



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: Jess Daniel - Democratic Services (07385401877)

A hybrid meeting of the **PLANNING AND DEVELOPMENT COMMITTEE** will be held on **THURSDAY, 17TH AUGUST, 2023** 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, 15 AUGUST 2023, 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 20.07.23

To approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on 20th July 2023.

5 - 10

APPLICATIONS RECOMMENDED FOR APPROVAL BY THE DIRECTOR OF PROSPERITY & DEVELOPMENT

5. APPLICATION NO: 22/0734

Extension of existing brick/ block traditional build changing rooms. (Bat and Bird survey received 07/11/22)(Bat Activity Survey Received 14/07/23)

PENYRENGLYN CHANGING ROOMS, BAGLAN STREET, TREHERBERT, TREORCHY, CF42 5AW

11 - 18

6. APPLICATION NO: 22/1272

The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations, crane hardstanding and lay down and storage area with associated micro siting allowances; electrical sub station and control building with underground power cables; new access route connecting on to the A472; on site access tracks with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; habitat management area; and off site works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

LAND NORTH OF SENGHENYDD, CAERPHILLY TO BE KNOWN AS TWYN HYWEL ENERGY PARK

19 - 76

7. APPLICATION NO: 22/1321

Change of use from residential to care home for children (C2)

41 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RH

77 - 88

8. APPLICATION NO: 22/1378

Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23).

LLWYNCELYN FARM, HAFOD LANE, PORTH, CF39 9UE

89 - 118

9. APPLICATION NO: 22/1433

Proposed development of two dwellings, car parking and associated works.

VACANT LAND AT WILLIAM STREET, YSTRAD, PENTRE

119 - 132

10. APPLICATION NO: 22/1476

Permanent retention of landform created by deposit of approximately 19,700m³ of material from Tylorstown landslip, creation of new footpath incorporating two footbridges, drainage works plus landscaping and habitat/ecological mitigation measures and associated works.

LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE

133 - 166

11. APPLICATION NO: 22/1477

Permanent retention of approximately 740m³ of material from Tylorstown landslip, landscaping and habitat/ecological mitigation measures and associated works.

LAND TO THE SOUTH OF STATION ROAD, FERNDALE

167 - 200

12. APPLICATION NO: 23/0398

Change of use from a HMO (C4 use) to a Children's Home and associated works. (Amended Site Location Plan received 08/06/2023)

37 ELIZABETH STREET, ABERDARE, CF44 7LN

201 - 210

13. APPLICATION NO: 23/0433

Coffee drive thru unit (Mixed A1/A3 Use) and associated works (Amended Description and Updated Use Class information rec. 09/06/23)

ASDA STORES LTD, FFORDD TIRWAUN, CWM-BACH, ABERDARE, CF44 0AH

211 - 232

14. APPLICATION NO: 23/0651

Replacement of the current backlit static advertising poster with an internally illuminated LED digital poster.

THE COLISEUM THEATRE, MOUNT PLEASANT STREET, TRECYNON, ABERDARE, CF44 8NG

DEFERRED APPLICATIONS

15. APPLICATION NO: 23/0506

Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works
Land to the Rear of 15 & 16 Rhigos Road, Hirwaun, Aberdare, CF44 9PS

241 - 270

INFORMATION REPORT

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

To inform Members of the following, for the period 24/07/2023 – 04/08/2023.

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

271 - 280

17. 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 W Lewis respectively)

County Borough Councillors: Councillor J Bonetto, Councillor A Dennis, Councillor S Emanuel, Councillor D Grehan, Councillor G Hughes, Councillor M Powell, Councillor J Smith, Councillor L A Tomkinson and Councillor R Williams

Head of Planning
Head of Legal Services
Head of Major Development and Investment
Senior Engineer

**RHONDDA CYNON TAF COUNCIL
Planning and Development Committee**

Minutes of the meeting of the Planning and Development Committee held on Thursday, 20 July 2023 at 3.00 pm at Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypany, CF40 2XX.

This meeting was live streamed, details of which can be accessed [here](#).

