwynypia Station Footbridge CF40 2JH	Prior Approval - Alteration to existing bridge parapet.	Granted 11/01/21
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PUBLICITY

The application has been advertised via the erection of site notices and by direct neighbour notification. Representations have been from a neighbouring resident which are summarised as follows;

- Objections are raised to the application. It is commented that the area that is identified as a turning area (yellow hatched on proposed plans) is currently by some residents of Taff Cottages as a car parking area. They express concern that the proposal would mean that residents (who do not benefit from off street parking) would have to park at least three streets away.
- Reference is also made to the fact that if larger vehicles park in the space closest to the dwellings, this may restrict residents' access.

CONSULTATION

Transportation Section – no objections raised, conditions suggested.

Amey Infrastructure Wales – no objections raised.

Countryside Section – no objections raised, condition suggested.

Flood Risk Management - no objections raised, condition suggested.

Public Health and Protection – no objections raised.

Wales and West Utilities – No objections raised.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary.

Policy CS 1 - sets out criteria for achieving sustainable growth.

Policy AW 2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW 5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW 6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW 8 – covers the protection and enhancement of the natural environment.

Policy AW 10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution and flooding.

Supplementary Planning Guidance

Access, Circulation & Parking
Design and Placemaking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Future Wales: The National Plan 2040 (FW2040) and Planning Policy Wales Edition 11 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through

its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with FW2040, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking

Other relevant policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 23: Economic Development; and
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application relates to the provision of additional car parking facilities on land at Llwynypia Railway Station. The site is within the settlement boundary and forms part of the curtilage of the station. The expansion and improvement of the existing car park would support a 'Park and Ride' scheme and would beneficially support the use of public transport links to the wider area. This would also contribute to the economic benefit of the County Borough area. It is therefore considered the principle of the development is acceptable.

Character and Appearance

As set out in the preceding sections of the report, the application involves the reconfiguration and enlargement of existing car parking facilities at Llwynypia train station car park, with no buildings or structures required in connection with the proposals. The development relates to land that is located within the curtilage of the train station and as such, it is considered that the resulting development would be read in context of the railway station and would not be out of keeping with the character of the area. It is also noted that wider views of the existing (and proposed car park)

would be partially screened, as the site is set back and separated from Nant y Gwyddon Road, which lies to the west, by a band of mature trees.

As such, it is not considered that the proposals would result in a form of development that would be out of keeping with or harmful to the setting of the immediate site or character and appearance of the wider area.

Residential amenity

As noted above, the site is positioned in an area where a number of residential properties are located; in this respect consideration must be given to the potential impacts upon the privacy and amenity of existing neighbouring residents.

In particular, it is noted that a small terrace of dwellings, Taff Cottages, is located to the north of the site and a further residential dwelling sits to the east of the access road into the site.

It is accepted that the proposed development would inevitably increase traffic movements and the comings and goings of car traffic from the railway station. However, the existing access configuration would be retained and utilised, as such it is considered that residents would already be accustomed to activity at this location. It is also noted that the reconfiguration of the layout would be mean that the turning area would be located adjacent to number 2 Taff Cottages, as such the car parking spaces would be off-set slightly from the closest dwelling itself.

Overall, whilst the proposal would increase activity and traffic movements at the site, given that the land is already in use as a car park associated with the train station, it is not considered that any resulting impacts would be so great as to warrant the refusal of the application. It is also worthwhile noting that by increasing off street car parking provision, this is likely to reduce the likelihood of indiscriminate parking in the vicinity of the train station.

As such, it is not considered that the proposal would unacceptably intensify activity at the site or result in an unacceptable loss of loss of privacy or amenity to neighbouring occupiers. Therefore, it is considered that the scheme accords with the requirements of policy AW5 of the Local Development Plan.

Highway Safety

In order to aid in the potential impact of the development upon highway safety, consultation has been undertaken with the Council's Transportation Section.

In terms of access, it is commented that the proposal is accessed off an existing adopted road, which serves the existing 12 space car park and terraced dwellings at Taff Cottages to the north. It is noted that due to the existing width of carriageway, there is space within the site for approximately 10 additional on-street car parking spaces.

It is commented that the proposal provides for an upgraded access off A4058 Salem Terrace to provide direct segregated footway facilities leading to the train station only.

It is noted that given the likely increased use of the car park and potential for (pedestrian) residents of the cottages to come into conflict with reversing motor vehicles, there is some concern that there are no existing or proposed segregated footway facilities for the residents of Taff Cottages illustrated on the plans. However, it is commented that there is potential to provide a segregated footway facility within the scheme, as such a condition to this effect has been suggested.

The application is accompanied by a swept path analysis of the largest vehicle that would access the proposed dwellings / station, this being a 7.9m long refuse vehicle. The swept path analysis indicates safe two-way movement at the junction, with the ability to access / egress the site in forward gear via turning facility at the northern end, which is considered acceptable.

In terms of visibility, a speed limit of 30 mph exists on Salem Terrace A4058, requiring visibility splays of 2.4m x 40m, in accordance with TAN 18. The proposal provides for vision splays of 2.4m x 40m in both directions which is acceptable. There is some concern, in regard to the location of the access, that being close to the signalised junction to the right with limited vision to approaching traffic. However, no issues to this effect have been raised within the road safety audit; and given the increased parking provision would generate a limited number of additional trips and speeds on approach would be below 30mph (due to the location of the signalised junction) it is considered that these concerns would not warrant an objection on highway safety grounds.

In terms of pedestrian access from Salem Terrace A4058, it is noted that there are continuous pedestrian facilities leading to the site, which provides for controlled and uncontrolled crossing points from the surrounding area and bus stops, which are acceptable for safe pedestrian access to the proposal.

Internal Layout

The Transportation Section comment that the proposed internal layout is acceptable in principle. However, as the car parking spaces proposed to the west side of the car park would be located on highway, which is maintainable at public expense, which in turn would restrict control of use of the spaces, it is suggested that the electric vehicular charging spaces are re-located to the east side, on the land acquired outside of the adopted highway.

It is noted that a yellow hatched area is proposed to restrict car parking and to maintain turning facilities. However, the access road is maintained at public expense, and this is not a marking prescribed by the Traffic Signs and General Directions Regulations and therefore cannot be implemented. As such, in order to prevent parking at this location it would be necessary to implement a prohibition of parking with double yellow lines only, which can be conditioned as part of the wider Traffic Regulation Order that is required in connection with the scheme.

Concern is expressed that the proposed improvements to the station parking facilities will increase vehicular reversing movements, with no segregated footway facilities being provided for the residents of Taff Cottages. However, having reviewed the plans it is apparent that there is potential for segregated footway facilities to be

accommodated on the eastern boundary of the site. As such, a condition to this effect has been recommended.

It is noted that following the publicity of the application, a neighbouring resident has expressed concern that some of the occupiers of properties on Taff Terrace currently use the norther end of the car park to park their own vehicles. The layout and parking restrictions, proposed to maintain a turning facility, would result in the removal of the area currently used by the residents of Taff Cottages to park. However, in their observations, the Council's Transportation Section comment that, as the proposed car parking spaces would be provided on adopted highway, the residents of Taff Cottages would be able to use the designated spaces within the proposed car park to park their vehicles.

Stage 1 Safety Audit

The applicant has submitted a Stage 1 safety audit to accompany the planning application, which takes into account the proposed new junction and internal access, circulation & parking. A number of points are raised, which have been addressed as part of the planning application submission.

Taking into account that the Stage 1 Road Safety Audit has not highlighted any issues associated with right turning movements out of the access onto Llwynypia Road A4058, which is in close proximity to the signalised junction, a condition requiring further road safety audits at appropriate stages (Stage 2, 3 and 4 (Part1) has been suggested, and if any necessary mitigation such as restricting right turning movements can be incorporated into the detailed design.

Transport Statement

The Transport Statement which accompanies the application examines the highway and transportation issues associated with the proposed development, including the provision for pedestrians, cyclists and other non-car users as well as the impact on the surrounding highway network. A review of the (TS) has been undertaken and is acceptable with a number of points listed below:-

Additional vehicular trips.

As the car parking spaces will be unrestricted and will generally serve long distance rail trips it is likely they will be used for long term parking. As such, it is estimated that the car park will generate one arrival trip in the AM period and one departure trip in the PM period, per parking space, per day.

Based on the assumptions described above the existing and anticipated number of trips at the car park are presented below in Table 1.

Table 1 Trip Anticipated Generation.

Car Park	Parking Spaces	Arrivals	Departures	Total
Existing	12	12	12	24
Proposed	35	35	35	70

Increase	23	23	23	46
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Table 1 above shows that the redeveloped Park and Ride Car Park is predicted to generate an additional 23 arrival trips in the AM period and 23 departure trips in the PM period. This results in an additional 46 trips per day, which is considered to be a small increase in real terms that will not impact upon local highway capacity and would encourage a modal change to utilise rail as a sustainable mode of travel.

Accident Data

A review of the collisions that have occurred on the A4058 highway within the vicinity of the Llwynypia Park and Ride has been undertaken. The Welsh Government's Stats Wales accident database has been interrogated for personal injury accidents in the most recently recorded 5-year period.

There are 11 reported collisions occurred on the A4058 in the vicinity of the proposed Llwynypia Park and Ride Car Park redevelopment. It can also be seen that all the collisions occurred at junctions to the south and to the north of the Park and Ride Car Park access, rather than at the access junction itself. No accidents were attributed to the existing junction serving the station, existing parking and Taff Cottages. The Transport Statement concludes that the proposed scheme will have very little impact upon road safety in Llwynypia.

Drainage Strategy and Engineering Design

The drainage strategy is acceptable in principle. However, it is commented that the use of plastic geo-cellular tanks are not permitted to be placed within the adopted highway, therefore a condition requiring full engineering design and detail of the proposed works including surface water drainage has been suggested.

It is noted that no consultation has been undertaken with Rhondda Cynon Taff Street Lighting Department, to assess the proposed scheme, and therefore full engineering design and detail is required, prior to any works commencing on site to ensure the adequacy of the street lighting proposed.

Similarly, taking into account the fact that the majority of works proposed are to the existing publicly maintained highway, a condition requiring full engineering design and detail prior to any works commencing on site has been suggested.

To conclude, the Transport Statement which accompanies the submission finds that the proposed redevelopment will have no impact upon the safety or operation of the local highway network in Llwynypia. The proposal is served off an existing access point with limited anticipated additional daily trips (46) with no impact on the wider highway network.

Whilst some concerns have been identified in relation to pedestrian connectivity to Taff Cottages, the use of geo-cellular tanks under the publicly maintained highway, the position of the electric charging points located on the public highway and the proposed yellow box junction, it is considered that issues relating to these matters can be overcome by the use of suitably worded planning conditions.

Therefore, the comments of the Council's Transportation Section conclude that the proposed scheme is acceptable and would not result in an adverse impact upon highway safety in the vicinity of the site.

Biodiversity and Ecology

Planning Policy Wales requires development must provide a net benefit to biodiversity. As outlined in the 'Application Details' the application is accompanied by a range of supporting information, including a Preliminary Ecological Appraisal (PEA), prepared by Redstart, which in turn has been reviewed by the Council's Ecologist.

Their observations comment that the ecological impacts resulting from the development are limited to the loss of the semi-mature silver birch, low shrubbery within the existing car park, and the overgrown garden (with bramble and Japanese Knotweed) that will accommodate the additional parking spaces. It is noted that there may also be a need for some remedial tree works to branches overhanging the car park, from the wooded bank above the site. The PEA identifies no bat roost loss, although there may be some potential to disturb bat foraging habitat if works continue at night and involve bright lighting, the PEA however, identifies an autumn/winter construction period, outside the bat activity season. The PEA discounts reptile impacts, but does identify nesting bird issues and the need for mitigation. It is noted that invasive plant control is also identified as a mitigation requirement. Overall, it is not considered that the development would result in any adverse impacts in terms of ecology, however, conditions are suggested which would require the development be undertaken in accordance with the mitigation/enhancement measures set out in (Section 6 of) the Preliminary Ecological Appraisal and that the details of any pre-construction tree management also be provided.

Therefore, taking into account the above points, the application is considered to be acceptable in these terms and accords with the requirements of policy AW8 of the Local Development Plan.

Other Issues

Public Health & Protection

The Council's Public Health and Protection Division have raised no objection to the proposal; however, a number of conditions have been suggested in relation to hours of operation, noise, waste and dust. Whilst these comments are appreciated, it is considered that these issues can be more effectively controlled by other legislation and the suggested conditions are therefore not considered necessary. An appropriate informative note would be sufficient.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

Having taken account of the matters outlined above, it is considered that the proposal complies with the relevant policies of the Local Development Plan in respect of the principle of development, access and parking, the impact on residential amenity, the impact on the character and appearance of the area and impact on biodiversity.

The proposal would beneficially provide additional car parking at an existing train station, which in turn would benefit current public transport provision and accessibility options in the locality. Furthermore, the facility would improve wider transport connections in the area, having economic benefits for the County Borough as a whole. As such, the application is recommended for approval subject to conditions.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan nos.
 - Drawing no. GC3753-RED-61-XX-DR-C-0002 P03 General Arrangement
 - Drawing no. GC3753-RED-61-XX-DR-C-0003 P01 Vehicle Tracking
 - Drawing no. GC3753-RED-61-XX-DR-C-0005 P01 Cross Sections 1 of 6
 - Drawing no. GC3753-RED-61-XX-DR-C-0006 P01 Cross Sections 2 of 6
 - Drawing no. GC3753-RED-61-XX-DR-C-0007 P01 Cross section 3 of 6
 - Drawing no. GC3753-RED-61-XX-DR-C-0008 P01 Cross section 4 of 6
 - Drawing no. GC3753-RED-61-XX-DR-C-0009 P01 Cross section 5 of 6
 - Drawing no. GC3753-RED-61-XX-DR-C-0010 P01 Cross section 6 of 6
 - Drawing no. GC3753-RED-79-XX-DR-E-1301 P01 Preliminary Street Lighting, Electric Vehicle Charging and CCTV Proposals
 - Drawing no. GC3753-RED-61-XX-DR-C-0004 P01 Plan and Longitudinal section
 - Drawing no. GC3753-RED-61-XX-DR-C-0001 P02 Site location

and documents received by the Local Planning Authority on 06/05/21, 20/05/21 and 24/05/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development shall be carried out in accordance with the mitigation and enhancement measures as set out in Section 6 (Recommendations for further survey, mitigation and enhancement) of the accompanying report entitled: Llwynypia Park and Ride: Preliminary Ecological Survey prepared by Redstart dated January 2021.

Reason: In the interest nature conservation in accordance with Policies AW 5 and AW 8 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to commencement of development, a schedule of any tree management works, required in connection with the approved development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the existing trees on the site during the course of the development, in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, no works shall commence on site until full engineering design and details of the road layout including required road safety audits, sections; location of electric charging points, continuous pedestrian link to Taff Cottages, street lighting details (including the provision of shields to reduce light fall), vehicular containment and surface-water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The development shall not be brought into beneficial use until a Traffic Regulation Order (TRO) along the proposed access road leading to Taff Cottages has been completed to the satisfaction of the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure deliverability of Traffic Management measures and restrictions in the interests of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1618/10 (RP)
APPLICANT: Ms E Durell
DEVELOPMENT: Two storey and single storey side extensions (amended plans received 08/02/2022).
LOCATION: 19 BRECON WAY, TONTEG, PONTYPRIDD, CF38 1HW
DATE REGISTERED: 27/12/2021
ELECTORAL DIVISION: Tonteg

RECOMMENDATION: APPROVE

REASONS: It is considered the proposal would not have a significant impact on the character and appearance of the application dwelling or locality, the residential amenity of the surrounding neighbouring properties nor upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

REASON APPLICATION REPORTED TO COMMITTEE

- Three or more letters of objection have been received.

APPLICATION DETAILS

Full planning consent is sought for the construction of two-storey and single storey extensions at 19 Brecon Way, Tonteg.

Positioned to the west facing side elevation of the dwelling, the extensions would provide the dwelling with a play room, utility room and extended kitchen facilities at ground floor, whilst an additional bedroom would be developed at first floor level.

With regard to dimensions, the single storey structure would measure 2.8m in depth by 3.2m in width, whilst its mono-pitch roof would extend to 3.65m in height. The two-storey element of the development would occupy the remaining depth of the original house, being 4.75m and would be of ridge roof construction extending to 6.65m in height

With regard to external materials, it is proposed that the extensions be finished in matching face brickwork and UPVC fenestration, with a concrete tiled roof.

The scheme has been revised since its original submission which initially proposed a full length, full height two-storey side extension.

SITE APPRAISAL

The application site relates to a two storey, semi-detached property set within a residential estate in Tonteg, Pontypridd.

The property faces a southerly direction with the principal elevation being set back from the adopted highway at Brecon Way by a 9m deep front amenity space and driveway that tapers in width and continues on its western side allowing access to the property's rear garden.

The property is located in a residential area containing predominantly semi-detached and terraced dwellings along with a small number of detached dwellings and bungalows. The nearest of these are located immediately to the east and at Conway Crescent, approximately 11m and 19m to the west and north of the site.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties. Four letters of objection have been received, the contents of which are summarised below.

- The proposal would lead to a loss of light to our back garden.
- We are concerned about the impact of the development on the party wall between the applicants drive and our garden.
- The proposed extension would significantly reduce the physical separation between our home (from 9.5m to 6m) and 19 Brecon Way, thereby resulting in a large, unattractive and overbearing built form that would considerably reduce the amenity of our private garden.
- The proposal, by virtue of its scale, would result in an unacceptable massing that is incongruent with the local vernacular and would significantly impact on the enjoyment of our property, as well as that of our neighbours.
- The proposed extension would considerably reduce the amount of sunlight reaching our garden.
- We note Planning Policy sets out that extensions should be subservient to the original building and should not be overbearing to your neighbours. The block plan shows the extension would be sited immediately adjacent to our property and by continuing the eaves and ridge heights clearly fails to comply with the detailed guidance.
- We will not give consent for any access to our garden or any item, such as scaffolding to project over our garden wall, into the airspace above our garden or garage, with regards to building work.

- The extension would be an extremely ugly and imposing structure.
- Given its close proximity, the foundations have potential to damage the old stone boundary wall, which separates our garden from the applicant's driveway.
- There appears to be a large plot of land which could accommodate an extension at the rear of the site. Theoretically, this could be less noticeable and less impactful to neighbouring properties and not so imposing as a result.
- The amendments to the application, whilst welcome, do not address all of our concerns and further highlight the structural damage that is likely to occur as a result of the development towards our stone boundary wall and block built outbuilding.
- The extension at 1 Brecon Way was completed decades ago and planning laws and guidance have changed since this time. A precedent therefore cannot be declared given the rise of more ethical and modern planning guidance.
- The single storey aspect of the proposed extension in itself is still a very considerable height. This, along with the two-storey element of the extension, will block light and arguably does not abide by guidance on side extensions in a built-up area.