County Borough Councillors – The following Planning and Development Committee Members were present in the Council Chamber: -

Councillor S Rees (Chair)

Councillor W Lewis Councillor L A Tomkinson
Councillor S Emanuel Councillor R Williams
Councillor J Smith

The following Planning and Development Committee Members were present online: -

Councillor A Dennis
Councillor D Grehan

County Borough Councillors in attendance: -

Councillor R Bevan Councillor S Evans
Councillor G Holmes Councillor C Preedy
Councillor A Roberts Councillor G Stacey
Councillor M Webber Councillor T 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
Mr M Farley, Senior Planner
Mr C Hanagan, Service Director Democratic Services and Communications

39 WELCOME AND APOLOGIES

Apologies for absence were received from County Borough Councillors J Bonetto and G Hughes.

40 DECLARATION OF INTEREST

In accordance with the Council's Code of Conduct, there were no declarations made pertaining to the agenda.

41 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.

42 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.

43 MINUTES 22.06.23

It was **RESOLVED** to approve as an accurate record, the minutes of the meeting of the Planning and Development Committee held on the 22nd June 2023.

44 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.

45 APPLICATION NO: 22/1474

Erection of a 16 bedroom, two storey building providing supervised care with associated parking and refuse storage- Planning use class C2. (Amended Plans received 06/03/23) **HEN GLYNCORNEL NURSING HOME, NANT-Y-GWYDDON ROAD, LLWYNPIA, TONYPANDY, CF40 2JF**

In accordance with adopted procedures, the Committee received Ms Bethan Evans (Applicant) who was afforded five minutes to address Members on the above-mentioned proposal.

The Committee noted that Ajay Kambo (Agent) and Jason Roberts (Objector) who had requested to address Members on the Application were not present to do so.

The Head of Planning presented the application to Committee and following lengthy consideration it was **RESOLVED** to approve the application in accordance with the recommendation of the Director, Prosperity and Development subject to an additional condition requiring a highways condition survey and repairs to the highway following construction traffic.

46 APPLICATION NO: 22/1305

Formation of hardstanding to rear garden and associated dropped kerb access off Church Road

13 CONWAY CRESCENT, TONTEG, PONTYPRIDD, CF38 1HP

In accordance with adopted procedures, the Committee received Mr Jason Rees (Applicant) who was afforded five minutes to address Members on the above-mentioned proposal.

Non-Committee/ Local Members – County Borough Councillors G Stacey and C Preedy spoke on the application and put forward their shared concerns regarding highways safety.

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.

47 APPLICATION NO: 23/0506

Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works

LAND TO THE REAR OF NO.15 & 16 RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9PS

The Head of Major Development and Investment presented the application to Committee and following consideration it was **RESOLVED** to defer the determination of the application to a future meeting of the Planning & Development Committee to allow further discussions to take place between the Service Director, Planning and the Applicant in respect of the details of the application.

48 APPLICATION NO: 22/1464

Single storey side extension, two storey side extension and rear raised patio and associated works.

45 HILL STREET, HENDREFORGAN, GILFACH GOCH, PORTH, CF39 8TW

(Note: At this point in the meeting Non-Committee Member / Local Member County Borough Councillor A Roberts declared a personal and prejudicial interest in respect of Application No: 22/1464.

“My sister lives in close proximity to the application site.”

Non-Committee Member / Local Member County Borough Councillor G Holmes also declared a personal and prejudicial interest in Application: 22/1464

“The applicant’s Grandfather is a close personal contact.”

In accordance with adopted procedures, the Committee received the following public speakers who were each afforded five minutes to address Members on the above-mentioned proposal:

- Abbie Davies (Applicant)
- Andrew Ayles (Agent on behalf of Objectors)

The Applicant was offered the opportunity to respond to the Objectors but declined to do so.

Local Member, County Borough Councillors A Roberts and G Holmes exercised their right to address the Committee under 14(2) of the Code of Conduct on the application and put forward their support in respect of the proposed development and left the meeting for its deliberation.

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

49 APPLICATION NO: 22/1375

Outline planning application with all matters reserved for a proposed residential development.

LAND ADJACENT TO 6 - 8 BRYNMAIR ROAD, GODREAMAN, ABERDARE, CF44 6LR

(Note: At this point in the meeting County Borough Councillor W Lewis left the meeting)

Non-Committee/ Local Members – County Borough Councillors S Evans and T Williams spoke on the application and put forward their shared concerns regarding the proposed development.

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, the Committee took a 5-minute recess).

(Note: At this point in the meeting, County Borough Councillor L Tomkinson left the meeting and W Lewis returned to the meeting.)

50 APPLICATION NO: 23/0360

Continued use as a garden.

ST DAVIDS HOUSE, CASTELLAU ROAD, BEDDAU, PONTYPRIDD, CF38 2RA

(Note: At this point in proceedings, County Borough Councillor R Williams left the meeting)

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.

51 APPLICATION NO: 20/1056

Construction of a small off-grid highly sustainable community building on forestry land, including classroom, welfare, access route, on-site energy generation (wind turbine and PV panels) and drainage to support delivery of the Lost Peatlands of South Wales partnership project. (Heritage Impact Assessment received 5th June 2023)

FORESTRY LAND TO THE NORTH EAST OF HENDRE MYNYDD CAR PARK, OFF RHIGOS ROAD, TREHERBERT

(Note: At this point in proceedings, County Borough Councillor R Williams returned to the meeting)

The Head of Major Development and Investment 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: County Borough Councillor R Williams abstained from voting on this item because they were not present for the full debate)

52 APPLICATION NO: 23/0170

Conversion of shop and dwelling to 2 flats. (Amended Plans and Description received 09/05/2023)

SHOP, 2 HIGH STREET, LLANTRISANT, PONTYCLUN, CF72 8BP

The Head of Major Development and Investment 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.

53 APPLICATION NO: 23/0422

Demolition of caretakers house, reconfiguration of the car park/drop off area/bus bay, footpaths, 3G sports pitch, flood lighting, new play areas, plant and associated works (revised technical detail received 01/06/2023) **PONTYPRIDD HIGH SCHOOL, CILFYNYDD ROAD, CILFYNYDD, PONTYPRIDD, CF37 4SF**

The Head of Major Development and Investment 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.

54 APPLICATION NO: 22/0273/10

Change of use from public house to 4 dwellings (Transport Note received 4th July 2022, Foul Drainage Strategy received 2nd February 2023) **THE BARN PUBLIC HOUSE, HEOL MISKIN, MWYNDY, PONT-Y-CLUN, PONTYCLUN, CF72 8PJ**

The Senior Planner presented the application which was originally reported to Committee on 8th June 2023 where Members were minded to approve the application, contrary to the officer recommendation of the Director, Prosperity and Development (Minute 8 refers).

Members gave consideration to the further report, highlighting the potential strengths and weaknesses of approving contrary to officer recommendation and following discussions, it was **RESOLVED** to approve the application contrary to the recommendation of the Director, Prosperity and Development for the reasons and with the conditions contained in the further report.

55 APPLICATION NO: 22/0668/10

Conversion of former church to 11 flats.(FCA received 11th July 2022, Ecological Impact Assessment received 20th September 2022) **YSTRAD ENGLISH CONGREGATIONAL CHURCH, 1 CHURCH ROAD, TON PENTRE, CF41 7AD**

The Senior Planner presented the report to Members which highlighted that the application was originally reported to Committee on 3rd November 2022 where Members resolved to approve the application, subject to a range of conditions and a Section 106 agreement.

Members gave consideration to the further report highlighting the additional information received including the Viability Assessment and **RESOLVED** to approve the application without the requirement for a Section 106 agreement for an off-site affordable housing contribution.

56 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 12/06/2023 – 07/07/2023.

This meeting closed at 5.30 pm

**Councillor S Rees
Chair.**

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0734/10 (JE)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Extension of existing brick/ block traditional build changing rooms. (Bat and Bird survey received 07/11/22)(Bat Activity Survey Received 14/07/23)
LOCATION: PENYRENGLYN CHANGING ROOMS, BAGLAN STREET, TREHERBERT, TREORCHY, CF42 5AW
DATE REGISTERED: 14/07/2023
ELECTORAL DIVISION: Treherbert

RECOMMENDATION: APPROVE

REASONS: The proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

REASON APPLICATION REPORTED TO COMMITTEE

- The application has been submitted by the Council involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning permission is sought for the construction of an extension to the existing changing rooms at Penyrenglyn Changing Rooms, Baglan Street, Treherbert. The proposed extension would be located on the north west side elevation of the existing building and would measure a width of 11.7 metres by a depth of 7 metres. The proposed extension would have a dual pitched roof design with gable end on its side elevation measuring a maximum height of 4.8 metres to match the existing building.