CONSULTATION

Highways and Transportation – No objection subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was for the period 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister for Housing and Local Government on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonteg but is not allocated for any specific purpose.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

Supplementary Planning Guidance

A Design Guide for Householder Development
Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

This application seeks full planning permission for the construction of single and two-storey extensions to the side of the application property. The site is located within settlement limits and the property forms an established residential dwelling. Further, the works represent appropriate additions that would complement the existing residential use. As such the development is considered acceptable, in principle, subject to an assessment of the criteria identified below.

Impact on the visual amenity of the area

The proposed development, as amended, is considered to be acceptable in terms of the design, siting, massing, scale, materials and overall visual appearance. This view is taken for the following reasons:

In terms of visual amenity, the extensions would be positioned to the side of the property and would therefore form visible features within the existing street scene. However, the property is offset from the highway which provides mitigation, whilst the depth of the two-storey extension is not considered to be excessive and would be set back from the principal elevation and set down from the ridge of the main roof which would accord with the Council's householder design guidance relating to subservient and proportionate development and is therefore unlikely to dominate its host.

The extension would also incorporate detailing and a pattern of fenestration which would reflect that of the original dwelling, whilst it would be constructed in materials to match the existing property, with the use of brickwork and a tiled roof. As such, it is not considered that the development would appear out of keeping with the scale and appearance of original dwelling or neighbouring properties; or result in a detrimental impact on the character and appearance of the wider area, noting the range of other first floor and two storey side extensions that are visible to the street scene, most notably at 1 Brecon Way and 50 Conway Crescent. In addition, it is not considered that the development, as amended, would unbalance the semi-detached pair.

Consequently, although the development has the potential to be visually dominant towards the adjacent neighbouring properties, it is not considered any visual impact that the development would present to the local area would be significant enough to warrant refusal of the application.

As such, the development is acceptable in this regard.

Impact on residential amenity

The proposed development, as amended, is not considered to have a significant overshadowing or overbearing impact upon the surrounding neighbouring properties for the following reasons:

Whilst it is acknowledged that the development would form a visible feature towards the immediate neighbouring properties, it is not considered the proposals would be overbearing to, nor would they create significant harm via shading or cause detriment to the outlook of these dwellings.

With regard to the impact of the development on the neighbouring properties to the west of the site, it is considered that the amendments to the depth and height of the two-storey element of the scheme would reduce any overbearing impacts to the occupants of these dwellings to levels that are not deemed significant.

In addition, due to the orientation of the application site and those adjacent, it is not considered any significant shading would occur. Furthermore, no side facing windows are proposed on the extensions and it is not considered that the rear or front facing fenestration would increase the amount of overlooking impact that currently occurs to a level that would warrant refusal of the application.

Consequently, whilst it is accepted the proposed development will undoubtedly have a degree of impact upon the amenity standards currently enjoyed by the occupiers of the neighbouring properties, it is not considered any potential impact would be significant enough to warrant refusal of the application. The application is therefore considered acceptable in this regard.

Highway safety

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking.

Access

The proposal provides vehicular access served off Brecon Way which provides an existing vehicular crossover which is considered acceptable. The proposal is in close proximity to a road junction between Brecon Way and a small cul-de-sac which also forms part of Brecon Way.

The property, as a result of the cul-de-sac, has restricted traffic flow due to on-street parking reducing traffic flow to one-way which is to the detriment of the free flow of traffic and highway safety.

Any overspill on-street car parking at this location will impact on the junction with Brecon Way to the detriment of safety of all highway users.

Parking

The existing property is a 2-bedroom dwelling which has a parking requirement of up to a maximum of 2 off-street parking spaces, in accordance with the Council's SPG: Access, Circulation & Parking Requirements (2011) with 3 provided which is considered acceptable.

The proposal increases the number of bedrooms to 4 which has a parking requirement of up to a maximum of 3 off-street parking spaces with only 2 provided. The proposed side extension will remove 1 off-street parking space, reducing the number of off-street parking provided to 2 spaces which results in a shortfall of 1 off-street parking space

in accordance with the SPG Access, Circulation & Parking (2011) which raises concern. There is potential to overcome these concerns by providing additional off-street parking to the front of the property and therefore, a condition has been suggested accordingly.

Based on the above, the proposal is considered to have an acceptable impact upon highway safety in the vicinity of the site, subject to condition.

Other Issues:

Comments received from neighbouring residents

The concerns raised by the objectors are acknowledged and are appreciated. With regard to property maintenance and any impacts arising from the development upon party walls, these are private matters rather than material planning considerations. In addition, one objector has indicated that permission would be not given for any encroachment into an adjoining property. Should any guttering, scaffolding or building work overhang the shared boundary, permission from the adjoining landowner would be required and as previously stated, this is a private matter between neighbours.

However, should members be minded to approve this application, informative notes relating to the private rights of neighbours and the party wall act are considered necessary and would be pended to any consent.

The comments received from the objections in relation to the Council's planning policy and design guidance relating to householder development are appreciated and have been fully considered during the course of the application. Indeed, amended plans have been received from the applicant showing a more subservient approach has been adopted, in line with policy guidance. With regards to the impact of the development on 48 Conway Crescent, it should be noted that permitted development rights would allow the applicant to construct a similar single storey extension close to the boundary line. In terms of the impact of the development on 44 and 46 Conway Crescent, it is considered that the tapered boundary, along with the set down of the ridge of the two-storey extension and presence of outbuildings at the end of their respective gardens would mitigate any adverse impacts to acceptable levels and ensures the extension would not present as a visually dominant structure to the occupants of these dwellings.

Lastly, the comments received in relation to other extensions in the area not setting a precedent for this proposed development are acknowledged, however, the development at 1 Brecon Way is legible to the street scene having obtained planning consent during 1982, being a full length, full height two storey side extension.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is considered the proposal would not have a significant impact on the character and appearance of the application dwelling or locality, the residential amenity of the surrounding neighbouring properties nor upon highway safety in the vicinity of the site. The application is therefore considered to comply with the relevant policies of the Local Development Plan (AW5 and AW6).

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans:

- Drawing no. ED/01 (Site Location Plan and Block Plan)
- Drawing no. ED/02 (Existing Ground and First Floor Plan)
- Drawing no. ED/03 Rev. A (Existing and Proposed Elevations)
- Drawing no. ED/04 Rev. A (Proposed Ground Floor Plan)
- Drawing no. ED/05 Rev. A (Proposed First Floor Plan)

and documents received by the Local Planning Authority on 06/12/2021 and 08/02/2022 (as amended), unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. Notwithstanding the submitted plans, the development shall not be brought into beneficial use until space has been laid out within the site for 3 off-street parking spaces in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The spaces shall be constructed in permanent materials and retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the development being brought into beneficial use, an extended vehicular footway crossing shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1668/10 (RP)
APPLICANT: Mr and Mrs Brencher
DEVELOPMENT: Single storey infill extension and new openings to rear of property, new porch extension to side, loft conversion with new dormer to front.
LOCATION: MOUNT PLEASANT, 2 TYFICA ROAD, PONTYPRIDD, CF37 2DA
DATE REGISTERED: 20/01/2022
ELECTORAL DIVISION: Town (Pontypridd)

RECOMMENDATION: APPROVE

REASONS: The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the wider Graigwen, Pontypridd Conservation Area and its impact upon the amenities of occupants of neighbouring properties.

REASON APPLICATION REPORTED TO COMMITTEE

- The applicant is a close relative of a serving Elected Member.

APPLICATION DETAILS

Full planning consent is sought for a series of extensions and alterations to Mount Pleasant, a detached dwelling located within the residential area of Graigwen, Pontypridd.

The proposal consists of the following works:

- The construction of a single storey infill extension to the rear elevation of the dwelling. The extension would project from the original rear face of the property by 1.8m and would measure 3.5m in width. A casement window would span the full width of the new rear elevation, whilst the extension would be of flat roof construction, extending to 2.7m in height. To the left-hand side of the new extension a set of bi-fold doors and a new window opening would be formed within the body of an existing gable and would serve the re-configured accommodation.

- The construction of a porch extension to the south-west facing side elevation of the dwelling. The extension would measure 4.65m in depth by 2.15m in width maximum, whilst the pitched roof structure would extend to 3.75m in height. To facilitate its construction, an existing car port would be removed.
- The construction of a dormer extension to the principal elevation of the dwelling. The dormer would be of flat roof construction and would sit between two existing projecting gables to a maximum width of 6.6m. The dormer would measure 2.2m in height being set 0.1m below the main ridgeline of the dwelling having a maximum projection of 2.2m from the existing roof slope. The dormer addition would help facilitate the development of a playroom and storage areas within the converted attic space.

With regard to external materials, the proposed extensions would be finished in a mix of render and face brick and all windows would be of UPVC, sash type manufacture, white in colour. The new roofs would be finished in slate tile and an EDPM membrane covering.

SITE APPRAISAL

The application site occupies a corner plot between Tyfica Road and Graigwen Road, to the north west of the Pontypridd Town Centre. The site consists of a large, detached dwelling, which has been subject to some alteration and amendment in more recent years.

The property has a principal elevation which faces south-east and is where the dwellings main amenity space is located. The rear elevation of the dwelling, like the majority of its immediate neighbours, borders the highway of Tyfica Road and is where a detached garage and areas of off-street parking are located.

The street scene is characterised by dwellings that vary in scale and design, many of which are attractive and represent good examples of Victorian architecture.

The nearest neighbouring dwellings are situated approximately 9.5m to the east, 27m to the north, 34m to the south-west and around 17m to the north-west. The site is bound by the highway of Graigwen Road to the west whilst to the south of the site is a TPO grouping, beyond which are the buildings and grounds associated with the Pavia Court Flats.

The application site is located within the Graigwen Conservation Area.

PLANNING HISTORY

There are no recent applications on record associated with this site.

PUBLICITY

The application has been advertised by direct notification to neighbouring properties. No letters of objection or representation have been received as a result of this exercise.

CONSULTATION

None undertaken.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was for the period 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister for Housing and Local Government on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Pontypridd Town but is not allocated for any specific purpose.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high-quality design and to make a positive contribution to place making, including landscaping.

Policy AW7 – identifies those proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

Supplementary Planning Guidance

Design and Placemaking
The Historic Built Environment
A Design Guide for Householders

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Furthermore, given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other policy guidance considered:

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 24 – The Historic Environment

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application proposes a number of extensions and alterations to a residential property that is located within defined settlement limits and the Graigwen, Pontypridd Conservation Area.

There would usually be no objection to this type of development in principle. However, this would be subject to an assessment of the proposals visual impact, its impact upon the wider Conservation Area and the amenity of the neighbouring properties.

Visual impact

The application site occupies a prominent corner position, with the existing dwelling being sited on the junction of Tyfica Road and Graigwen Road, the main distributor road in Graigwen. The works proposed to the rear and side elevations of the dwelling would be legible to the street scene at Tyfica Road, whilst the prevailing topography of the area also means that the proposed dormer extension would be highly visible when approaching the site from the south-west, although it is acknowledged the group TPO would provide an element of screening from this part of the development. It is also noted that the site is located within the Graigwen Conservation Area, of which any development proposal should preserve or enhance.

Firstly, with regard to the proposed dormer, whilst this would be a flat roofed structure it is not considered that it would appear as an overly bulky addition and would sit sympathetically next to the forward-facing gables, whilst the two new windows proposed would be in alignment with those either side and would provide some balance to the dwelling's principal elevation.

Furthermore, there are a range of flat roofed structures and dormer additions visible to the immediate street scene and wider Conservation Area of both pitched and box type construction and it is therefore not considered that this element of the proposal would appear incongruous and harmful to its host and the Conservation Area.

The proposal to remove the car port and replace it with a sympathetically designed, pitched roof structure also presents an opportunity to enhance the buildings visual appearance, whilst it is not considered that the infill extension and addition of fenestration to the dwellings rear elevation would detract from the character of the Conservation Area.

Consequently, it is considered that the proposals would preserve the character and appearance of the application site and that of the Conservation Area.

Impact on residential amenity and privacy

The infill, porch and dormer extensions would be located an adequate distance away from surrounding dwellings which ensures they would not result in any overshadowing or become physically overbearing to neighbouring dwellings.

The new fenestration that would be contained within the infill and dormer extensions, as well as the new openings that would be formed within the dwellings existing rear elevation would also not directly overlook any surrounding residential dwellings.

Consequently, based on the above, it is not considered that the proposals would have significant adverse impacts on the residential amenities of surrounding properties.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the wider Graigwen, Pontypridd Conservation Area and its impact upon the amenities of occupants of neighbouring properties.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans:

- Drawing no. 245-DHA-XX-GF-DR-A-0001 (O/S Plan)
- Drawing no. 245-DHA-XX-F1-DR-A-0100 (Existing Layout)
- Drawing no. 245-DHA-XX-F1-DR-A-0125 (Proposed Layout)

and documents received by the Local Planning Authority on 16/12/2021, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1669/10 (MF)
APPLICANT: WEPCo
DEVELOPMENT: Proposed redevelopment of Pontyclun Primary School, including the demolition of all existing buildings, the erection of a new 'net zero carbon in operation' school building, school sports provision, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure. Plus the erection of temporary school accommodation and associated infrastructure required during construction.
LOCATION: PONTYCLUN PRIMARY SCHOOL, PALALWYF AVENUE, PONT-Y-CLUN, PONTYCLUN, CF72 9EG
DATE REGISTERED: 20/12/2021
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS.

REASONS: The application proposes a replacement school at a long established primary school site. The principle of development is therefore entirely acceptable.

The new building and its associated development will bring a state of the art facility to Pontyclun which will be of significant benefit to the pupils of the catchment area. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the town.

The proposed works would result in a significant alteration to the current layout and appearance of the site. It is considered however that the redevelopment works will result in a substantial improvement to the visual appearance of the site with the new facility being housed in 1 building of a clean, modern design. Further, it is not considered the new building, or the wider development proposed, would result in a significant increase to impacts already experienced by neighbouring residents or to highway safety in the locality.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Full planning permission is sought for redevelopment of the existing Pontyclun Primary School. The works would involve the demolition of all existing buildings on site and the construction of a new 'net zero carbon in operation' school building for nursery, reception, infant and junior age ranges. The scheme would also see the provision of new associated sports and recreation facilities, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure. Temporary classroom accommodation would also be provided during construction.

The new school would be accommodated in 1 building at the northern extent of the site. The new structure would be of a T-shape, accommodating 3 wings off a central 'heart space', and would be of two-storeys to maximum ridge height of 10m. The resulting building would have a gross internal floor area of approximately 2974m².

The building would be of a modern, contemporary design incorporating grey brick at ground floor level with aluminium standing seam walls/roof above, and coloured metal panels and fenestrations throughout (the colour of which is yet to be determined). Several natural ventilation chimneys and windcatchers would be sited within the roof, the maximum height of which being 2m above roof level.

The materials are intended to sustain long-term value and durability in an effort to reduce maintenance costs. The building has been designed to meet a strict 'net zero carbon in operation' target, whereby all operational energy consumed on site will be generated by an extensive roof mounted solar photovoltaic array and heating/cooling provided by air source heat pumps.

The building would accommodate 2 nursery, 2 reception and 5 infant classrooms, a main hall, kitchen and heart space at ground floor level. 9 junior classrooms, heart space and a staff room would be sited at first floor level. Various supporting facilities would also be located across the 2 floors (toilets, offices, storage rooms, etc.).

External yard areas would be provided around the new building with further sports and recreation provision located at the southern extent of the site. This would comprise 2 enclosed Multi Use Games Areas (MUGAs) along with other informal hard and soft landscaped play areas. No floodlighting is proposed at any of the external play spaces, although general lighting would be included throughout the site.

The existing primary vehicular access off Palalwyf Avenue towards the south-eastern corner of the site will be altered to a pedestrian access only. The existing secondary vehicular access off Heol-Y-Felin (north-west corner) will remain and become the site's new primary access point. It will however be altered to create separate vehicle/pedestrian access points here. The 2 further existing pedestrian access points off Palalwyf Avenue (north-eastern corner) and Ffordd Talygarn (south-western corner) will also remain.

40 off-street parking spaces (10% of which will include electric vehicle charging points) will be provided at 2 new carpark areas, 1 at north-western corner and 1 along the south-western boundary of the site. Covered storage for 60 cycles will also be provided at the north-western carpark area.

Associated plant infrastructure would be located at the south-western corner of the site in the form of a single-storey detached building, and a refuse storage/collection point would be sited between the 2 carpark areas.

7 individual trees and 2 tree groups on site would be removed as part of the development, to be replaced with the planting of 19 new trees throughout the site. Further appropriate landscaping will also be added throughout.

The new school would be built to Secured by Design standards with the entire site enclosed by 2.4m high weldmesh boundary fencing, and 1.8m high internal weldmesh fences where necessary to create a secondary security line that allows controlled access for the public and deliveries during the day while ensuring the school and play areas remain secure.

The new school would accommodate 540 pupils, 480 between the ages of 5 – 11 and 60 nursery places. 39 full-time equivalent staff would be employed (both teaching and non-teaching staff). The school currently accommodates 566 pupils (502 of primary age and 64 nursery places) and 36 full-time equivalent staff.

The supporting information details that the main hall, entrance lobby and heart space at ground floor level, as well as the heart space and 1 junior classroom on the first floor would be available for community use between 5pm and 8pm Mondays to Fridays during term time; between 8am and 8pm Mondays to Fridays outside of term time; and between 8am and 1pm on Saturdays throughout the year. However, full details of the exact community uses are unknown at this time. The applicant has also detailed that whilst there are currently no plans for community use of the external sports facilities, this may occur in future, but no floodlighting is proposed so it is envisaged any potential use would be during daytime hours only.

In order to allow the existing school to continue to operate with minimal disruption during development, 2 temporary classroom buildings would be erected at the south-eastern corner of the site during construction. Each would measure 10m in width by 29m in length to a maximum height of 6.5m, and would accommodate 6 classrooms and associated facilities across 2 floors. The applicant has advised that the temporary structures would have to be in place for approximately 15 months.

Finally, the applicant has detailed that the existing school buildings were constructed at various times in the past, with the earliest dating back to 1923 and the most recent the 2000s. Given the construction methods and materials used each have come to the end of their useful life and it would not be viable to renovate/extend the existing structures to bring them up to Welsh Government's 21st Century Schools requirements, hence the need for demolition and redevelopment.

As well as all relevant plans, the application is also supported by:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Noise Impact Assessment
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Heritage Impact Assessment
- Drainage Strategy Report
- Phase 1 and 2 Geo-Environmental Assessments
- Transport Statement

SITE APPRAISAL

The application site forms the existing Pontyclun Primary School and its associated facilities. It is located within a predominantly residential area of the town although it is noted that the main high street and retail area is sited close by, Cowbridge Road to the north. The school serves the local community as an English medium primary school for ages 3 – 11.

The site is of roughly rectangular shape, extending to approximately 1.17ha, and falls gently from north-east to south-west. 6 separate school buildings are sited throughout the plot, a main hall and 5 classroom blocks. Yard areas are located throughout and a carpark at the north-western corner.

The buildings have been added at various times throughout the life of the school and consequently each differ in terms of design, scale and external materials. However, generally, the original building towards the north-western extent of the site is of a traditional, single storey, red brick/render design (constructed in 1923), and the remaining are of more modern, 1970s and later design and materials.

The site fronts the residential street of Heol-Y-Felin at the north-western extent, from which secondary vehicular access is gained. Pontyclun Library is located directly adjacent to the vehicular access here. Residential properties at Heol Dafydd and Heol Robart are sited directly to the south-west. A pedestrian access is located at the service lane that separates these streets, off Ffordd Talygarn. Service lanes bound the site along its northern and eastern boundaries beyond which are the rear gardens of residential properties at Cowbridge Road (north) and Palalwyf Avenue (east), where primary vehicular is gained and a further pedestrian access is located. Allotments are sited to the south of the site.

PLANNING HISTORY

Previous planning applications submitted at the site:

00/2451/10 – Installation of double mobile classroom terrapin structure.
Decision: Granted, 24/07/00

01/3079/10 – Proposed new vehicular access off Heol-Y-Felin.
Decision: Granted, 15/02/02

05/1804/10 – Proposed new main hall with ancillary support rooms.
Decision: Granted, 13/12/05

PUBLICITY

Given the application involves new development where the created floor space would be 1000m² or more and the site area is over 1ha, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 120 properties being individually notified of the proposal by letter, 15 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

9 letters of objection have been received from surrounding residents, making the following comments (summarised):

- The proposed modern design and external materials of the building would be out of character with the existing buildings on site and its surroundings.
- The new school building would be sited in close proximity of adjacent residential properties at Cowbridge Road and Palalwyf Avenue. Therefore, at two-storeys in height, it would result in overbearing, overshadowing and overlooking impacts; and would dominate the outlook from surrounding properties. There is plenty of space within the site for the new building to be positioned further away from neighbouring properties.
- The plant unit would be sited in close proximity of the neighbouring residential properties at Heol Robart and would affect the outlook from these dwellings.
- Heol-Y-Felin is already congested during school hours and parents often park along the nearby highways during drop off / pick up times causing obstructions. The new development would exacerbate these issues, especially as the existing vehicle access off Palalwyf Avenue is to be removed.
- No thought appears to have been given to the retention of the existing buildings. The 1923 building is of character and social significance within the community. It is therefore deserving of retention and protection and should form the focus of any future development at the site.
- Whilst the new building will be 'net zero carbon in operation', it will take a considerable amount of time before the construction process is offset, a much greater period than if the existing buildings were to be retained. There are various options that could be utilised to bring the existing buildings up to modern standards.

- Additional vehicles associated with the school will result in increased pollution in the area.
- Construction activities will adversely affect the amenities of surrounding residents during development.
- Concerns that there could be hazardous substances within the existing buildings and that appropriate methods may not be undertaken during demolition and removal.
- Complaints with respect to the properties that were (not) directly notified during the PAC process.

CONSULTATION

Highways and Transportation – No objection subject to conditions in respect of access, turning and parking facilities construction details; off-site highway improvements; a Construction Method Statement; a Travel Plan; and HGV delivery time restrictions.

Public Health and Protection – No objection subject to conditions in respect of land contamination, construction noise, waste, dust and lighting.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme can be implemented on site.

Countryside, Landscape and Ecology – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Ecological Impact Assessment being implemented on site.

Education and Inclusion Services – No objection or conditions suggested. The proposed development is welcomed.

Waste Services – No objection or conditions suggested. Appropriate waste facilities/access would be provided at the site.

Natural Resources Wales – No objection subject to a condition requiring a Construction Environmental Management Plan be submitted for approval prior to any development works commencing on site.

Sports Wales – No objection or conditions suggested. We note that no playing field is proposed but there is not one currently and that the planned play spaces would result in a net gain at the site which is welcomed. We would also support any proposed community use of these facilities.

Glamorgan Gwent Archaeological Trust – No objection subject to condition requiring a historic building survey be undertaken at the site prior to demolition.

Cadw – No comments received. It is noted however that as a specialist consultee Cadw were consulted as part of the applicant's earlier PAC process. In response to

the PAC Cadw advised that as there are no Listed Buildings, Scheduled Monuments or Historic Parks and Gardens that would be affected by the proposed development, they had no comment to make.

Dwr Cymru Welsh Water – No objection subject to condition restricting surface water from entering the public sewerage system.

South Wales Police – No objection or conditions suggested. Standard advice offered in respect of Secured by Design standards.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

Pontyclun Community Council – No objection. We support this application and are pleased that the proposals are for a school in the centre of Pontyclun where it can be a focal point for the community. We also note that the design seems to balance the needs of the children, school staff and community. We would however request the windows on that part of the building nearest to the houses on Cowbridge Road are obscured to help minimise any privacy issues.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Pontyclun but is not allocated for any specific purpose.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level, although it should form the basis of all decisions.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 16: Sport, Recreation and Open Space
- PPW Technical Advice Note 18: Transport
- PPW Technical Advice Note 24: The Historic Environment
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of Proposed Development

The application seeks the redevelopment of the existing school facility at the site, replacing the existing buildings, associated play and recreation facilities and infrastructure with a new, modern 'net zero carbon in operation' facility that is in compliance with Welsh Government's 21st Century Schools brief.

The proposed development would be sited within the grounds of an existing primary school where the principle for this type of use has long been established. Further, the scheme is supported by the Council's Education and Inclusion Services Section who welcome the development.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Visual Impact

The redevelopment of the site will inevitably result in a significant alteration to its current character and appearance. However, it is not considered there would be a detrimental visual impact and the proposed works would actually improve the site's current visual amenity.

The current site layout sees 6 existing buildings spread throughout the plot. 3 larger buildings are located through the centre of the site with 3 smaller buildings around. The proposal would see all existing buildings demolished and replaced with 1, two-storey structure at the northern extent of the site. The southern element would be occupied by play and recreation facilities although a small, single-storey plant unit

would also be located here. A considerable alteration to the current visual appearance of the site.

Further, the existing buildings are each of a single-storey nature, 1 of traditional early 1900s design and rest being typical of many 1960/70s and 1990s/2000s education establishments throughout the County Borough, whereas the new structure would be of two-storeys and a modern design incorporating contemporary external materials. A stark contrast to the existing arrangement.

Nevertheless, the design of the existing buildings appear somewhat dated and in need of modernising. And given the differing design, scale and finishing materials of each, appear as a mismatch of units throughout the plot that have little or no relationship with one another. It is considered their replacement with a single new building using modern materials and construction methods will be far more aesthetically interesting. The new building would form an attractive and high-quality development that will significantly enhance the visual amenities of the site and surrounding area, resulting in a welcomed focal point within the community. Additionally, appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of its surroundings.

The changes will be most noticeable from the outlook of the adjacent residential properties, especially those along Cowbridge Road to the north and Palalwyf Avenue to the east which will see the school building move considerably closer to their rear elevations than the existing buildings they have become accustomed to. However, it is considered sufficient distance will remain between elevations ensuring that any loss of outlook would be minimal, and as set out above, the design and materials proposed will result in an attractive and interesting building, an improvement to the existing buildings which mainly form utilitarian, block type structures.

It is accepted that the existing 1920s building is of an attractive, traditional design and its removal is regrettable, however, the building is not listed and could be demolished at any time without the need for planning permission.

Further, Glamorgan Gwent Archaeological Trust (GGAT) have confirmed that the original 1923 school building is contained within the National Monuments Record, but that the building is not of national significance. As such, they have no objection to its demolition. They do however request a historic building survey be undertaken prior to demolition to ensure a record of the structure will remain.

At the time of writing Cadw have not responded to the statutory consultation, but it is noted that they did respond to the earlier PAC advising that as there are no Listed Buildings, Scheduled Monuments or Historic Parks and Gardens that would be affected by the proposed development, they had no comment to make.

In light of the above, whilst the demolition of the original building is regrettable, it is not considered it would warrant refusal of the application on either visual or historic grounds.

Finally, it is also noted that the design, scale and siting of the new building has been borne out of the site's constraints. The existing school needs to continue to operate

during construction of the new building and therefore all buildings cannot be demolished at once, and temporary structures need to be accommodated during construction. As such, the location proposed is the only viable option within the site and the design and scale of the new building is commensurate to the floorspace required given the developable area available.

Subsequently, whilst it is accepted the proposal will form a visible and prominent development in the locality, and the loss of the attractive original school building is regrettable, it is not considered the proposed development would alter the context of the site within its surroundings, would have any undue impact to the outlook of surrounding residents, and would actually improve the character and appearance of this currently dated and tired site.

Residential Amenity

The application site is bound by residential properties to the north (Cowbridge Road), east (Palalwyf Avenue) and south-west (Heol Dafydd and Heol Robart). As such, any new development at the site is likely to result a degree of impact to the amenity standards currently enjoyed by residents of these streets. It is not considered however that any potential impact would be significantly greater than that which already occurs, or to a degree that would warrant refusal of the application.

The new school building would be sited approximately 50m from the nearest properties at Heol-Y-Felin (west) and Heol Robart (south-west), and the wider sports and recreation facilities would result in relatively minor works that would have a similar relationship with the neighbouring properties here to the existing built form. Therefore, it is not considered the general redevelopment would result in any direct impact upon the outlook from these properties or would cause any other form of physical detriment to them.

It is acknowledged that the plant units would be located directly adjacent to the properties at Heol Robart. But given their single storey nature and the fact that they would be sited adjacent to the side elevations of the neighbouring dwellings here, it is not considered these elements of the scheme would have any direct impact either. These units would also act as screen between the adjacent properties and the new MUGAs to be installed at the southern section of the site.

It is also noted that the noise assessment submitted with the application details that noise levels associated with the plant/equipment here would be at appropriate levels and having considered the report, the Public Health and Protection team have no concerns in this respect.

The new school building would be sited only approximately 15m from the rear of the closest properties at Heol Dafydd and approximately 8m from the rear of the library, however, this element of the new school building would be single-storey and only 2 high level windows serving the kitchen would face the rear of the adjacent properties. As such, it is not considered the structure would result in any undue impact upon the outlook from these properties or would cause any other form of physical detriment to them.

Moving to the potential impact upon the adjacent properties at Cowbridge Road (north) and Palalwyf Avenue (east), the new school building would be sited approximately 18m and 20m from the rear of the closet properties at these streets respectively; and at two-storeys here, would undoubtedly result in a considerable alteration to the relationship the adjacent properties currently share with the existing buildings on site, points that have been raised by objectors.

However, whilst this may be the case, the separation distances proposed are generally considered acceptable for two-storey buildings and are typical of many new developments throughout the County Borough. Additionally, the new building has been designed in manner that the shortest façades would be located closest to the adjacent dwellings at Cowbridge Road and Palalwyf Avenue, gable ends. It is subsequently considered that any potential overbearing impact would be minimal and restricted to only a small number of dwellings. Further, any potential impact to the outlook from these properties would not be compromised to a point that would warrant refusal of the application.

It is also noted that the gable ends of the new building closest to the properties at Cowbridge Road and Palalwyf Avenue would only accommodate first floor windows serving stairwells, and these windows would each be obscure glazed. As such no direct overlooking would occur. It is however considered necessary to attach a condition to any consent requiring these windows remain obscure glazed in perpetuity to ensure any potential impact does not occur in future.

With respect to overshadowing, the new building will be located to the south of the properties at Cowbridge Road and west of the properties at Palalwyf Avenue and therefore at two-storeys in height, will result in a degree of shadowing to the curtilages of the adjacent dwellings. In this respect the applicant has undertaken shadow studies which provide a worst-case visual representation of shadow extent cast by the proposed building at various times of day (7am, 12pm and 6pm – mid-summer, and 9.30am, 12pm and 3pm – mid-winter).

For mid-summer the analysis confirms that the new building would not result in any shadowing of neighbouring properties at Cowbridge Road or their amenity areas at any time of day; and no shadowing would occur to the neighbouring properties at Palalwyf Avenue for much of the day, but the rear gardens of nos. 9 – 12 will experience some shadowing during the evening, although it will not reach the rear of the houses.

In mid-winter, if conditions are clear and sunny, there may be some shadowing to the rear of the properties at Cowbridge Road during the early morning (nos. 59 – 81 [odd]), but there would be no impact to any properties at Palalwyf Avenue. However, by midday the shadows would affect the only the ground floor of the rear extensions of 4 properties at Cowbridge Road (nos. 53 – 59 [odd]), but would turn towards the east also affecting the rear of 8 properties at Palalwyf Avenue (nos. 1 – 8) past 3pm.

Consequently, there is no doubt that a degree of overshadowing is going to arise as result of the proposed development, but taking the limited number of properties that will be affected and relatively short timeframes they would be affected during the

worst-case scenarios, it is not considered the potential impact would outweigh the benefits of the scheme or be significant enough warrant refusal of the application.

With respect to noise and disturbance, given the very nature of a school and its associated outdoor spaces it is inevitable that surrounding residents would experience a degree of impact. However, with no change of use at the site and a reduction in pupil numbers it is not considered the nature of any impact already experienced by neighbours would be altered. Furthermore, the site has been occupied as a primary school since 1923 and therefore surrounding residents would have become accustomed to the general noise/disturbance associated with such a use; and this existing impact would continue to occur even if the proposed development were not implemented. It is also noted that following assessment, the Public Health and Protection team have no concerns.

Notwithstanding the above, the applicant has detailed that the new school building would, and the outdoor sports and recreation facilities potentially could, accommodate community uses during the evenings and weekends during term time and throughout the day outside of term time. This could result in some potential for a loss of amenity over and above the standards currently enjoyed by surrounding residents.

No details have been submitted setting out the exact community uses anticipated, but given the limited internal areas proposed for use and the time restrictions stated, it is not considered this element would result in any undue impact to the amenities of surrounding residents. Further, no floodlighting is proposed so it is envisaged any potential use of the outdoor facilities would be limited to daytime hours only, which would again not result in a significant impact.

However, in order to protect levels of amenity, conditions are proposed that will restrict the community uses to the times set out by the applicant and the use of the outdoor facilities to daytime hours only until such time as a scheme is submitted that clearly outlines proposals for their use. It is considered reasonable to safeguard the existing levels of amenity until such time as the plans for use of the outdoor facilities have been clarified. At that time the views of local residents can be sought either by the School, the Education Authority or by the Local Planning Authority as part of the relevant discharge of condition process.

With respect to the temporary buildings required, they would be sited at the south-eastern corner of the site in close proximity of several adjacent properties at Palalwyf Avenue, approximately 15m at the closest point. Therefore, at two-storeys in height and with windows at first floor level facing the neighbouring properties, they will inevitably result in a degree of impact to the amenity standards currently enjoyed by the occupiers of the adjacent dwellings.

However, whilst this is regrettable, any impact would be for a temporary period of approximately 15 months only, and there is no option other than to install the temporary units in order to allow the school to continue to operate during development; and no other suitable place within the site to put them. Subsequently, when weighed against the wider benefits of the proposed scheme, any impact would not be considered significant enough to warrant refusal of the application. It is however suggested conditions are attached to any consent requiring the first floor windows

facing the adjacent properties be obscured to stop any direct overlooking, and to ensure the units are removed as soon as possible.

Finally, it is acknowledged that an objector has expressed concern regarding noise/traffic during construction. Whilst unfortunate, it is inevitable that during the course of construction surrounding residents will experience a degree of disturbance. But this would occur for a limited period of time and a condition is suggested below to control the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during peak traffic times which will ensue any potential impact in this respect is kept to a minimum.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while it is accepted a degree of impact will inevitably occur and the concerns raised by the objectors are acknowledged, the application is considered to be acceptable.

Highway Safety

Whilst it is acknowledged that several concerns have been raised by residents in respect of highway safety, the Highways and Transportation Section raised no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion they made the following comments:

Vehicular access

Primary vehicular access is achieved via a short length of unnamed publicly maintained highway off Palalwyf Avenue towards the south-eastern corner of the site. A secondary vehicular access is also available off Heol-Y-Felin at the north-western corner.

The Transport Statement (TS) submitted advises that the existing primary vehicular access off Palalwyf Avenue will be removed and the site will instead be served by a sole vehicular access off Heol-Y-Felin, approximately 18m south of the existing access here, with the existing vehicular access at Heol-Y-Felin remaining, but for pedestrian/cycle access only. This new vehicular access arrangement is considered acceptable in principle subject to detailed design which has not yet been undertaken. The full design and details can however be approved via condition.

Pedestrian access

There is a total of 4 pedestrian accesses proposed. All means of pedestrian access to the site are existing and as such give no cause for concern.

Internal circulation

There is no concern with the ability for typical private motor vehicles to be able to enter and exit the site in a forward gear. Further, the swept path analysis submitted sets out that HGVs will be able to turn within the site and during the event of an emergency, emergency service vehicles would also be able to enter and exit the site in a forward

gear at Heol-Y-Felin utilising the pedestrian/cycle access in addition to the main vehicular access if necessary.

Off-street parking provision

In accordance with the Council's adopted SPG: Access, Circulation and Parking Requirements, a school in this location (Zone 2) has an operational off-street parking requirement of 1 commercial vehicle space, a non-operational requirement of 2 spaces per classroom, and 3 visitor spaces. The proposed school will have 18 classrooms and therefore has an SPG off-street parking requirement of 1 commercial vehicle space and 39 other spaces.

40 off-street spaces would be provided within the site boundary, 10% of which would include electric vehicle charging points. Subsequently the proposal meets its SPG requirement and the guidance set out in PPW and gives no undue cause for concern in this respect.