The proposed addition would be finished in face brickwork, steel roof tiles and Kirncroft security doors to match the existing structure.

The application is supported by:

- Bat and Bird Survey
- Bat Activity Survey

SITE APPRAISAL

The application site is an irregular shaped parcel of land located to the west of Baglan Street, Treherbert that contains a long established sports pitch and associated changing facilities. Pedestrian access to the site can be gained via Baglan Street and the access road to the north and north west whilst the site benefits from an area of off street parking and additional access alongside the changing rooms to the south. The changing block is located outside of the perimeter of the adjacent sports fields and is within an area enclosed by palisade fencing. The site is bounded by Penyreglyn Primary School to the east, the sports pitch to the north, associated car parking to the west and an unnamed highway serving Treherbert Recycling Centre and a commercial premises to the south. The closest neighbouring properties are located along Baglan Street to the north of the site.

The adjacent sports field has been subject to recent improvements works with the creation of a 4G pitch and the installation of flood lighting and new boundary fencing approved under application 22/0587/10.

PLANNING HISTORY

The most recent planning applications on record associated with the application site are:

22/0587/10: PENYRENGLYN CHANGING ROOMS, BAGLAN STREET, TREHERBERT, TREORCHY, CF42 5AW
Install floodlighting and new boundary fencing
Decision: 11/10/2022, Grant

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

No letters of objection have been received following consultation.

CONSULTATION

Countryside (Ecology): No objection subject to condition.

Natural Resources Wales: No objection although informative note suggested to inform applicant of the requirement to obtain a Protected Species License.

Public Health and Protection: No objection raised although conditions suggested with regard hours of construction, noise, dust, waste and contamination.

Dwr Cymru/Welsh Water: No objection although condition recommended in relation to surface water drainage.

Flood Risk Management (Drainage): No objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 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 Treherbert and isn't allocated for a specific purpose.

Policy CS1 – sets out the criteria for development in the Northern Strategy Area.

Policy AW2 - supports development in sustainable locations.

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 placemaking, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Supplementary Planning Guidance

- 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.

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. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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 national policy guidance considered:

PPW Technical Advice Note 12 - Design

PPW Technical Advice Note 16 – Sport Recreation and Open Space

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 an extension to an existing changing block at an established sports facility within the settlement boundary for Treherbert. The proposal would improve current facilities to the benefit of users and the local community.

It is considered the works align with the relevant National Planning Policy requirements, inasmuch as TAN 16 supports the improvement of recreational facilities, playing fields and open spaces where their poor condition places a constraint on their use, specifically noting the following:

Paragraph 3.7 states “Playing fields and green open spaces have special significance for their recreational and amenity value and particularly in towns and cities, for their contribution to the urban environment and for supporting biodiversity. Playing fields and green spaces add interest and vitality to living and working environments.”

Paragraph 3.8 states that “Sometimes, the retention and enhancement of facilities may best be achieved through the redevelopment or rehabilitation of a small part of a site, particularly where this would be related to playing field use, for example the provision of changing facilities, which would not adversely affect the quantity or quality of remaining pitches, or their use.”

As such, the principle of development is therefore acceptable subject to the criteria set out below.

Impact on the character and appearance of the area

The development proposes a modest extension to an existing changing room block. The extension is of a standard design to match the existing building and would be viewed within the wider setting of Penyreglyn Sports Pitch.

The extension is considered to have an acceptable visual appearance and is of a scale commensurate to its use in support of a community facility. The siting of the proposed building alongside the existing changing room would only see the loss of an area of verge and no area of the sports pitch would be lost. As such, the proposal would not impact on the open nature of the wider site.

Therefore, it is considered that the proposal would be acceptable in this regard.

Impact on residential amenity and privacy

The site is located to the south (rear) of existing sports facility. The proposed building would be over 120 metres from the closest neighbouring residential properties. As such, it is considered that due to the distance between the site and neighbouring properties and the scale and nature of the building proposed, there would be no adverse impact caused by the proposal.

Whilst the new changing unit is designed to enhance sporting facilities at the site, which may increase the use of the adjacent sports pitch, the proposal would not introduce a new use to the site or extend the current operating hours of the facility.

It is also noted that there have been no objections following consultation with neighbouring occupiers. Subsequently, it is considered that the proposal is acceptable in this regard.

Ecology

The Bat and Bird Nesting Survey submitted in support of the application set out that evidence of bat activity was found in the building and therefore further bat survey work is needed to confirm if there is an active bat roost and what necessary mitigation measures will be required. As such, following initial consultation with the Council's Ecologist the Lingard Farrow Styles, Bat Activity Survey, July 2023 was submitted in support of the application. This report set out that whilst no bats were recorded in the activity surveys, it is likely that the roof void has been used by bats. As such, following consultation with NRW, whilst no objection to the application was raised, it was indicated that works would require a European Protected Species (EPS) Licence which was also supported by the Council's Ecologist. Nevertheless, as the Bat Activity Survey lacks details of any enhancement measures a condition for the submission of these details is set out below should Members be minded to approve the application.

Drainage

Following consultation, no objection to the proposal was raised by the Council's Flood Risk Management Team. However, a condition in relation to surface water disposal was requested by Welsh Water. In this instance the proposal would be required to comply with Part H of the Building Regulations which would cover this issue. As such, it is not considered that this condition would be necessary.

Public Health and 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 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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

The proposal is considered to provide an enhanced sporting facility in the local community and would not result in any adverse impact upon the character and appearance of the surrounding area or the amenities of surrounding residents. As such, the application is considered to comply with the relevant policies of the Local Development Plan (Policies AW5, AW6 and AW10).

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:

- 3866-90402-00-B1-2D-B-20:20:40-004-D2
- 3866-90402-00-B1-2D-B-20:20:40-005-D2
- 3866-90402-00-B1-2D-B-20:20:40-006-D2
- 3866-90402-00-B1-2D-B-20:20:40-007-D2

and documents received by the Local Planning Authority on 14/07/23, 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 a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details.

Reason: To ensure a positive impact upon biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO:	22/1272/05 (GD)
APPLICANT:	Twyn Hywel Energy Park Limited
DEVELOPMENT:	The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.
LOCATION:	LAND NORTH OF SENGHENYDD, CAERPHILLY TO BE KNOWN AS TWYN HYWEL ENERGY PARK
ELECTORAL DIVISION:	Cilfynydd/Upper Rhydyfelen and Glyntaf/Trallwng/Treforest

RECOMMENDATION: That Members approve the Council's Local Impact Report (as set out in Appendix 'A') in respect of this Development of National Significance planning application, for submission to Planning and Environment Decisions Wales to assist the appointed Welsh Government Inspector in the determination of the application.

REASONS: Under the requirements of Section 62I and 62K of the Town and Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 the Council, as Local Planning Authority, are obliged to prepare a Local Impact Report for the consideration of Planning and Environment Decisions Wales in respect of Developments of National Significance.

REASON APPLICATION REPORTED TO COMMITTEE

- The report relates to a Development of National Significance, the determination of which lies outside of the Council's jurisdiction and instead with Planning and Environment Decisions Wales.
- It is considered that nature and scale of the development proposed warrants the involvement of the Council's Planning and Development Committee.

BACKGROUND FOR MEMBERS INFORMATION

Twyn Hywel Energy Park Ltd. is seeking full planning permission for the construction and operation of a wind farm of up to 14 turbines on land described as north of Senghenydd Caerphilly though the application site actually straddles the boundary between Rhondda Cynon Taf and Caerphilly County Boroughs. Three of the fourteen turbines would be located within the boundary of Rhondda Cynon Taf. Detail submitted initially in support of the application indicated that each turbine could be to a maximum height of 200m to blade tip. As the installed generating capacity of the proposed development would exceed 10MW, it qualifies as a "Development of National Significance" (DNS) and the application for planning permission will be decided by the Welsh Ministers rather than the Local Planning Authority (LPA), with the process administered by Planning and Environment Decisions Wales (PEDW).