The proposal also includes cycle parking provision in excess of the SPG requirement.

Drop-off / pick-up

There is some concern with the lack of a drop-off / pick-up facility, but the Transport Statement advises that following detailed consideration, it was determined that the provision of a drop-off / pick-up facility would not be feasible without detrimentally impacting upon the necessary layout of the new school building and associated outdoor play facilities on this constrained site.

Furthermore, the TS includes a Framework Travel Plan which details measures that could be implemented to reduce car trips, and a Parking Survey that identifies availability of on-street space in the vicinity which would accommodate drop-offs / pick-ups, as is the current arrangement.

Subsequently, with the above points in mind, particularly the constraints of the site and the fact the new school will accommodate less pupils than existing, the lack of a dedicated drop-off / pick-up facility is, on balance, considered acceptable.

Safer routes to school

The TS advises that walking routes to the proposed school have been assessed in accordance with Welsh Government's Walking Route Audit Tool. The exercise identified 9 points of concern at various locations along walking routes and offers potential mitigation measures to remedy the concerns raised. Whilst a school has historically been in place at the site and the routes to it are not changing, it is considered these works would be beneficial to all users and would go some way to mitigating against the lack of a drop-off / pick-up facility. As such a condition to this effect is suggested.

Travel Plan

The TS includes a Framework Travel Plan. The principles of the Plan are considered acceptable and will help to encourage sustainable modes of travel to and from the proposed school site. As such a condition is suggested to ensure the Plan is developed and implemented.

Highway safety summary

The proposal will not result in undue additional vehicular movements to/from the site; the proposed vehicular access, parking and turning facilities are considered acceptable in principle subject to detailed design; and the proposed pedestrian accesses, each of which are existing, give no undue cause for concern.

There is some concern that the proposed redevelopment of the school will not provide internal facilities for drop-off / pick-up, however, the TS indicates mitigating factors including a reduction in the number of pupils, lack of outdoor space to provide adequate facilities, availability of on-street space to accommodate short term parking associated with drop-off / pick-up (as existing), and the provision of a Travel Plan. On this basis the lack of dedicated provision of drop-off / pick-up facilities within the site is, on balance, considered acceptable in this instance.

Whilst the comments provided by the Highways and Transportation section in respect of 'safer routes to school' are acknowledged, given any potential upgrading works would be outside of the application site, they would be outside of the scope of this application. Therefore, it is not considered reasonable to attach the suggested condition to any consent. It is instead considered the applicant should be advised of the benefit of the upgrading works via a suitably worded informative note in an attempt to encourage their future implementation.

In light of the above, the scheme is generally considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site.

Ecology

The Council's Ecologist noted that a bat roost has been found on site but that the Ecological Impact Assessment submitted is an appropriate and acceptable assessment and includes adequate mitigation measures. As such no objections are raised but it is suggested a condition be added to any consent requiring the ecological mitigation and enhancement measures set out in the report being implemented on site.

Natural Resources Wales (NRW) commented that while bats have been found at the site, on the basis of the ecology report submitted with the application, they do not consider the proposed development is likely to be detrimental to the maintenance of the population. As such no objection is raised or conditions suggested, but it is advised an informative note be added to any consent advising the developer of the necessary, separate European Protected Species Licence that will be required.

Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary Sustainable Drainage Systems (SuDS) application prior to any development works commencing on site.

NRW raised some concern in respect of construction works potentially leading to contamination of the nearby River Ely, but advised these concerns could be overcome through the submission of a Construction Environmental Management Plan (CEMP) prior to any development works commencing on site. As such no objections were raised subject to a condition to this effect being attached to any consent.

Dwr Cymru Welsh Water raised no objection to the scheme noting that foul water flows can be accommodated in the public sewerage system and that the proposal to discharge surface water via SuDS is acceptable. However, a condition is requested preventing surface water from being directed into the public sewerage system in future. Whilst these comments are acknowledged, site drainage arrangements would be covered by the separate, necessary SuDS application and therefore it is not considered the suggested condition is necessary.

Public Health

The Public Health and Protection Division have advised that the site has the potential to be contaminated by previous land uses, and that whilst some investigation work has already been undertaken at the site, the information set out in the Phase 1 and Phase 2 Geo-Environmental Assessments is inconclusive. As such, further site investigation works are required prior to development to clearly demonstrate what, if any, mitigation measures may be required, however this could be provided via condition. As such conditions to this effect are suggested below.

The Public Health and Protection Division also suggested several conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Finally, it is noted that an objector commented that additional vehicles associated with the school will result in increased pollution in the area. However, the new school would result in a decrease in the number of pupils at the site, and only an additional 3 staff. It is therefore considered that any current levels of pollution in the vicinity of the site would not be increased following development. Further, no concerns have been raised by the Public Health and Protection team.

Neighbour Consultation Responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *Whilst the new building will be 'net zero carbon in operation', it will take a considerable amount of time before the construction process is offset, a much greater period than if the existing buildings were to be retained. There are various options that could be utilised to bring the existing buildings up to modern standards.*

Whilst this may be the case, the applicant has detailed that it would not be viable to redevelop/extend the existing buildings on site to meet Welsh Government's 21st Century Schools standards. Therefore, demolition and construction of a new building is the only option available at this site to provide modern school facilities for pupils of the catchment area; and once the building has been erected, the site would meet a strict 'net zero carbon in operation' target, significantly improving existing standards.

- *Concerns that there could be hazardous substances within the existing buildings and that appropriate methods may not be undertaken during demolition and removal.*

Site surveys have revealed that asbestos has been found in many of the existing buildings at the site. This is one of the reasons it would not be viable to refurbish the existing units. Any such hazardous materials must be removed by specialist, licenced contractors, but the control of this process is outside of the remit of planning and will instead be overseen during the necessary, separate Building Regulations process.

- *Complaints with respect to the properties that were (not) directly notified during the PAC process.*

An objector has commented that they were not directly notified of the proposed development during the earlier, separate PAC process. The PAC report details that the applicant undertook the relevant notice procedures prior to submission of the planning application, and this must be taken on face value. It is also noted that the objector was directly notified of the planning application by the Council during the statutory public consultation process and therefore had the opportunity to make any representations.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide a state of the art primary school facility for pupils, and wider community uses for local residents long into the future.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources resulting in a 'net zero carbon in operation' facility.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, directly adjacent to Pontyclun town centre, with many transport links and services/facilities located within walking distance.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended), however, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore, no CIL would be payable.

Conclusion

The application proposes a replacement school at a long established primary school site. The new building and its associated development will bring a state of the art facility to Pontyclun which will be of significant benefit to the pupils of the catchment area. The applicant also proposes wider community use for some facilities which will be an asset to all residents of the town.

The new building will result in a significant improvement to the visual appearance of the site with its clean, modern design; and whilst it is accepted a small number of surrounding residents will experience a degree of impact to the amenity standards they currently enjoy, it is not considered the proposed development would result in a significant increase to any impacts already experienced, or to a degree that would warrant refusal of the application, especially when weighed against the wider benefits of the scheme.

There is some concern that the proposed redevelopment of the school will not provide internal facilities for drop-off / pick-up, however, there is no formal facility for this now and there is no room to provide it within the new layout due to the constrained nature of the site. Therefore, the lack of such a facility is, on balance, considered acceptable, as is the wider potential impact upon highway safety in the locality.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

RECOMMENDATION: Approve, subject to conditions below.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- Location Plan – RH0201-SRA-00-00-DR-A-02000 Rev. C01
- Site Plan – RH0201-SRA-00-00-DR-A-02001 Rev. C01
- Site Plan Temporary Accommodation – RH0201-SRA-00-00-DR-A-02010 Rev. C01
- Temporary Accommodation Plan and Elevations – RH0201-SRA-00-00-DR-A-02011 Rev. C01
- Proposed Site Plan – RH0201-SRA-00-00-DR-A-02002 Rev. C01
- General Arrangement Ground Floor Plan – RH0201-SRA-01-00-DR-A-02100 Rev. C01
- General Arrangement First Floor Plan – RH0201-SRA-01-01-DR-A-02101 Rev. C01
- General Arrangement Roof Plan – RH0201-SRA-01-RF-DR-A-02102 Rev. C01
- Elevations – RH0201-SRA-01-XX-DR-A-02200 Rev. C02
- Section AA, BB, CC, DD – RH0201-SRA-01-XX-DR-A-02300 Rev. C01
- Out of Hours Use Ground and First Floor Plans – RH0201-SRA-01-ZZ-DR-A-02400 Rev. C01
- Aerial View Looking North – RH0201-SRA-01-IM-A-02800 Rev. C01
- External Lighting Levels – RH0201-ARP-ZZ-XX-DR-E-21001 Rev. C01
- Landscape Masterplan – RH0201-ALA-00-XX-DR-L-00005-S2 Rev. P07
- Fencing and Security Strategy – RH0201-ALA-00-XX-DR-L-00007-S2 Rev. P04

- Access and Circulation – RH0201-ALA-00-XX-DR-L-00008-S2 Rev. P05
- Planting Strategy – RH0201-ALA-00-XX-DR-L-00013-S2 Rev. P03
- Outline Levels – RH0201-ALA-00-XX-DR-L-00014-S2 Rev. P05
- Site Sections 1 of 3 – RH0201-ALA-00-XX-DR-L-00015-S2 Rev. P04
- Site Sections 2 of 3 – RH0201-ALA-00-XX-DR-L-00016-S2 Rev. P03
- Site Sections 3 of 3 – RH0201-ALA-00-XX-DR-L-00017-S2 Rev. P03
- Detailed Hard and Soft Landscape General Arrangement 1 of 2 – RH0201-ALA-00-XX-DR-L-00019-S2 Rev. P05
- Detailed Hard and Soft Landscape General Arrangement 2 of 2 – RH0201-ALA-00-XX-DR-L-00020-S2 Rev. P05
- Temporary Site Wide Masterplan – RH0201-ALA-00-XX-DR-L-00021-S2 Rev. P015
- Existing Drainage and Utilities – RH0201-ARP-ZZ-00-DR-C-00021 Rev. C01
- External Finished Levels – RH0201-ARP-ZZ-00-DR-C-00031 Rev. C01
- Proposed Drainage – RH0201-ARP-ZZ-00-DR-C-00041 Rev. C01
- Proposed Utilities – RH0201-ARP-ZZ-00-DR-C-00081 Rev. C01
- Ground Level View Entrance – RH0201-SRA-01-ZZ-IM-A-02801 Rev. C01
- Bay Study Typical Two Storey – RH0201-SRA-01-ZZ-IM-A-02802 Rev. C01

and documents received by the Local Planning Authority on 17/12/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development hereby approved shall be carried out in accordance with the recommendations and mitigation/enhancement measures set out in:
- Plant Noise Emission Limits for Pontyclun Primary School (Arup, December 2021)
 - Arboricultural Impact Assessment (Barton Hyett Associates, December 2021)
 - Heritage Impact Assessment (Graeme Ives, December 2021)
 - Drainage Strategy Report (Arup, December 2021)
 - Ecological Impact Assessment (CSA Environmental, October 2021)
 - Phase 1 Geo-Environmental Desk Study Report (HSP Consulting, September 2019)
 - Phase 2 Geo-Environmental Assessment (HSP Consulting, September 2021)
 - Transport Statement (Arup, December 2021)

Unless otherwise agreed in writing by the Local Planning Authority or otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

4. No development shall commence on site until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: As the 1920s school building is of architectural and cultural significance the specified records are required to mitigate the impact of demolition in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include, but not be limited to:

- i) Construction methods: details of materials, how waste generated will be managed.
- ii) General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- iii) Soil management: details of topsoil strip, storage and amelioration for re-use.
- iv) CEMP masterplan: details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- v) Control of nuisances: details of dust control measures.
- vi) Resource management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- vii) Pollution prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- viii) Details of persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- ix) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development and are implemented for the protection of the environment during construction in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence on site, other than demolition and enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site, other than demolition and enabling works, until full engineering design and details of the alterations to the existing and proposed vehicular and pedestrian accesses have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial occupation of the new school.

Reason: To ensure the adequacy of the vehicular and pedestrian accesses to/from the publicly maintained highway, in the interests of highway safety and the free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence on site, including any works of site clearance or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:
 - i. The means of access into the site for all construction traffic.
 - ii. The parking of vehicles of site operatives and visitors.
 - iii. The management of vehicular and pedestrian traffic.
 - iv. Loading and unloading of plant and materials.
 - v. Storage of plant and materials used in constructing the development.
 - vi. Wheel cleansing facilities.
 - vii. The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Within 6 months of beneficial occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:

- i. Travel Plan Co-ordinator.
- ii. Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, and use of public transport.
- iii. Management strategy for monitoring and delivering the objectives.
- iv. Review Process and fallback position if the targets set have not been achieved.

The Travel Plan shall be implemented within 1 month following its approval and maintained and monitored thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable modes of travel and reduce single car occupancy in the interest of highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Off-street parking provision shall be set out in accordance with the submitted site masterplan ref. RH0201-ALA-00-XX-DR-L-00005-S2 Rev. P07, consisting of 40 car parking spaces and 60 cycle parking spaces.

Reason: To ensure vehicles and cycles are parked off the publicly maintained highway in the interests of highway safety and free movement of highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. No HGV movements shall take place to and from the site between the hours of 07:45 – 09:15am and 15:00 – 16:00pm weekdays during the course of site preparation and construction works.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall commence on site, other than demolition and enabling works, until a site investigation has been carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications, and a subsequent method statement for the remediation of contamination affecting the site has been submitted to and approved in writing by the Local Planning Authority. All requirements of the approved report shall be implemented on site thereafter by a competent person.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. The development hereby approved shall not be brought into beneficial use until the measures approved in the scheme referred to in Condition 12 have been implemented and a suitable validation report of the proposed scheme

has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. The first floor windows within the northern and eastern gable end elevations of the school building hereby approved shall be obscure glazed with privacy glass level 3 (or greater) at all times.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

16. Community use of the school building and outdoor sports and recreation facilities hereby approved shall be restricted to the following hours only:
- 8am to 8pm Mondays to Fridays
 - 8am to 1pm on Saturdays
 - Not at all on Sundays or Bank Holidays

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. The use of the outdoor sports and recreation facilities hereby approved shall be restricted to 7:45am to 6pm Monday to Friday only until such time as a scheme detailing the proposed activities and intended hours of operation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a consultation exercise with neighbouring residents, the scope of which shall be first agreed in writing with the Local Planning Authority, designed to take the views of local residents into account. The subsequent use of the outdoor sports and recreations facilities shall be in strict accordance with any scheme as may be approved.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. Any first floor windows of the temporary classroom buildings that directly face the adjacent residential properties at Palalwyf Avenue shall be obscured to privacy level 3 (or greater) at all times.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

19. The temporary classroom buildings hereby approved shall be wholly removed from the site no later than 28 days from the beneficial occupation of the new school building.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1670/10 (GD)
APPLICANT: WEPCo
DEVELOPMENT: Proposed redevelopment of Llanilltud Faerdref Primary School, including the demolition of all existing buildings, the erection of a new Net Zero Carbon in operation school building, school sports provision, vehicular, pedestrian and cycle accesses, car and cycle parking.
LOCATION: LLANILLTUD FAERDREF PRIMARY, ST ILLTYDS ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1DB
DATE REGISTERED: 20/12/2021
ELECTORAL DIVISION: Church Village

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS

REASONS: The principle of the proposed development is acceptable representing the replacement of an existing school within an established school site within the settlement limits of Church Village. The proposals are acceptable in terms of planning policy and all other material planning considerations.

The new building and its associated development will bring a state of the art facility to Church Village, which will be of significant benefit to the pupils of the catchment area. The applicant also proposes a wider community use for some facilities that will be an asset to all residents of the locality.

The proposed works would result a significant alteration to the current layout and appearance of the site, but with its clean, modern design it is considered the new building will form a marked improvement to the existing visual amenity of the site. Further, it is not considered the new building, or the wider development proposed, would result in a significant increase to impacts already experienced by neighbouring residents or to highway safety in the locality.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

The application seeks planning permission for the demolition of the existing school building and the construction of a replacement facility on the existing school playing field. The proposal involves the following: -

- The construction of a single storey net zero carbon in operation school with nursery and primary provision comprising 9 classrooms for primary and nursery children including reception and nursery classrooms with either individual or shared cloakroom facilities, “heartspaces”, administrative spaces, main hall and kitchen, storage and changing rooms and all of the associated circulation space. The building would be located on the eastern part of the site currently a grassed playing field area. The school building will be T-shaped with maximum dimensions of 75m x 27.2m the ridgeline varies between 7m over the classrooms rising to 8.5m over the hall, eaves are set at 4m and external covered walkways extend that to a level of 3.25m. on top of the roof are ventilation chimneys extending 2.2m above the ridge and wind catchers extending 1.5m above the ridge The school building will be finished in grey brickwork walls and cladding and a grey standing seam aluminium roof. Detailing in the forms of window and doorframes and flashing will be dark grey aluminium with the principal entrance set in school colours.
- External areas and facilities to provide landscaped areas, an amphitheatre, and hard and soft playgrounds will be set round about the school
- 2no. Multi Use games Areas (MUGA’s) will be located on the site of the existing school
- 1no. 5 a side grass football pitch and a 40 m sprint track will be located north west of the new school building
- 15no. stands providing storage for up to 30 cycles.
- The access will remain as at present and a car parking area with 23 spaces with 10% vehicle charging provision will be located east of that parallel with the southern site boundary
- Retention of legacy items.
- Refuse and waste collection will be located adjacent to the car park
- Landscaping will be provided to the site boundaries and areas within the site that are not allocated to any formal use.
- Sustainable Urban Drainage System (SUDS)

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement.
- Air Quality Assessment
- Arboricultural Impact Assessment
- Coal Mining Risk Assessment
- Drainage Strategy
- Ecological Impact Assessment
- Noise Impact Assessment
- Phase I Geo-Environmental Desk Study Report
- Phase II Geo-Environmental Assessment Report
- Transport Statement (including Travel Plan)

SITE APPRAISAL

The application site comprises the 1.22 hectares of land and buildings that comprise the existing Llanilltyd Faerdref Primary school. The site is located west of Main Road and north of St Illtyd's Road and is broadly rectangular. The existing school is located in the south-western quadrant of the site with the grounds set out north and east of it. The site slopes gently from west to east with a fall just short of 6m across the site.

The principle access to the site is from St Illtyd's road with a pedestrian access also provided between the school and car park southeast of the site.

The surrounding area is largely residential though a number of properties around the Main Road/St Illtyd's Road junction are commercial in character.