Whilst the Council as Local Planning Authority will not be involved in the final determination of the process, it is a formal requirement of the DNS process that the Council submits a Local Impact Report (LIR) to PEDW to assist the appointed inspector in the consideration of the proposals.

Guidance issued by the Welsh Government sets out the general approach to the LIR and provides that: -

- The LIR is meant to give a factual objective view of the impacts of the proposed development on the area in question. The impacts should be presented in terms of their, positive neutral or negative effects.
- The report is distinct from any representations a local authority may make on the merits of the application. A Local Authority or individual Councillor may submit a separate representation on the merits of the application.
- The LIR may draw attention to matters raised with the LPA by interested parties or community groups, but only if the LPA considers those matters to be planning considerations that should be included in a LIR.
- In producing a LIR the local authority is not required to carry out its own consultation with the community.

Section 62K of the Town & Country Planning Act 1990 (as amended) and Regulation 25 of Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) set out the minimum requirements for the content of a LIR: -

- The likely impact of the development on an area.
- Planning history of the site.
- Local designations relevant to the site/surroundings
- The likely impact of any application in relation to a secondary consent being granted.
- Any relevant local planning policies guidance or other documents
- Draft conditions or obligations that the LPA considers necessary for mitigating any likely impacts of the development.
- Evidence of the publicity undertaken by the LPA in accordance with the Developments of National Significance (Procedure) (Wales) Order 2016 (as amended) i.e. a copy of the site notice, a photograph of the site notice and display and a map showing the location of site notices.

An overview of the LPA's LIR is set out below for Members consideration. The full LIR proposed to be submitted to PEDW is set out as Appendix A to this report.

THE PROPOSED DEVELOPMENT.

The main components of the proposed development will comprise the following: -

- Up to 14 wind turbines 3 of which would be within the boundary of Rhondda Cynon Taf
- Crane hardstanding's and adjacent lay down areas for each turbine location.
- Approximate 14.99km of access tracks (of which approximately 12.27km will be new track and 2.73km will be upgraded existing track) and associated ancillary engineering works.
- An electrical substation and control building.
- On site underground electric cables linking the turbines and the onsite substation, generally laid in cable trenches alongside access tracks.
- Grid connection export cable search corridor from the onsite substation to the 400kV Cilfynydd substation.
- A permanent steel lattice anemometer up to 120m in height.
- 21 watercourse crossings and associated infrastructure
- Onsite vehicle turning heads and passing places
- Site signage, and
- Biodiversity enhancement proposals

The above elements relate to the operational phase of the development if allowed. In addition to this during the construction period, the following will also be required

- Two temporary construction compounds
- The creation of up to two temporary borrow pits for the extraction of stone (subject to detailed site investigation).

- The temporary diversion or closure of a number of Public Rights of Way that cross the site.
- Where necessary off site works to facilitate the movement of abnormal loads, (construction overrun areas, and temporary modifications to street furniture etc.).

THE APPLICATION SITE

The application site is described as being 10miles North West of Cardiff straddling the border of Rhondda Cynon Taf CBC and Caerphilly CBC. The majority of the site lies with the boundaries of Caerphilly CBC. The site is an area of upland forming a horseshoe shape around the settlement of Senghenydd on the valley below. The site comprises open moorland with irregular grazing fields with woodland forestry to the periphery of the site. Spoil tips and a young coniferous plantation are found on the eastern side of the site to the east of the Senghenydd Dyke.

The land rises to a high point of 350m AOD at Mynydd Eglywsilan sloping down into the deeply incised valleys to the east and west. A substantial amount of the site is designated as Common Land with open access.

There are a number of residential properties and small settlements in close proximity to the site, though the vast majority of towns villages and centres of population are further afield in the lower lying valleys surrounding the site

Principal roads near the site include the A470, A472, A469 and B4263 though only the first two will be used in the construction of the development. A minor road bisects the site on a SW to NE alignment and forms part of the boundary between the Nelson and Gelligaer communities. Though a number of Public Rights of Way skirt the application site, and footpaths PON/5/1, PON/112/1, PON/112/2, POR/R/51 and the Cistercian Way access it within Rhondda Cynon Taf. Other popular walking Routes in proximity to but outside of the application site include The Rhymney Valley Ridgeway Walk, the Taff Trail and National Cycle Network Routes 4, 8 and 47.