PLANNING HISTORY

08/1630	Eco flag and flag pole	Approved 26 th November 2008
08/0945	Outdoor canopy adjacent to main building	Approved 24 th July 2008
00/2430	Double mobile classroom terrapin structure	Approved 5 th July 2000
99/2328	Erection of 9m x 7.2m cabin to provide accommodation	Approved 24 th May 1999

PUBLICITY

As the application involves new development where the created floor space would be 1000m² or more and the site area is over 1ha, the applicant has undertaken a Pre-Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The response to the PAC did not draw any outright objection though two residents commented on the proposals.

The application has been advertised by means of press notice, site notices, neighbour notification letters, and no objections or observations have been received.

CONSULTATION

Transportation Section – no objections subject to conditions

Flood Risk Management – No objections subject to conditions

Public Health & Protection – No objections subject to conditions.

Countryside – No objections subject to conditions

Education & Lifelong Learning – No objections

Natural Resources Wales – Express concern at the application but believe that the concerns they have can be addressed via the inclusion of appropriate conditions in any consent that might be issued.

Dwr Cymru Welsh Water – No objections subject to conditions

Western Power Distribution – the applicant should be aware that if they require a new connection or a service alteration they would need to make a separate application to WPD.

South Wales Fire & Rescue Service – Raise no objections and advise that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and the provision of appropriate access for emergency firefighting appliances.

Cadw – No response received

The Coal Authority – consider that the content and conclusions of the Coal Mining Risk Assessment report, informed by intrusive site investigation, are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made safe and stable for the proposed development. The Coal Authority therefore wishes to raise no objections to the proposed development.

South Wales Police – Raise no objection to the proposed development and comment in detail with regard to achieving secured by design standards in the design and development of the school.

Glamorgan Gwent Archaeological Trust – “as the archaeological advisors to your Members we have no objections to the positive determination of this application.”

Sport Wales – No objections

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on

24th September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Llantwit Fardre but is not allocated for any specific purpose.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations that includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Access Circulation and Parking

Employment Skills

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed: *(or not in the case of refusals)*

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation & Planning

PPW Technical Advice Note 11: Noise

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 16: Sport Recreation and Open Space;

PPW Technical Advice Note 18: Transport;

Building Better Places: The Planning System Delivering Resilient and Brighter Futures Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the proposed development

The application seeks the redevelopment of the existing school facility at the site, replacing the existing buildings, associated play and recreation facilities and infrastructure with a new, modern 'net zero carbon in operation' facility that is in compliance with Welsh Government's 21st Century Schools brief.

The proposed development would be sited within the grounds of an existing primary school where the principle for this type of use has been long established. Further, the scheme is supported by the Council's Education and Inclusion Services Section who welcome the development.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Impact on the character and appearance of the area

The redevelopment of the school site would represent a visible redefinition of built development on the existing site particularly when viewed from the car park at the rear of Main Road and the properties that back on to it. However, the impacts on the character and appearance of the area are considered acceptable. The long elevation of the proposed school would sit back to back with the properties on Main Road and set at a higher-level, however, its single storey nature makes this acceptable as it would not be an overly prominent feature in the street scene as a result. The scale and design of the proposed school by its very nature is greater than the buildings round about however, any school would be and should be as a school offers a focal point for the locality and the people who live there lending character to the area. The improved design offers a positive improvement to the appearance of the area, particularly in comparison to the existing school building, as a tired and somewhat dilapidated facility will be replaced with a modern purpose built facility that displays a coherent appearance in its layout, general arrangement and the finish material proposed.

Impact on residential and visual amenity

The redevelopment of this site will result in alterations to its character and appearance, however these changes have the potential to improve visual and residential amenity.

In essence, the redevelopment of the site will result in the existing arrangement being substantively altered where the existing school located in the south-western quadrant of the site will be relocated east towards Main Road on to the existing playing field and the proposed layout taking a more linear form in parallel with the eastern boundary. The remainder of the site will be given over to the associated play and recreational facilities. The result is that the school will be more closely aligned with the commercial area of Church Village than the existing facility at a location where its size, massing and bulk is more closely aligned with the buildings around it than the existing school.

Further, the existing buildings are of a single-storey nature and of a design typical of many 1960/70s education establishments throughout the County Borough, whereas the new structure would remain single storey but be of a modern design incorporating better quality contemporary external materials that presents a stark contrast to the existing arrangement. This would represent a considerable uplift in the appearance and quality of public buildings and could be compared to the nearby Garth Olwg site as a development of equal or better quality.

In any event, the design of the existing buildings appears somewhat dated and in need of modernising. It is considered its replacement with a new building using modern materials and construction methods will be far more aesthetically pleasing. The new building would form an attractive and high-quality development that will significantly enhance the visual amenities of the site and surrounding area that more readily aligns with existing established development within the community. Additionally, appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of the more open areas round about the site.

The change will be most noticeable from the rear of properties on the north-western side of Main Road. However, given that many, though not all of these properties are commercial in nature, the fact that the car park between the properties and the school

site would remain and that the new school building would be of single storey construction the impact on these properties is considered acceptable.

It must also be kept in mind that the siting location and scale of the new building have to some extent been driven by the site's own constraints. The existing school needs to continue to function whilst the new build takes place and therefore, the suggested location for the new building is probably the only viable one.

In terms of visual impact, an institutional building of the size proposed would present a visible and prominent development in the wider locality. However, it would remain a single storey school within established school grounds so wider context would remain and the positives in this design represent an improvement over the existing dated appearance of the existing school.

Though located close to the core of Church Village the school grounds are immediately adjoined by undeveloped ground and car parking facilities and this serves to minimise the degree of impact that the proposed development would have on any residential property on three of the four sides of the application site. The area where there will be the greatest impact is to the property on Main Road to the south east of the site. Even here though there is a car park between the site and established property and much though not all of it is commercial in nature and there is sufficient separation distance between the proposed new school and those properties that are residential in nature such that the level of impact on residential amenity would be acceptable in planning terms.

With respect to noise and disturbance, given the very nature of a school and its associated outdoor spaces, it is inevitable that surrounding residents would experience a degree of impact. The new school would accommodate a small increase in pupil's 253 to 270 and 4 additional staff. Consequently, there will be an intensification of use of the site that could result in further noise/disturbance than existing. However, with no change of use at the site it is not considered the nature of any impact experienced by neighbours would be readily noticeable. Furthermore, the site has been occupied as a primary school for a considerable period and therefore surrounding residents would have become accustomed to the general noise/disturbance associated with such a use; and this existing impact would continue to occur even if the proposed development were not implemented. It is also noted that following assessment, the Public Health and Protection team have no concerns.

The applicant has detailed that the new school building would, and the outdoor sports and recreation facilities potentially could, accommodate community uses during the evenings and weekends during term time and throughout the day outside of term time. This could result in some potential for a loss of amenity over and above the standards currently enjoyed by surrounding residents given that no such arrangements exist at the current facility

No details have been submitted setting out the exact community uses anticipated, but given the limited internal areas proposed for use and the time restrictions stated, it is not considered this element would result in any undue impact to the amenities of surrounding residents particularly so given the wider setting of the school. Additionally, no floodlighting is proposed so it is envisaged any potential use of the outdoor facilities

would be limited to daytime hours only, which would again not result in a significant impact.

In order to protect levels of amenity, conditions are proposed that restricts the community uses to the times set out by the applicant and the use of the outdoor facilities to that of the school only until such time as a scheme is submitted that clearly outlines proposals for their use. It is considered reasonable to safeguard the existing levels of amenity until the plans for use of the outdoor facilities have been clarified. At that time, the views of local residents can be sought either by the School, the Education Authority or by the Local Planning Authority as part of the relevant discharge of condition process.

Consequently, the potential visual impact and impacts on privacy and amenity are considered acceptable.

Access and highway safety

Members will note from the consultations section above that the Highways & Transportation Section have raised no objection to the proposed development subject to conditions. In arriving at this position, they have had due regard to the application and its supporting documents and have fully taken into account the following: -

- Vehicular and pedestrian access.
- Internal circulation
- Off street vehicular parking provision
- Cycle parking provision
- Drop off/pick up
- Safe routes to school
- Travel plan
- Transport assessment

In light of the above, they have concluded as follows: -

The proposed redevelopment of Llanilltyd Faerdref Primary School will see a marginal increase in pupils and staff. As such, the proposal will not result in undue additional vehicular movements to and from the site and off site highway improvements beyond the measures identified in the Safer Routes to School assessment within the Transport Assessment are not considered necessary.

Vehicular access to the proposed school site is to be achieved via the existing vehicular access off St Illtyd's Road, which gives no undue cause for concern. Pedestrian access is achieved via an existing Public Right of Way, which again, gives no undue cause for concern.

The proposed level of off-street vehicular and cycle parking provision is in accordance with the Councils Supplementary Planning Guidance.

Whilst there is some concern that the proposed redevelopment of the school does not provide internal facilities for drop-off and pick-up to mitigate on street parking at the start and end of the school day , the submitted Transport Statement indicates

mitigating factors including,; lack of outdoor space to provide adequate facilities, availability of on street space to accommodate short term parking associated with drop-off/pick-up as utilised by the existing school and provision of a travel plan. On this basis, the lack of dedicated provision for drop-off/pick-up facilities within the site is considered on balance acceptable in this case.

A safer Routes to School Assessment has been undertaken in accordance with the Welsh Governments Walking Route Audit Tool that identifies 15 points of concern along with proposed mitigation measures. Whilst the comments provided in respect of 'safer routes to school' are acknowledged, given any potential upgrading works would be outside of the application site, they would be outside of the scope of this application. Therefore, it is not considered reasonable to attach the suggested condition to any consent. It is instead considered the applicant should be advised of the benefit of the upgrading works via a suitably worded informative note in an attempt to encourage their future implementation.'

Similarly, the submitted framework Travel Plan includes measures to encourage the use of sustainable modes of travel to and from the school and can be secured by means of a suitably worded condition.

Ecology

Under consultation, the Council's ecologist has confirmed that the ecological impact assessment submitted in support of the planning application represents an appropriate assessment of the situation as matters currently stand and that the mitigation and enhancement measures that it recommends are acceptable. As such, no objections are raised though it is recommended a condition be added to any consent requiring the measures set out in the report be implemented on site throughout and after development. Natural Resources Wales also raise no concerns with regard to this issue.

Historic Mining Activity

The Coal Authority have identified that the site falls partly within the defined Development High Risk Area where there are coal mining hazards which need to be considered in relation to the determination of the planning application. They go on to note that the application is accompanied by a Coal Mining Risk Assessment, in respect of which they conclude that its findings are sufficient for the purposes of Planning Policy Wales in demonstrating that that the application site is, or can be made safe and stable for the purposes of development. Consequently, no objections are raised to the planning application.

Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary Sustainable Drainage Systems (SuDS) application prior to any development commencing on site.

Dwr Cymru Welsh Water raised no objection to the scheme noting that foul water flows can be accommodated in the public sewerage system and that the proposal to discharge surface water via SuDS is acceptable. The intention to dispose of surface water to the nearby Nant Yr Afan is noted.

Public Health

Public Health and Protection have no objection to the scheme but suggest several conditions be attached to any consent in relation to noise levels to ensure compliance with submitted details and to deal with the fact that the site lies within 250m of a former landfill site. These requirements are addressed in the conditions below. They also suggest that time limitations be placed on the use of the Multi Use Games Area (MUGA) and that any associated lighting should only be used when the MUGA is in use. Use of the MUGA will be exclusive to the school during school hours and whilst the capacity for the community to use the facility out of hours exists, it is recommended that it be available up until 8pm rather than the 6 pm suggested.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide a state of the art primary school facility for pupils, and wider community uses for local residents long into the future.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources resulting in a 'net zero carbon in operation' facility.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.

- Facilitating Accessible and Healthy Environments: The application site is in a highly sustainable location, directly adjacent to the centre of Church Village, with many transport links and services/facilities located within walking distance.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the wider policy considerations set down in Planning Policy Wales¹¹ and Future Wales 2040. The proposals are also acceptable in terms of all other material planning considerations. The replacement school would represent a significant improvement over the existing facility in terms of what it is and what it can provide for the local community. The replacement school offers the opportunity to provide the area with a state of the art zero carbon in operation facility that will provide local pupils with an improved learning experience and the wider community the opportunity to make use of these facilities outside of school hours.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:
 - Location plan drawing no. RH0301-SRA-00-00-DR-A-02000 Rev C01
 - Site plan drawing no. RH0301-SRA-00-00-DR-A-02001 Rev C01
 - Proposed site plan drawing no. RH0301-SRA-00-00-DR-A-02002 Rev C01
 - General arrangement ground floor plan drawing no. RH0301-SRA-01-00DR-A-2100 Rev C01
 - General arrangement kitchen plant level floor plan drawing no. RH0301-SRA-01-01-DR-A-2101 Rev C01
 - General arrangement roof plan drawing no. RH0301-SRA-01-RF-DR-A-02102 Rev C01
 - Elevations drawing no. RH0301-SRA-01-XX-DR-A-02200 Rev C01

- Sections AA, BB, CC, DD drawing no. RH0301-SRA-01-XX-DR-A-02300 Rev C01
- Out of hours use ground floor drawing no. RH0301-SRA-01-00-DR-A-02400 Rev C01
- Aerial view looking north drawing no. RH0301-SRA-01-ZZ-IM-A-02800 Rev C01
- Ground level view entrance drawing no. RH0301-SRA—1-ZZ-IM-A-02801 Rev C01
- Bay study typical one storey drawing no. Rh0301-SRA-01-ZZ-Im-A-02802 Rev C01
- Internal view heartspace view 1 drawing no. RH0301-SRA-01-00-IM-A-02851
- Internal view heartspace section drawing no. Rh0301-SRA-01-ZZ-IM-A-02852
- Internal view heartspace view 2 drawing no. RH0301-SRA-01-ZZ-IM-A-02853
- Landscape masterplan drawing no. RH0301-ALA-00-XX-DR-L-00005 Rev P07
- Fencing and security strategy drawing no. Rh0301-ALA-00-XX-DR-L00007 Rev P05
- Access and circulation plan drawing no. RH0301-ALA-00-XX-DR-L-00008 S2 Rev P05
- Planting strategy drawing no. RH0301-ALA-00-XX-DR-L-00013 S2 Rev P03
- Outline levels drawing no. RH0301-ALA-00-XX-DR-L 00014 S2 Rev P06
- Site sections 1 of 2 drawing no. RH0301-ALA-00-XX-DR-L-00015 S2 P02
- Site sections 2 of 2 drawing no. RH0301-ALA-00-XX-DR-L-00016 S2 Rev P02
- Detailed hard and soft landscape general arrangement 1 of 2 drawing no. RH0301-ALA-00-XX-DR-L-00018 S2 Rev P04
- Detailed hard and soft landscape general arrangement 2 of 2 drawing no. RH0301-ALA-00-XX-DR-L-00019 S2 Rev P04
- Landscape visualisations drawing no. RH0301-ALA-)))-XX-DR-L-00020
- Existing drainage & utilities plan drawing no. RH0301-ARP-ZZ-00-DR-C-00021 Rev C01
- External finished levels drawing no. RH0301-ARP-ZZ-00-DR-C-00031 Rev C01
- Proposed drainage drawing no. RH0301-ARP-ZZ-00-DR-C-00041 Rev C01
- Proposed utilities drawing no. RH0301-ARP-ZZ-00-DR-C-00081Rev C01

and documents received by the Local Planning Authority on 17/12/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development hereby approved shall be carried out in accordance with the recommendations and mitigation/enhancement measures set out in:
- Air Quality Assessment
 - Arboricultural Impact Assessment (Barton Hyett Associates December 2021)
 - Coal Mining Risk Assessment (HSP Consulting June 2021)
 - Drainage Strategy (ARUP December 2021)
 - Ecological Impact Assessment (CSA Environmental October 2021)
 - Plant Noise Emissions Limits (ARUP December 2021)
 - Phase I Geo-Environmental Desk Study Report (HSP Consulting September 2019)
 - Phase II Geo-Environmental Assessment Report (HSP Consulting September 2021)
 - Transport Statement (Including Travel Plan) (ARUP December 2021)

Unless otherwise agreed in writing by the Local Planning Authority or otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

4. No development shall commence on site, other than demolition and enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications.

A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed by a competent person. No deviation shall be made from the agreed scheme without the express written agreement of the Local Planning Authority

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. The development hereby approved shall not be occupied and/operated until the measures approved in the scheme referred to in condition 5 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. The use of the outdoor sports and recreation facilities hereby approved shall be restricted to 7:45am to 6pm Monday to Friday only until a scheme detailing the proposed activities and intended hours of operation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a consultation exercise with neighbouring residents, the scope of which shall be first agreed in writing with the Local Planning Authority, designed to take the views of local residents into account. The subsequent use of the outdoor sports and recreations facilities shall be in strict accordance with any scheme as may be approved.

Reason: To protect the amenities of neighbouring residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include, but not be limited to:

- i) Construction methods: details of materials, how waste generated will be managed.
- ii) General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- iii) Soil management: details of topsoil strip, storage and amelioration for re-use.

- iv) CEMP masterplan: details of the extent and phasing of development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation measures.
- v) Control of nuisances: details of dust control measures.
- vi) Resource management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- vii) Pollution prevention: demonstrate how relevant guidelines for pollution prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- viii) Details of persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- ix) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure necessary management measures are agreed prior to commencement of development and are implemented for the protection of the environment during construction in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence on site, including any works of site clearance or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:
- i) The means of access into the site for all construction traffic.
 - ii) The parking of vehicles of site operatives and visitors.
 - iii) The management of vehicular and pedestrian traffic.
 - iv) Loading and unloading of plant and materials.
 - v) Storage of plant and materials used in constructing the development.
 - vi) Wheel cleansing facilities.
 - vii) The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Within 6 months of beneficial occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:
- i) Travel Plan Co-ordinator.

- ii) Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, and use of public transport.
- iii) Management strategy for monitoring and delivering the objectives.
- iv) Review Process and fallback position if the targets set have not been achieved.

The Travel Plan shall be implemented within 1 month following its approval and maintained and monitored thereafter, unless otherwise agreed in writing by the Local Planning Authority.

12. Off-street parking provision shall be set out in accordance with the submitted general arrangement drawing no. RH0301-SRA-01-00-DR-A-02100 Rev C01 consisting of 23 car parking spaces and 30 cycle parking spaces unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure that vehicles and cycles are parked off the publicly maintained highway in the interests of highway safety and the free movement of highway users in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. No HGV movements shall take place to and from the site between the hours of 7:45hrs – 09:15hrs and 15:00hrs – 16:00hrs weekdays during the course of site preparation and construction works.

Reason: in the interests of the safety and free flow of traffic in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1671/10 (MF)
APPLICANT: WEPCo
DEVELOPMENT: Demolition of the existing Penygawsi Primary School buildings and provision of a new 'net zero carbon in operation' school including nursery and primary school provision and associated school sports facilities, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure.
LOCATION: PENYGAWSI PRIMARY SCHOOL, ROAD FROM BURGESS CRESCENT, LLANTRISANT, PONTYCLUN, CF72 8PZ
DATE REGISTERED: 20/12/2021
ELECTORAL DIVISION: Town (Llantrisant)

RECOMMENDATION: APPROVE, SUBJECT TO CONDITIONS.

REASONS: The application proposes a replacement school at a long established primary school site. The principle of development is therefore entirely acceptable.

The new building and its associated development will bring a state of the art facility to Llantrisant which will be of significant benefit to the pupils of the catchment area. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the town.

The proposed works would result a significant alteration to the current layout and appearance of the site, but with its clean, modern design it is considered the new building will form a marked improvement to the existing visual amenity of the site. Further, it is not considered the new building, or the wider development proposed, would result in a significant increase to impacts already experienced by neighbouring residents or to highway safety in the locality.

The application therefore complies with the relevant local and national planning policies and is considered acceptable.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

APPLICATION DETAILS

Full planning permission is sought for redevelopment of the existing Penygawsi Primary School site. The works would involve the demolition of all existing buildings on site and the construction of a new 'net zero carbon in operation' school building for nursery, reception, infant and junior age ranges. The scheme would also see the provision of new associated sports and recreation facilities, vehicular, pedestrian and cycle accesses, car and cycle parking, landscaping, SuDS and associated infrastructure.

The new school would be accommodated in 1 building at the north-eastern corner of the site. The new structure would be of a T-shape, accommodating 3 wings off a central 'heart space', and would be of two-storeys to a maximum ridge height of 10m. The resulting building would have a gross internal floor area of approximately 2142m².

The building would be a of modern, contemporary design incorporating grey brick at ground floor level with aluminium standing seam walls/roof above, and coloured metal panels and fenestrations throughout (the colour of which is yet to be determined). Several natural ventilation chimneys and windcatchers would be sited within the roof, the maximum height of which being 2m above roof level.

The materials are intended to sustain long-term value and durability in an effort to reduce maintenance costs. The building has been designed to meet a strict 'net zero carbon in operation' target, whereby all operational energy consumed on site will be generated by an extensive roof mounted solar photovoltaic array and heating/cooling provided by air source heat pumps.

The building would accommodate 2 nursery, 1 reception and 3 infant classrooms, a main hall, kitchen and heart space at ground floor level. 6 junior classrooms, heart space and a staff room would be sited at first floor level. Various supporting facilities would also be located across the 2 floors (toilets, offices, storage rooms, etc.).

External yard areas would be provided to the east and west of the new school building with further sports and recreation provision located at the southern element of the site. This would comprise a 7-a-side grass football pitch and 2 enclosed Multi Use Games Areas (MUGAs) along with other informal hard and soft landscaped play areas. No floodlighting is proposed at any of the external play spaces, although general lighting would be included throughout the site.

The existing main site access off Burgess Crescent (west) will remain but will be upgraded as necessary; as will the existing secondary pedestrian access off the public footpath at the site's southern boundary. No new accesses are proposed.

28 off-street parking spaces (10% of which will include electric vehicle charging points) will be provided at a new carpark area between the school building and the play facilities. Covered storage for 40 cycles will also be provided here along with a refuse storage/collection point and associated plant infrastructure in the form of a single-storey detached building.

The existing woodland and 12 separate mature trees at the north-western corner of the site will remain following development, as will several other mature trees throughout the site. However, 8 individual trees on site will be removed as part of the development, to be replaced with the planting of 35 new trees throughout the site. Further appropriate landscaping will also be added throughout including an orchard at the south-eastern corner.

The new school would be built to Secured by Design standards with the entire site enclosed by 2.4m high weldmesh boundary fencing, and 1.8m high internal weldmesh fences where necessary to create a secondary security line that allows controlled access for the public and deliveries during the day while ensuring the school and play areas remain secure.

The new school would accommodate 355 pupils, 310 between the ages of 5 – 11 and 45 nursery places. 29 full-time equivalent staff would be employed (both teaching and non-teaching staff). The school currently accommodates 284 pupils (249 of primary age and 35 nursery places) and 24 full-time equivalent staff.

The supporting information details that the main hall, entrance lobby and heart space at ground floor level, as well as the heart space and 1 junior classroom on the first floor would be available for community use between 5pm and 8pm Mondays to Fridays during term time; between 8am and 8pm Mondays to Fridays outside of term time; and between 8am and 1pm on Saturdays throughout the year. However, full details of the exact community uses are unknown at this time. The applicant has also detailed that whilst there are currently no plans for community use of the external sports facilities, this may occur in future, but no floodlighting is proposed so it is envisaged any potential use would be during daytime hours only.

The supporting information also details that construction would be delivered in phases to allow the existing school to continue to operate with minimal disruption during development. The new school building would first be constructed and pupils migrated, then the existing building would be demolished and the new sports and recreation facilities provided.

Finally, the applicant has detailed that the existing school building was constructed in 1975 and has come to the end of its useful life; and given the existing building's construction methods and materials, it would not be viable to renovate/extend the existing structure to bring it up to Welsh Government's 21st Century Schools requirements, hence the need for demolition and redevelopment.

As well as all relevant plans, the application is also supported by:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Noise Impact Assessment
- Ecological Impact Assessment
- Arboricultural Impact Assessment
- Coal Mining Risk Assessment

- Drainage Strategy Report
- Phase 1 and 2 Geo-Environmental Assessments
- Transport Statement

SITE APPRAISAL

The application site forms the existing Penygawsi Primary School and its associated facilities. It is located within a predominantly residential area of Llantrisant and serves the local community as an English medium primary school for ages 3 – 11.

The site is roughly rectangular in shape, extending to approximately 2.45ha, and is generally level throughout. It does however rise steeply at the eastern boundary. The main school building is sited towards the south-western corner of the site. It is single storey in nature and of a typical 1970's concrete wall with uPVC panels and flat roof design. 2 demountable classrooms are sited directly to the north-east of the main school building with various yard and playing field areas to each side, and a carpark to the north. A dense wooded area is located at the north-eastern corner of the site and several mature trees are sited throughout.

The site is bound by the rear gardens of properties along the adjacent residential streets Clos Leland (north) and Despenser Avenue (east). A footpath (Public Right of Way Llantrisant 2756/6) is located directly to the south beyond which are the rear gardens of properties along the residential street, Llys Derwen. Both Clos Leland and Llys Derwen are at a comparable ground level to the school site, however, Despenser Avenue is sited at a considerable higher level, approximately 10m above. The site fronts Burgess Crescent (west) from which primary access is gained. The A4119 and Talbot Green Retail Park are located beyond.

PLANNING HISTORY

Previous planning applications submitted at the site:

03/0992/08 – Proposed modular volumetric double classroom accommodation.
Decision: Granted, 28/07/03

08/0885/08 – Siting of portable classroom.
Decision: Granted, 28/07/08

11/0495/10 – To erect an octagonal shelter.
Decision: Granted, 17/06/11

12/0710/10 – Replace existing 1m high front boundary fence with a 1.8m high 'Paladin' style fence.
Decision: Granted, 03/09/12

PUBLICITY

Given the application involves new development where the created floor space would be 1000m² or more and the site area is over 1ha, the applicant has undertaken a Pre-

Application Consultation (PAC) as required by Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

In addition to this, the statutory planning application consultation process was carried out which involved 39 properties being individually notified of the proposal by letter, 9 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

1 letter of objection has been received from a resident of Clos Leland, making the following comments (summarised):

- The new school building would be sited in close proximity of adjacent residential properties at Clos Leland. Therefore, at two-storeys in height, it would result in overbearing, overshadowing and overlooking impacts; and would dominate the outlook from surrounding properties. There is plenty of space within the site for the new building to be positioned further away from neighbouring properties.
- As the new school building would be sited closer to the properties along Clos Leland than the existing, and given the increase in staff and pupil numbers, residents of this street will experience increased noise levels.
- The increase in pupil and staff numbers would exacerbate the already high volumes of traffic associated with school. Parents often park along the nearby highways during drop off / pick up times causing obstructions.
- The new building would create an area of seclusion between it and the rear gardens of properties along Clos Leland, which could be a catalyst for anti-social behaviour.
- Gardens in Clos Leland are often waterlogged. Concerns that the new development could exacerbate this issue.
- Construction activities will adversely affect the amenities of surrounding residents during development.
- The proposed development will result in the value of surrounding properties being reduced.

CONSULTATION

Highways and Transportation – No objection subject to conditions in respect of access, turning and parking facilities construction details; off-site highway improvements; a Construction Method Statement; a Travel Plan; and HGV delivery time restrictions.

Public Health and Protection – No objection subject to conditions in respect of construction noise, waste, dust and lighting.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme can be implemented on site.

Countryside, Landscape and Ecology – No objection subject to a condition requiring the mitigation and enhancement measures set out in the Ecological Impact Assessment being implemented on site.

Public Rights of Way Officer – No objection subject to a condition requiring a method statement setting out how the adjacent Public Right of Way will remain open, accessible and unobstructed during construction.

Education and Inclusion Services – No objection or conditions suggested. The proposed development is welcomed.

Waste Services – No objection or conditions suggested. Appropriate waste facilities/access would be provided at the site.

Natural Resources Wales – No objection subject to conditions in respect groundwater contamination.

Sports Wales – No objection or conditions suggested. The net gain in both hard and soft outdoor PE provision, and proposed community use are welcomed.

The Coal Authority – No objection subject to conditions requiring remedial measures being undertaken to ensure the site is safe for development.

Dwr Cymru Welsh Water – No objection subject to condition restricting surface water from entering the public sewerage system.

South Wales Police – No objection or conditions suggested. Standard advice offered in respect of Secured by Design standards.

South Wales Fire and Rescue Service – No objection or conditions suggested. Standard advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. Standard advice offered in respect of a new connection or service alteration being required.

Llantrisant Community Council – No comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until

replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary for Llantrisant but is not allocated for any specific purpose.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

Policy AW4 – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – identifies that proposals which affect PROWs will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area / public facilities.

Policy AW8 – sets out the criteria for the protection and enhancement of the natural environment.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA3 – sets out the criteria for residential, commercial and community development within the Principle Town of Llantrisant / Talbot Green.

Supplementary Planning Guidance

- Design and Placemaking
- Nature Conservation
- Access, Circulation and Parking Requirements

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level, although it should form the basis of all decisions.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 16: Sport, Recreation and Open Space
- PPW Technical Advice Note 18: Transport
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of Proposed Development

The application seeks the redevelopment of the existing school facility at the site, replacing the existing buildings, associated play and recreation facilities and infrastructure with a new, modern 'net zero carbon in operation' facility that is in compliance with Welsh Government's 21st Century Schools brief.

The proposed development would be sited within the grounds of an existing primary school where the principle for this type of use has long been established. Further, the scheme is supported by the Council's Education and Inclusion Services Section who welcome the development.

The proposal is therefore considered acceptable, in principle, subject to compliance with the relevant criteria set out below.

Visual Impact

The redevelopment of the site will inevitably result in a significant alteration to its current character and appearance. However, it is not considered there would be a detrimental visual impact and the proposed works would actually improve the site's current visual amenity.

The current site layout sees the existing school buildings located within the southern extent of the site and the associated playing fields occupying the northern element. It is proposed this layout be 'flipped' resulting in the new school building at the northern half of the site and the new play and recreation facilities at the southern end. A considerable alteration to the current visual appearance of the site.

Further, the existing buildings are of a single-storey nature and of a design typical of many 1960/70s education establishments throughout the County Borough, whereas the new structure would be of two-storeys and a modern design incorporating contemporary external materials. A stark contrast to the existing arrangement.

Nevertheless, the design of the existing buildings appear somewhat dated and in need of modernising. It is considered their replacement with a new building using modern materials and construction methods will be far more aesthetically interesting. The new building would form an attractive and high-quality development that will significantly enhance the visual amenities of the site and surrounding area, resulting in a welcomed focal point within the community. Additionally, appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of its surroundings.

The changes will be most noticeable from the outlook of the adjacent residential properties, especially those along Clos Leland to the north which will see the school building move considerably closer to their rear elevations than the existing buildings they have become accustomed to. However, it is considered sufficient distance will remain between elevations ensuring that any loss of outlook would be minimal, and as set out above, the design and materials proposed will result in an attractive and interesting building, an improvement to the existing utilitarian, block type structure.

It is also noted that the design, scale and siting of the new building have been borne out of the site's constraints. The existing school needs to continue to operate during construction of the new building; there is dense woodland at the north-western corner of the site within which there are coal seam outcrops, a discussed mine entry and culvert that cannot be built over; and there is a steep bank along the western boundary where a sewer main is located. As such, the location proposed is the only viable option within the site and the design and scale of the new building is commensurate to the floorspace required given the developable area available.

Subsequently, whilst it is accepted the proposal will form a visible and prominent development in the locality, it is not considered it would alter the context of the site within its surroundings, would have any undue impact to the outlook of surrounding

residents, and would actually improve the character and appearance of this currently a dated and tired site.

Residential Amenity

The application site is bound by residential properties to the north (Clos Leland), south (Llys Derwen) and east (Dispenser Avenue). As such, any new development at the site is likely to result in a degree of impact to the amenity standards currently enjoyed by residents of these streets. It is not considered however that any potential impact would be significantly greater than that which already occurs, or to a degree that would warrant refusal of the application.

The properties within Dispenser Avenue are sited at a considerably higher ground level than the application site (approximately 10m above). Therefore, even with the new school building being of two-storeys, the neighbouring properties here would look over the top of the new structure. Further, the new building would be sited approximately 40m from the rear of the closest properties at Dispenser Avenue which is slightly further than the current closest distance of approximately 35m. Subsequently, it is not considered the new building or the associated works would result in any direct impact upon the outlook from these properties or would cause any other form of physical detriment to them.

Whilst the adjacent properties at Llys Derwen are sited at a comparable ground level to the application site, they would see the new building moved away from their rear elevations, increasing the separation distance from approximately 36m to approximately 106m; and whilst the new sports and recreation facilities would be sited closer, existing mature trees at the boundary here would remain and various new landscaping would be introduced which would largely screen the site from view. Therefore, it is not considered the new building or associated works would result in any direct impact upon the outlook from these properties or would cause any other form of physical detriment to them.

The new building would however be located considerably closer to the rear of adjacent properties at Clos Leland than the existing, with the current separation distance being approximately 105m and the proposed approximately 22m at the closest point. This, combined with the fact that the new building would be of two-storeys, will undoubtedly result in a considerable alteration to the relationship properties here currently share with the site, points that have been raised by the objector.

However, whilst this may be the case, the separation distances proposed are considered acceptable for two-storey buildings and are typical of many new developments throughout the County Borough. Additionally, the new building has been designed in manner that the shortest façade would be located closest to the adjacent dwellings at Clos Leland, a gable end, and some landscaping will be sited along boundary here. Subsequently, it is not considered any undue overbearing impact to the properties at Clos Leland would occur, and any potential impact to the outlook from these properties would not be compromised to a point that would warrant refusal of the application.

Further, the gable end of the new building closet to the properties at Clos Leland would only accommodate first floor windows serving a stairwell, and the windows would each be obscure glazed. As such no direct overlooking would occur. It is however considered necessary to attach a condition to any consent requiring these windows remain obscure glazed in perpetuity to ensure any potential impact does not occur in future.

With respect to overshadowing, the new building will be located to the south of the properties at Clos Leland and at two-storeys in height, will result in a degree of shadowing to the curtilages of the adjacent dwellings. In this respect the applicant has undertaken shadow studies which provide a worst-case visual representation of shadow extent cast by the proposed building at various times of day (7am, 12pm and 6pm – mid-summer; and 9.30am, 12pm and 3pm – mid-winter).

For mid-summer, the analysis confirms that the new building would not result in any shadowing of neighbouring properties or their amenity areas at any time of day. In mid-winter, if conditions are clear and sunny, there may be some shadowing to the rear of 4 properties at Clos Leland during the early morning (nos. 13 – 16); however, by midday the shadows would be orientated away from the properties and will affect only small sections at the rear of the gardens. Then by 3pm, it is not expected there would be any shadowing of the properties or their rear amenity space.

Therefore, it is accepted a degree of overshadowing would occur, but given the limited number of properties affected and relatively short timeframes they would be affected during the worst-case scenarios, it is not considered the potential impact would outweigh the benefits of the scheme or be significant enough warrant refusal of the application.

With respect to noise and disturbance, given the very nature of a school and its associated outdoor spaces, it is inevitable that surrounding residents would experience a degree of impact. The new school would accommodate an additional 71 pupils and 5 staff. Consequently, there will be an intensification of use of the site which could result in further noise/disturbance than existing. However, with no change of use at the site it is not considered the nature of any impact experienced by neighbours would be readily noticeable. Furthermore, the site has been occupied as a primary school since 1975 and therefore surrounding residents would have become accustomed to the general noise/disturbance associated with such a use; and this existing impact would continue to occur even if the proposed development were not implemented. It is also noted that following assessment, the Public Health and Protection team have no concerns.

Notwithstanding the above, the applicant has detailed that the new school building would, and the outdoor sports and recreation facilities potentially could, accommodate community uses during the evenings and weekends during term time and throughout the day outside of term time. This could result in some potential for a loss of amenity over and above the standards currently enjoyed by surrounding residents.

No details have been submitted setting out the exact community uses anticipated, but given the limited internal areas proposed for use and the time restrictions stated, it is not considered this element would result in any undue impact to the amenities of

surrounding residents. Further, no floodlighting is proposed so it is envisaged any potential use of the outdoor facilities would be limited to daytime hours only, which would again not result in a significant impact.

However, in order to protect levels of amenity, conditions are proposed that will restrict the community uses to the times set out by the applicant and the use of the outdoor facilities to daytime hours only until such time as a scheme is submitted that clearly outlines proposals for their use. It is considered reasonable to safeguard the existing levels of amenity until such time as the plans for use of the outdoor facilities have been clarified. At that time the views of local residents can be sought either by the School, the Education Authority or by the Local Planning Authority as part of the relevant discharge of condition process.