The Cilfynydd substation, which would be the point of connection to the national grid for the proposed development, lies approximately 500m north of the application site boundary.

PUBLICITY

All statutory consultation in respect of the application will be undertaken separately by PEDW, with any comments from interested parties sent directly to PEDW for consideration. In consultation with the LPA during the earlier pre application process, PEDW determined the appropriate consultees were:

- 249 of the closest neighbouring properties

- County Borough Councillors for the Abercynon, Cilfynydd, Trallwng, Pontypridd Town, Treforest, Rhydyfelin Central, Hawthorn & Lower Rhydyfelin, Taffs Well, and Upper Rhydyfelin and Glyntaf Wards.
- Pontypridd Town and Taffs Well Community Councils
- The Local Highway Authority
- Flood Risk Management
- Public Health & Protection
- Countryside Section
- Council Ecologist
- Structural Engineer
- Dwr Cymru Welsh Water.
- Western Power Distribution (though their functions might well have reverted back to National Grid)
- Wales & West Utilities
- South Wales Fire & Rescue Service
- Cadw
- Health & Safety Executive
- The Coal Authority
- South Wales Police
- Glamorgan Gwent Archaeological Trust
- Civil Aviation Authority.
- Ministry of Defence
- Adjoining LPA.

Additionally and depending on the circumstances PEDW were also advised that they might want to consider consulting the following: -

- Historical societies
- Welsh Government planning
- Welsh Government highways
- Sport Wales

Members are also advised that 20 site notices were posted around the site and at appropriate locations within the wider areas where the turbines would be visible.

In preparing this LIR the following internal consultees were consulted.

- Highways and Transportation
- Public Health & Protection
- Flood Risk Management
- The Council's Ecologist
- Structural engineers
- TPO officer.

CONSIDERATIONS

Though this application will not be determined by the Council as LPA the need to have regard to the policy requirements of the Local Development Plan (LDP), Planning Policy Wales (edition 11) (PPW) and Future Wales: The National Plan 2020 (FW2040) remains.

Future Wales: The National Plan 2040 (FW2040) is the primary planning policy document against which applications qualifying as DNS are assessed. The document was published by Welsh Government (WG) on 24/02/21 and provides a national framework to inform planning decision-making and the development of strategic, regional level plans until 2040, having development plan status. The intention of FW2040 is to provide a clear, long-term spatial direction for Government policy, action and investment in Wales.

FW2040 is the most up-to-date development plan and is in accordance with the latest version of Planning Policy Wales (PPW), Edition 11. It identifies 10 Pre-Assessed Areas (PAA) for wind energy. These are areas where WG has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. There is subsequently a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to compliance with the relevant, specific renewable and low carbon energy project policies; Policy 17 (Renewable and Low Carbon Energy and Associated Infrastructure) and Policy 18 (Renewable and Low Carbon Energy Developments of National Significance).

Members are advised however that this application site straddles the PAA with most of the site lying within the Caerphilly area within the PAA and that within Rhondda Cynon Taf outside of it. However, FW2040 does allow for wind energy development outside of the PAAs providing the proposal comply with each of the criteria set out in Policy 18 as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

Consequently, the criteria set out within FW2040 Policy 18 are considered the appropriate template for setting out an evaluation of the current proposal for Members, as detailed below. The policy permits proposals for renewable and low carbon energy projects subject to criteria and compliance with Policy 17.

Criterion 1 - outside of the Pre-Assessed Areas for wind developments and everywhere for all other technologies, the proposal does not have an unacceptable adverse impact on the surrounding landscape (particularly on the setting of National Parks and Areas of Outstanding Natural Beauty).

The Environmental Statement supporting the application acknowledges the impact of the proposals in landscape and visual impact terms including the potential impacts on key features of Bannau Brychionog National Park and the fact that the site lies largely within the Taff Vale Eastern Slopes Special Landscape Area (SLA) where it lies within the boundaries of Rhondda Cynon Taf. The scope and methodology proposed in relation to this issue takes a conventional approach theorising from a LANDMAP base zones of theoretical visibility to assess the impact of the proposals on landscape and visual receptors. The Environmental statement acknowledges that the proposal will have unavoidable significant adverse effects on the landscape character of the area and that these effects are far reaching particularly within the first 7.5km of the site. It acknowledges that these impacts on the landscape and visual setting cannot be totally mitigated though argues that they have been reduced through the iterative nature of design scheme development.