Finally, it is acknowledged that the objector has expressed concern regarding noise/traffic during construction. Whilst unfortunate, it is inevitable that during the course of construction surrounding residents will experience a degree of disturbance. But this would occur for a limited period of time and a condition is suggested below to control the days and hours during which deliveries associated with the construction may attend the site, thereby avoiding disturbance during peak traffic times which will ensue any potential impact in this respect is kept to a minimum.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while the concerns raised by the objector are acknowledged and it is accepted a degree of impact would inevitably occur, the application is considered to be acceptable.

Highway Safety

Whilst it is acknowledged that concerns have been raised by the objector in respect of highway safety, the Highways and Transportation Section raised no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion they made the following comments:

Trip generation

The new school would result in an increase of 71 pupils (284 to 355) and 4 full-time equivalent staff (24 to 29). The Transport Statement (TS) has assessed the trip generation based on the current modes of travel to the existing school and measures proposed within a new Travel Plan (TP) to encourage a reduction in car borne trips by pupils and staff in future.

Whilst the TS states that the proposed development would result in an increase in daily trips of only 32 (16 in the AM peak and 16 in the PM peak), there is some concern that this calculation is based on assumptions included within the proposed TP which are expected to result in a reduction of 11% in private car trips by pupils and a 14% reduction in car trips by staff. A further reduction of 20% has been applied to pupil/parent car borne trips to account for trips where more than 1 pupil would share the trip. No consideration has been given to trips by ancillary staff, although it is considered most of these trips would typically occur outside of the AM/PM peaks.

There is also concern that the proposed staff numbers utilised in the assessment do not correspond with numbers stated within the rest of the planning application (29 in most documents and 48 in the assessment), but it is considered the impact of either figure would be undetectable within the normal daily variation of traffic flow.

There is a further concern with the assumption made that the proposed reduction in vehicle trips arising from the proposed TP may not be achievable. However, based on the fact that 70% of existing pupils travel to school by car, the proposed increase in pupils of 71 would result in approximately 50 additional trips, an increase of less than 1 trip per minute during the AM/PM peaks and well within the capacity of the highways leading to the site.

Therefore, considering that there would be some potential benefit arising from measures within the TP being implemented and that the trip rate is calculated on the basis that the new school would be at full capacity, no objection is raised with regard to highway capacity.

Vehicular access

The existing vehicular access off the publicly maintained highway, Burgess Crescent, will be retained to serve the proposed development. As such, the proposed development gives no fundamental cause for concern in this regard.

Pedestrian access

Both existing pedestrian accesses at the site would be retained, 1 at Burgess Crescent and 1 off the Public Right of Way (PROW) at the site's southern boundary. No new pedestrian accesses are proposed. As such, the proposal gives no fundamental cause for concern in this regard.

Internal circulation

The proposed internal circulation arrangements are of sufficient width and geometry for typical private motor vehicles, HGVs and emergency vehicles to be able to enter and exit the site in a forward gear. As such, the proposal gives no fundamental cause for concern in this regard.

Off-street parking provision

In accordance with the Council's adopted SPG: Access, Circulation and Parking Requirements, the school has an operational off-street parking requirement of 1 commercial vehicle space and non-operational requirement of 2 spaces per classroom, and 3 visitor spaces. The information provided indicates that the proposed school will have 12 classrooms and therefore has an SPG off-street parking requirement of 1 commercial vehicle space and 27 other spaces.

28 off-street spaces are to be provided within the site boundary, 10% of which would include electric vehicle charging points. There is no designated commercial vehicle space, but there is scope for short term parking associated with deliveries to be accommodated within the carpark circulating area which can be managed as part of

the operation of the school site. Subsequently the proposal generally meets its SPG requirement and the guidance set out in PPW, and gives no undue cause for concern in this respect.

The proposal also includes cycle parking provision in excess of the SPG requirement.

Drop-off / pick-up

The TS advises that following detailed consideration it was determined that the provision of a drop-off / pick-up facility would not be feasible without detrimentally impacting upon the necessary layout of the new school building and associated outdoor play facilities on this constrained site.

The proposal would result in a 25% increase in the number of pupils at the school which gives cause for concern, however, the school site is constrained with limited space available and challenging topography to accommodate such facilities.

The publicly maintained highway serving the school has no direct residential frontage access. The nearest junctions to the school's vehicular access point are approximately 222m to the south-east and 111m to the north-west. As such, there is significant on-street parking opportunity within easy walking distance of the school and sufficient carriageway width to allow two-way traffic to pass parked vehicles.

Furthermore, the submitted TS includes a TP which details measures that could be implemented to reduce car trips and a parking survey that identifies the availability of on-street space which would safely accommodate drop-offs / pick-ups.

Subsequently, with the above points in mind, particularly the constraints of the site and the availability of on-street parking opportunities within easy walking distance of the school, the lack of a dedicated drop-off / pick-up facility is, on balance, considered acceptable.

Safer routes to school

The TS advises that walking routes to the proposed school have been assessed in accordance with Welsh Government's Walking Route Audit Tool. The exercise identified 8 points of concern at various locations along walking routes and offers potential mitigation measures to remedy the concerns raised. Whilst a school has historically been in place at the site and the routes to it are not changing, it is considered these works would be beneficial to all users and would go some way to mitigating against the lack of a drop-off / pick-up facility. As such a condition to this effect is suggested.

Travel Plan

The TS includes a Framework Travel Plan. The principles of Plan are considered acceptable and will help to encourage sustainable modes of travel to and from the proposed school. As such a condition is suggested to ensure the proposed Plan is developed and implemented.

Highway safety summary

The proposed vehicular access, parking and turning facilities are considered acceptable in principle subject to detailed design; and the proposed pedestrian accesses, each of which are existing, give no undue cause for concern.

The proposal will see an increase in pupils and staff at the site and there is some concern that the TS underestimates trip generation. However, considering there would be some potential benefit arising from measures implemented within the TP, no objection is raised with regard highway capacity.

There is also some concern that the proposed redevelopment of the school will not provide internal facilities for drop-off / pick-up, however, the TS indicates mitigating factors including a lack of outdoor space to provide adequate facilities and availability of on-street parking opportunities within easy walking distance of the school. On this basis the lack of dedicated provision of drop-off / pick-up facilities within the site is, on balance, considered acceptable in this instance.

Whilst the comments provided by the Highways and Transportation section in respect of 'safer routes to school' are acknowledged, given any potential upgrading works would be outside of the application site, they would be outside of the scope of this application. Therefore, it is not considered reasonable to attach the suggested condition to any consent. It is instead considered the applicant should be advised of the benefit of the upgrading works via a suitably worded informative note in an attempt to encourage their future implementation.

In light of the above, the scheme is generally considered acceptable in respect of its potential impact upon highway safety in the vicinity of the site.

Ecology

The Council's Ecologist noted that no European Protected Species have been found on site and that the Ecological Impact Assessment submitted is an appropriate and acceptable assessment. As such no objections are raised but it is suggested a condition be added to any consent requiring the ecological mitigation and enhancement measures set out in the report being implemented on site. Natural Resources Wales also raised no concerns in this respect.

Historic Mining Activity

The Coal Authority (CA) commented that their records indicate the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with thick coal seam outcrops; and that a recorded mine entry is located within the woodland at the north-west corner of the site.

The CA notes the submitted Coal Mining Risk Assessment (CMRA), which has been informed primarily from the results of intrusive site investigations, confirms that remedial measures will be necessary to stabilise identified shallow coal mine workings; but that appropriate treatment has already been applied to the shaft and that no built development will be located within its zone of influence in any case.

Therefore, in considering the existing use of the site and the fact that no significant changes in land use are proposed in the area of the shaft, no objections are raised subject to conditions being added to any consent requiring the remedial measures set out in the CMRA being undertaken prior to the commencement of the wider development.

Drainage and Flood Risk

The Council's Flood Risk Management team raised no objection to the proposal noting that a suitable drainage scheme could be implemented on site that will ensure there is no detriment to the surrounding area; and that this would be covered by the separate, necessary Sustainable Drainage Systems (SuDS) application prior to any development works commencing on site.

NRW noted there is some concern that groundwater levels at the site are relatively shallow and therefore contamination could occur. However, no objections were raised subject to a condition being added to any consent requiring all work to stop and an appropriate remediation strategy being prepared and implemented should unknown contamination occur.

Dwr Cymru Welsh Water raised no objection to the scheme noting that foul water flows can be accommodated in the public sewerage system and that the proposal to discharge surface water via SuDS is acceptable. However, a condition is requested preventing surface water from being directed into the public sewerage system in future. Whilst these comments are acknowledged, site drainage arrangements would be covered by the separate, necessary SuDS application and therefore it is not considered the suggested condition is necessary.

Public Health

Public Health and Protection have no objection to the scheme but suggest several conditions be attached to any consent in relation construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Public Right of Way

PROW Llantrisant 275 is located directly to the south of the application site. The path forms a secondary pedestrian access into the school and it is not proposed this be altered in any way.

The PROW Officer has no objection to the scheme but has requested a condition be added to any consent requiring a method statement setting out how the PROW will remain open, accessible and unobstructed during construction is first submitted to the Local Planning Authority for approval.

Whilst these comments are appreciated, matters involving PROWs are better controlled through other legislation available to the Council and the PROW is outside of the application site so does not fall within the scope of this application. Therefore, it is not considered the suggested condition is necessary and an appropriate note informing the developer of their responsibilities would suffice.

Neighbour Consultation Responses

Where the issues raised by the objector are not addressed above, the following additional comments are offered:

- *The new building would create an area of seclusion between it and the rear gardens of properties along Clos Leland, which could be a catalyst for anti-social behaviour.*

As set out above, the design and siting of the new building has been borne out of the site's constraints. As such, it could not reasonably be located anywhere else within the site. Whilst the building will create a corridor between its northern elevations and the rear gardens of the adjacent properties along Clos Leland, it is considered sufficient distance will remain to ensure a sense of enclosure/seclusion does not occur.

Further, natural surveillance will occur during the day from both the school and neighbouring properties, and outside of school hours will continue from the adjacent dwellings. The security fencing proposed should also, as much as possible, prevent such issues.

- *The proposed development will result in the value of surrounding properties being reduced.*

Property values are not a material planning consideration and cannot be taken into account during the determination of this application.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed

development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide a state of the art primary school facility for pupils, and wider community uses for local residents long into the future.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources resulting in a 'net zero carbon in operation' facility.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location, directly adjacent to Talbot Green town centre, with many transport links and services/facilities located within walking distance.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended), however, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore, no CIL would be payable.

Conclusion

The application proposes a replacement school at a long established primary school site. The new building and its associated development will bring a state of the art facility to Llantrisant which will be of significant benefit to the pupils of the catchment area. The applicant also proposes wider community use for some facilities which will be an asset to all residents of the town.

The new building will result in a significant improvement to the visual appearance of the site with its clean, modern design; and whilst it is accepted a small number of surrounding residents will experience a degree of impact to the amenity standards they currently enjoy, it is not considered the proposed development would result in a significant increase to any impacts already experienced, or to a degree that would warrant refusal of the application, especially when weighed against the wider benefits of the scheme. The proposal would also have no undue impact to highway safety in the locality.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

RECOMMENDATION: Approve, subject to conditions below.

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans ref:

- Location Plan – RH0401-SRA-00-00-DR-A-02000 Rev. C01
- Site Plan – RH0401-SRA-00-00-DR-A-02001 Rev. C01
- Proposed Site Plan – RH0401-SRA-00-00-DR-A-02002 Rev. C01
- General Arrangement Ground Floor Plan – RH0401-SRA-01-00-DR-A-02100 Rev. C01
- General Arrangement First Floor Plan – RH0401-SRA-01-01-DR-A-02101 Rev. C01
- Roof Plan – RH0401-SRA-01-RF-DR-A-02102 Rev. C01
- Elevations – RH0401-SRA-01-XX-DR-A-02200 Rev. C01
- Section AA, BB, CC, DD – RH0401-SRA-01-XX-DR-A-02300 Rev. C01
- Out of Hours Use Ground and First Floor Plan – RH0401-SRA-01-ZZ-DR-A-02400 Rev. C01
- Aerial View – RH0401-SRA-01-IM-A-02800 Rev. C01
- External Lighting Levels – RH0401-ARP-ZZ-XX-DR-E-21001 Rev. C01
- Landscape Masterplan – RH0401-ALA-00-XX-DR-L-00005-S2 Rev. P07
- Fencing and Security Strategy – RH0401-ALA-00-XX-DR-L-00007-S2 Rev. P04
- Access and Circulation – RH0401-ALA-00-XX-DR-L-00008-S2 Rev. P05
- Planting Strategy – RH0401-ALA-00-XX-DR-L-00013-S2 Rev. P03
- Outline Levels – RH0401-ALA-00-XX-DR-L-00014-S2 Rev. P06
- Site Sections 1 of 2 – RH0401-ALA-00-XX-DR-L-00015-S2 Rev. P03
- Site Sections 2 of 2 – RH0401-ALA-00-XX-DR-L-00016-S2 Rev. P03
- Detailed Hard and Soft Landscape General Arrangement 1 of 2 – RH0401-ALA-00-XX-DR-L-00018-S2 Rev. P04
- Detailed Hard and Soft Landscape General Arrangement 2 of 2 – RH0401-ALA-00-XX-DR-L-00019-S2 Rev. P04
- Existing Utilities – RH0401-ARP-ZZ-00-DR-C-00021 Rev. C01
- External Finished Levels – RH0401-ARP-ZZ-00-DR-C-00031 Rev. C01
- Proposed Drainage – RH0401-ARP-ZZ-0-DR-C-00041 Rev. C01
- Proposed Utilities – RH0401-ARP-ZZ-00-DR-C-00081 Rev. C01

- Ground Level View Entrance – RH0401-SRA-01-ZZ-IM-A-02801 Rev. C01
- Typical Two Storey – RH0401-SRA-01-ZZ-IM-A-02803 Rev. C01

and documents received by the Local Planning Authority on 17/12/21 unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development hereby approved shall be carried out in accordance with the recommendations and mitigation/enhancement measures set out in:

- Plant Noise Emission Limits for Penygawsi Primary School (Arup, December 2021)
- Arboricultural Impact Assessment (Barton Hyett Associates, December 2021)
- Coal Mining Risk Assessment (HSP Consulting, September 2021)
- Drainage Strategy Report (Arup, December 2021)
- Ecological Impact Assessment (CSA Environmental, October 2021)
- Phase 1 Geo-Environmental Desk Study Report (HSP Consulting, September 2021)
- Phase 2 Geo-Environmental Assessment (HSP Consulting, September 2021)
- Transport Statement (Arup, December 2021)

Unless otherwise agreed in writing by the Local Planning Authority or otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

4. No development shall commence on site, other than demolition and enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence on site, including any works of site clearance or demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for, but not be limited to:

- i. The means of access into the site for all construction traffic.
- ii. The parking of vehicles of site operatives and visitors.
- iii. The management of vehicular and pedestrian traffic.
- iv. Loading and unloading of plant and materials.
- v. Storage of plant and materials used in constructing the development.
- vi. Wheel cleansing facilities.
- vii. The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Within 6 months of beneficial occupation, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include, but not be limited to:
- i. Travel Plan Co-ordinator.
 - ii. Targets for the reduction of road traffic and single occupancy car use, the promotion and delivery of more sustainable travel such as walking, cycling, and use of public transport.
 - iii. Management strategy for monitoring and delivering the objectives.
 - iv. Review Process and fallback position if the targets set have not been achieved.

The Travel Plan shall be implemented within 1 month following its approval and maintained and monitored thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage sustainable modes of travel and reduce single car occupancy, in the interest of highway safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Off-street parking provision shall be set out in accordance with the submitted site masterplan ref. RH0401-ALA-00-XX-DR-L-00005-S2 Rev. P07, consisting of 28 car parking spaces and 40 cycle parking spaces.

Reason: To ensure vehicles and cycles are parked off the publicly maintained highway in the interests of highway safety and free movement of highway users, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. No HGV movements shall take place to and from the site between the hours of 07:45 – 09:15am and 15:00 – 16:00pm weekdays during the course of site preparation and construction works.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. Prior to beneficial occupation of the development hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is or has been made safe and stable for development shall be submitted to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and any further remediation works or mitigation necessary to address the risks posed by past coal mining activity.

The remediation and any further remediation works or mitigation measures required to address land instability arising from coal mining legacy, as may be necessary, shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. Any remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the development can be carried out safely without unacceptable risks to public safety in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. The first floor windows within the northern gable end elevation of the school building hereby approved shall be obscure glazed with privacy glass level 3 (or greater) at all times.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Community use of the school building and outdoor sports and recreation facilities hereby approved shall be restricted to the following hours only:

- 8am to 8pm Mondays to Fridays
- 8am to 1pm on Saturdays
- Not at all on Sundays or Bank Holidays

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. The use of the outdoor sports and recreation facilities hereby approved shall be restricted to 7:45am to 6pm Monday to Friday only until such time as a scheme detailing the proposed activities and intended hours of operation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a consultation exercise with neighbouring residents, the scope of which shall be first agreed in writing with the Local Planning Authority, designed to take the views of local residents into account. The subsequent use of the outdoor sports and recreations facilities shall be in strict accordance with any scheme as may be approved.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/1677/10 (LJH)
APPLICANT: Mr & Mrs Probyn
DEVELOPMENT: Demolition of existing single storey rear and side lean to extensions. New rear extension (part single storey, part two storey) to form 2 no. shop units (Use Class A1) to ground floor, with 1 Bedroom Flat (Use Class C3) to first floor.
LOCATION: PHYSIOTHERAPY CLINIC, 32 COWBRIDGE ROAD, PONT-Y-CLUN, PONTYCLUN, CF72 9EE
DATE REGISTERED: 03/02/2022
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: GRANT SUBJECT TO CONDITIONS

REASONS: The proposal seeks to construct 2 no. modestly sized retail units and an additional residential unit which will make effective use of an existing commercial property within the Retail Centre of Pontyclun. The proposal will generate economic growth by providing a number of employment opportunities in the local area and will result in visual improvements to the site. Furthermore, the proposed development is acceptable in terms of impact upon residential amenity and highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Service Director of Prosperity & Development because it constitutes new-build retail development.

APPLICATION DETAILS

Full planning permission is sought for the construction of 2 no. retail units and an additional residential unit through the extension of 32 Cowbridge Road, Pontyclun.

The part single-storey, part two-storey extension would be sited in place of the existing single storey side and rear extensions at the site. At ground floor level they would accommodate 2 no. new retail units providing 40 sq.m and 41 sq.m of A1 (retail) floor space respectively. A one bedroom flat with amenity space is proposed at first floor level. The flat would be accessed via an internal staircase within the extension which is accessed off the pavement at Heol Yr Orsaf. The extension also includes a single storey section on the north-east elevation of the original section of the property that

would provide an additional consultancy room for the existing Physiotherapy Clinic at the property, as well as an associated filing room and toilet facilities.

The extension would have an irregular shaped footprint following the boundary of the site, measuring a maximum of 18m in depth by 7.7m in width reducing to 4.7m in width at the narrowest point. A flat roof is proposed between the ground and first floors which would provide for outdoor amenity space for both the proposed one bedroom flat and the existing two bedroom flat. A pitched roof is proposed above the two storey section with a ridge height of 6.6m, falling to 5.1m at the eaves.

With regard to external finishes, the submitted details indicate the development would be finished in natural stone and white colour through render to the walls and grey concrete tiles to the roof. With regards to fenestration, the first floor openings would be white UPVC, and the shopfronts including doors would be white aluminium. The amenity space is proposed to be enclosed by glazed guarding to a height of 1.1 metres with a 1.7 metre high privacy screen separating the two areas.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement

SITE APPRAISAL

The application site relates to a two-storey, end-terraced property located on the junction of Cowbridge Road with Heol Yr Orsaf in the Retail Centre of Pontyclun. The property is currently used as a physiotherapy clinic at ground floor level with a residential unit split between the rear of the ground floor and at first floor level. The property currently benefits from single storey side and rear extensions which are proposed to be demolished to accommodate the proposed development.

The site is located within the southern section of the Pontyclun Retail Centre and is therefore generally surrounded by commercial units. However, there are residential properties on the opposite side of Cowbridge Road, and also beyond the Community Centre to the north at Heol Yr Orsaf. The application site is bound by an Indian restaurant to the south-west, the highway at Heol Yr Orsaf to the north-east, and Cowbridge Road (A4222) to the south-east. A public car park is located to the rear.

PLANNING HISTORY

There are no records of any recent planning applications associated with this site.

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of site notices in the vicinity of the site.

No letters of objection or representation have been received as a result of this exercise.

CONSULTATION

Highways and Transportation: No objection or conditions recommended.

Public Health and Protection: No objection subject to conditions relating to hours of operation during construction, noise, dust, waste, and contaminated land.

Flood Risk Management: No objection subject to condition.

No other consultation responses have been received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LPD for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The LDP indicates that the site is within defined settlement limits and the Retail Centre of Pontyclun. The following policies are considered to be relevant in the determination of this application:

Policy CS2 - The policy emphasis is on building strong, sustainable communities. This will be achieved by encouraging a strong, diverse economy which supports traditional employment uses and promotes the re-use of previously developed land and buildings.

Policy AW2 - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport options.

Policy AW5 – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW10 - Development proposals must overcome any harm to public health, the environment or local amenity.

Policy SSA16 – The policy supports proposals for retail development inside the defined boundaries which would maintain or enhance a centre’s position in the retail hierarchy.

Supplementary Planning Guidance

Design and Placemaking
Access Circulation and Parking
Design in Town Centres
Development of Flats
Shopfront Design

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government’s (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act’s sustainable development principles through its contribution towards the Welsh Ministers’ well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 11: Noise;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Flooding;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23: Economic Development;
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

The application site lies within settlement limits and the Retail Centre of Pontyclun. The proposal seeks to develop 2 no. retail units with a residential flat above within the curtilage of an existing mixed commercial/residential property.

As such, the key considerations in the determination of the planning application are the compatibility of the proposed building and uses with the established commercial area, along with the potential impact upon the amenity of neighbouring occupiers. The impact of the proposal upon the character of the area and highway safety are further considerations.

Principle of the proposed development

The application site is located within the settlement boundary of Pontyclun where new development is generally acceptable subject to assessment against a number of policy constraints. Furthermore, it is located within the village's Retail Centre where new commercial development is supported, and such development is best placed.

It is considered that the addition of two new retail units and a residential unit within the Retail Centre would enhance and maintain the centre's position within the retail hierarchy as well as improving the vitality and viability of the centre. It is also noted that the surrounding properties are in a variety of uses, but mainly within the 'A' Use Class such as retail outlets, cafes, and restaurants. As such it is not considered the proposal would conflict with surrounding uses.

In light of the above, it is considered the application is acceptable in principle, subject to consideration of the other relevant material matters set out below.

Access and highway safety

The Council's Transportation Section have been notified of the proposals in order to provide comments on the suitability of the scheme with regard to highway safety and have made the following comments in relation to access and parking:

Primary access to the existing shop unit is from Cowbridge Road with primary access to the existing 3 bedroom residential unit available from the side road of Heol Yr Orsaf. The submitted floor plans indicate that access to the existing commercial unit would

remain from Cowbridge Road only and that primary access to both new commercial units and both flats would be from Heol Yr Orsaf – being a publicly maintained highway. Both are considered adequate to serve as access to the proposed development.

The proposal requires up-to a maximum of 10 car parking spaces with none provided, which raises cause for concern. However, the SPG advises that “the level of parking to be provided may depart from the guidelines by providing less parking, where it can be demonstrated that there would be no unacceptable impacts on highway safety, free flow of traffic or amenity”. This being considered, the development is in an inherently sustainable location, and as such would result in residents generally having lower rates of car ownership than those occupying elsewhere. It is also noted that the application site is in close proximity to both bus and rail stops; a public car park is sited to the rear; and a loading bay is located at the front of the property at Cowbridge Road so deliveries would not cause any issues with regards to the free flow of traffic.

Further to this, the surrounding streets are heavily controlled in terms of on street parking, with double yellow lines and enforced short stay parking limits in place. This would mean that it would be unlikely that any motor vehicles that would be required by those within the flats would result in an overspill on to the local highway network.

In light of the above, the proposal is considered to be acceptable in terms of the potential impact on highway safety.

Impact on the character and appearance of the area

The application site is located on Cowbridge Road (A4222), the main route through Pontyclun. Therefore, any development at the site will form a visible feature in locality. However, the site is also located within the Pontyclun Retail Centre and is generally surrounded by a mix of retail premises in the immediate locality.

Subsequently, whilst it is acknowledged that the proposed development will be visually prominent with the two new retail units fronting Heol Yr Orsaf, it is not considered that the introduction of these new retail facilities will detract from the character or appearance of the area.

Further, the layout of the scheme is considered acceptable given the constraints of the site and the scheme is considered to be an appropriate development here. The retail units and one bedroom flat proposed are also considered to be of an appropriate design and appearance and whilst modern in appearance, it is considered that the external finish of the building in render with reconstituted stone features and a pitched roof will be appropriate in this location.

The external amenity areas serving the existing and additional residential units are also considered acceptable, being enclosed by modern glazed guarding, similar to that at the property opposite the site.

Therefore, in conclusion, it is considered that the proposed scheme will enable the redevelopment of the plot for modern retail and residential facilities and the design of

the scheme is considered to complement the existing street scene, resulting in an overall improvement to the appearance of the area.

Impact on residential amenity and privacy

The site is located within the Retail Centre of the village and is therefore generally surrounded by commercial properties, most of which are within A1/A2/A3 Use Classes and each of which trade throughout the day and evening, attracting business from visiting members of the public. Therefore, it is not considered that the proposed development will result in any undue impact to the amenities of these properties.

It is noted however that there are residential units in the vicinity, the closest being at the opposite side of Cowbridge Road and some first floor flats above commercial units. But as the neighbouring residential properties are located within the Retail Centre and the site already accommodates a commercial use, as do most other properties in the vicinity, many operating into the evening, nearby residents would already experience some noise and activity associated with this type of use and would be accustomed to a degree of disturbance. Further, it is not considered 2 no. small scale A1 units would result in significantly more noise/disturbance in the Retail Centre than that which already occurs. As such it is not considered the amenities of the nearest residents would be significantly impacted.

In addition, there is no permitted change from A1 other than between uses falling within that use class. As such any use other than those within Use Class A1 would require further consent which would restrict the use of the units as hot food takeaways etc.

In light of the above, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing neighbouring properties and the application is considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this respect.

Other Issues:

Drainage

The Flood Risk Management Section suggested a condition to evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15, however, as the development requires separate SuDS approval which would ensure an appropriate scheme is implemented on site, it is not considered necessary to append the recommended condition.

Public Health

The Council's Public Health & Protection Section have raised no objections to the proposal; however, a number of conditions have been suggested in relation to hours of operation, noise, waste, dust and possible land contamination. Whilst these comments are appreciated, it is considered that issues relating to hours of operation, noise, dust and waste can be more efficiently controlled by other legislation. The condition in respect of land contamination is however considered necessary and is suggested below.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended. The application lies within Zone 3 of Rhondda Cynon Taf's Residential Charging Zones, where there is a liability of £85 per sqm for residential development and £100 per sqm for retail development, however, as the proposed development involves demolition of part of the existing building the CIL (including indexation) for the residential development is expected to be £3,676.52 and the retail development is expected to be £0 as the GIA is under 100sqm.

Conclusion

The proposal represents the construction of retail units (Use Class A1) and an additional residential unit within the confines of Pontyclun Retail Centre. Whilst it is acknowledged that some residential properties are located near to the site, it is not considered that there would be any undue impact resulting from the development.

Furthermore, the proposal is considered acceptable in terms of its impact upon the character and appearance of the area and highway safety, and therefore accords with the requirements of the Local Development Plan. Consequently, the proposal is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and drawings:

- Drawing no. 21/0347/001 Rev. A Site Location & Existing Block Plan
- Drawing no. 21/0347/011 Rev. A Proposed Floor Plans
- Drawing no. 21/0347/012 Proposed Elevations

and documents received by the Local Planning Authority on 17/12/2021, 17/01/2022 and 03/02/2022, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

3. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

- i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- ii. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
- iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the LPA.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

4. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

5. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease, and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taff Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

INFORMATION FOR MEMBERS, PERTAINING TO ACTION TAKEN

UNDER DELEGATED POWERS

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

1. PURPOSE OF THE REPORT

To inform Members of the following, for the period 14/02/2022 – 25/02/2022

Planning Appeals Decisions Received.
Delegated Decisions Approvals and Refusals with reasons.

2. RECOMMENDATION

That Members note the information.

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

REPORT

**INFORMATION FOR MEMBERS,
PERTAINING TO ACTION TAKEN
UNDER DELEGATED POWERS**

OFFICER TO CONTACT

**Mr. J. Bailey
(Tel: 01443 281132)**

See Relevant Application File

APPEALS RECEIVED

APPLICATION NO: 21/0466
APPEAL REF: CAS-01418-G9M3C9
APPLICANT: Mr Javid Ahmed
DEVELOPMENT: Conversion of church to 8 apartments (Re-submission of 19/0829/10).
LOCATION: CALVARY CHURCH, WOOD ROAD, TREFOREST, PONTYPRIDD
APPEAL RECEIVED: 11/11/2021
APPEAL START DATE: 23/02/2022

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Report for Development Control Planning Committee

Penywaun

22/0068/09

Decision Date: 15/02/2022

Proposal: Certificate of lawful development for a proposed alteration to the roof profile of the building to create an additional 2 square metres of enhanced circulation space.

Location: CANA CENTRE, GWLADYS STREET, PEN-Y-WAUN, ABERDARE

Aberdare East

21/1616/10

Decision Date: 14/02/2022

Proposal: Conversion of first and second floors to 1 no. 3 bed maisonette and 2 no. 2 bed flats.

Location: NATIONAL COURT, CARDIFF STREET, ABERDARE

Cwmbach

21/1583/10

Decision Date: 17/02/2022

Proposal: Provision of two off-street parking spaces.

Location: 45 MAES HYFRYD, CWM-BACH, ABERDARE, CF44 0DN

Report for Development Control Planning Committee

Treherbert

21/1486/10 Decision Date: 23/02/2022
Proposal: Attic conversion with rear dormers.
Location: 30 BRYNHEULOG, TREHERBERT, TREORCHY, CF42 5HB

Treorchy

21/1680/10 Decision Date: 16/02/2022
Proposal: Detached garage to rear.
Location: 47 PROSPECT PLACE, TREORCHY, CF42 6RE

22/0006/10 Decision Date: 24/02/2022
Proposal: Rear first floor extension.
Location: 41 REGENT STREET, TREORCHY, CF42 6PN

22/0026/10 Decision Date: 25/02/2022
Proposal: Removal of conservatory and erection of single storey rear extension.
Location: 42 REGENT STREET, TREORCHY, CF42 6PN

Pentre

21/1683/10 Decision Date: 14/02/2022
Proposal: Proposed ground floor extension to rear.
Location: 18 CLARA STREET, TON PENTRE, PENTRE, CF41 7HQ

Ystrad

21/1630/10 Decision Date: 24/02/2022
Proposal: Retention of partition screen erected on side boundary wall at front of property.
Location: 109 TYNTYLA ROAD, LLWYNPIA, TONYPANDY, CF40 2SR

Cwm Clydach

21/1378/15 Decision Date: 21/02/2022
Proposal: Variation of condition 1 of planning approval 13/1343/15 to extend the permission for a further five years.
Location: FORMER BLAENCLYDACH SCHOOL, BRYN TERRACE, CLYDACH VALE, TONYPANDY.

Report for Development Control Planning Committee

Trealaw

22/0082/10 Decision Date: 17/02/2022

Proposal: Rear garden room.

Location: GARTH HOUSE, NILE ROAD, TREALAW, TONYPANDY, CF40 2UY

Ferndale

21/1663/10 Decision Date: 21/02/2022

Proposal: First floor extension.

Location: 24 ALBANY STREET, FERNDALE, CF43 4SL

Trallwn

21/0899/16 Decision Date: 17/02/2022

Proposal: Reserved matters approval of details of the appearance, landscaping, layout and scale of the buildings, the means of access to the site and the landscaping of the site (Condition 1 a & b). (Additional drawing and

Location: LAND OFF COEDPENMAEN ROAD, TRALLWN, PONTYPRIDD, CF37 4LR

Rhondda

21/1693/10 Decision Date: 17/02/2022

Proposal: Single storey extension and roof terrace.

Location: GLEN VIEW, MOUNT PLEASANT, TREHAFOD, PONTYPRIDD, CF37 2NU

Graig

21/1489/10 Decision Date: 24/02/2022

Proposal: Change of use to railway land in connection with the construction of a Traction Power System (TPS). Construction of a concrete plinth on which is sited a building containing railway infrastructure. Erection of

Location: LAND EAST OF THE RAILWAY LINE (SARDIS BRIDGE) AND WEST AND NORTH OF THE A4058 (SARDIS ROAD), PONTYPRIDD

22/0069/10 Decision Date: 23/02/2022

Proposal: Triple garage with workshop to roof space.

Location: PANORAMA B, PENYCOEDCAE ROAD, PENYCOEDCAE, PONTYPRIDD, CF37 1PU

Hawthorn

21/1604/01 Decision Date: 16/02/2022

Proposal: Erection of 2 No. fascia signs, vinyl window graphics & totem signs.

Location: HOME BARGAINS, MIDWAY PARK, UPPER BOAT, PONTYPRIDD, CF37 5BL

Report for Development Control Planning Committee

Town (Llantrisant)

- 21/0648/10** Decision Date: 24/02/2022
Proposal: Change of use of area to rear of property to extend garden curtilage. (Amended Plans and redline boundary Received 23/01/22)
Location: 2 THE DAIRY, CROSS INN, LLANTRISANT, PONTYCLUN, CF72 8TT
-

Pontyclun

- 21/1427/10** Decision Date: 14/02/2022
Proposal: Single storey rear extension and first floor extension above garage and feature glazed window to rear elevation of roof space.
Location: 27 NEWMILL GARDENS, MISKIN, PONT-Y-CLUN, PONTYCLUN, CF72 8RX
-

- 21/1437/10** Decision Date: 24/02/2022
Proposal: A pair of two semi-detached dwellings.
Location: LAND ADJACENT TO 8 RAILWAY TERRACE, TALBOT GREEN, PONTYCLUN, CF72 8HP
-

- 21/1496/10** Decision Date: 22/02/2022
Proposal: Garden summer house, pergola and garden store (pergola details submitted 09/02/2022).
Location: MWYNDY HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PN
-

Llanharry

- 21/1508/10** Decision Date: 17/02/2022
Proposal: Rear single storey extension, dormer windows and detached garage along with garden store room.
Location: NYTHFA, FFOREST ROAD, LLANHARRY, PONTYCLUN, CF72 9JW
-

Llanharan

- 22/0077/19** Decision Date: 24/02/2022
Proposal: Tree works subject to a TPO and in a Conservation area, Fell 11m Beech tree, pollard 2 Sycamore trees to 4m, reduce lower overhanging branches to neighbouring garden on a 4m Cedar and reshape and restrict
Location: GROVE COTTAGE, MILL LANE, LLANHARAN, PONTYCLUN, CF72 9PB
-

Report for Development Control Planning Committee

Bryнна

22/0033/10 Decision Date: 15/02/2022
Proposal: Rear double storey extension.
Location: 24 ST ILID'S MEADOW, LLANHARAN, PONTYCLUN, CF72 9FX

22/0042/10 Decision Date: 21/02/2022
Proposal: Single storey side extension.
Location: 7 BRYN HENLLAN, BRYNNA, PONTYCLUN, CF72 9SG

22/0060/10 Decision Date: 16/02/2022
Proposal: Single storey side and rear extension.
Location: 24 FFORDD Y GWAITH GLO, LLANHARAN, PONTYCLUN, CF72 9WW

22/0073/10 Decision Date: 23/02/2022
Proposal: Single storey extension.
Location: 58 HILLCREST, BRYNNA, PONTYCLUN, CF72 9SL

Total Number of Delegated decisions is 27

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Report for Development Control Planning Committee

Ynyshir

21/1429/10

Decision Date: 15/02/2022

Proposal: Single dwelling and parking within curtilage of Wood Lodge.

Location: WOOD LODGE, YNYSHIR ROAD, YNYS-HIR, PORTH, CF39 0RG

Reason: 1 The proposed development would represent back-land development that would fail to integrate positively with the existing pattern of development in the immediate area, resulting in an insensitive and inappropriate addition that would have a detrimental impact on the character and appearance of the surrounding area, contrary to Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Reason: 2 The proposed development by virtue of its siting and design would have a detrimental impact upon the residential amenity and privacy of neighbouring properties and would be directly overlooked by the existing neighbouring properties to the detriment of future residents, contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Total Number of Delegated decisions is 1

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