This is considered a reasonable assessment of this impact in respect of this issue. However, Members should note the additional issues raised for the consideration of the inspector in the appendix below.

Criterion 2 – there are no unacceptable adverse visual impacts on nearby communities and individual dwellings

The Landscape and Visual Impact Assessment (LVA), also assess the likely visual impacts on nearby communities and dwellings and a residential visual amenity assessment has been carried out to assess the visual effects of the proposed development on individual residential properties. Again here, the applicants rely to some extent on mitigation having been an intrinsic part of the design process, which has itself a mitigating impact on any affected properties. Within Rhondda Cynon Taf major impacts are only predicted from the edge of Cilfynydd, Heol Mynydd, Hilltop Avenue and Cynon View. There will be lesser though significant effects to the following communities within the County Borough

- Cilfynydd,
- Glyncoch
- Abercynon

The LVIA also takes account of individual properties outside of settlement boundaries and the impact that the proposals can have.

The attractiveness or not of wind turbines/farms is subjective, and wind turbines/farms by their very nature create visual effects so the role of the decision maker is to consider the extent to which these effects outweigh the positive benefits of the project such that the application could be considered unacceptable. Recognition should also be given to the fact that while formal assessment commonly considers views of wind turbines to be negative, the experience of the individual may often be more nuanced.

In this case, overall, the erection of 14no. wind turbines (3no. within Rhondda Cynon Taf) in such a prominent, undeveloped location is likely to result in a negative impact on the visual amenities of residents in the above areas and the closest properties in the surrounding countryside.

In addition to the above, a number of Public Rights of Way (PRoW) and national cycle trails could also experience significant effects although it should be recognised that these routes are by their nature of considerable length such that it would often only be the stretches closest to the proposed development where significant effects would occur. These are therefore transitory in nature and it is considered any impact would be neutral

Criterion 3 – there are no adverse effects on the integrity of internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured.

Chapter 9 of the Environmental Statement deals with the issue of ornithology and the impacts of the proposal on the site and its immediate setting. Surveys have been undertaken to widely accepted standards and included

- Vantage point Surveys
- Breeding bird Surveys
- Breeding raptor surveys
- Breeding nightjar surveys and
- Winter walkover surveys

Seven species of high conservation value were identified across two years of surveys of which five (goshawk, peregrine, red kite, hobby and barn owl) were assessed as breeding within the site.

Seven species were taken forward for assessment and assuming the application of standard mitigation measures predicted effects were considered to be minor adverse or negligible.

The Councils Ecologist has reviewed the ornithology chapter of the Environmental Statement and has expressed concern at the potential cumulative impact of the proposals in conjunction with other developments in the area on rare bird species and particularly the Golden Plover. Our ecologist has suggested that further specialist advice be sought on the matter from NRW and to that end the suggestion is made to PEDW in the LIR below.

Criterion 4 – there are no unacceptable adverse impacts on national statutory designated sites for nature conservation (and the features for which they have been designated), protected habitats and species.

Chapter 8 of the ES deals with the ecology of the area and identifies two SSSI's within the study area. These are the Waun Goch Penrhiw Caradog, Cefn Brithdir and Nelson Bog SSSI's. The study also identifies the Craig Yr Hesg Local Nature Reserve. The applicants regard these features and the reasons for their designation sufficiently distant from the development that it will have no effect on them. The effect is considered neutral

Criterion 5 – the proposal includes biodiversity enhancement measures to provide a net benefit for biodiversity.

The ES accurately describes the nature of the application site and acknowledges that much of it forms the Mynydd Eglywsilan Site of Importance for Nature Conservation (SINC). Extensive survey works were undertaken within the study areas including the following: -

- Phase 1 habitat survey,
- Phase 2 National Vegetation Classification surveys
- Bat roost and activity surveys
- Vantage point surveys for noctule bats
- Surveys for badger, otter, water vole, and dormouse

The bat surveys revealed the presence of a number of species of bat using and roosting at the site. There was also limited evidence of otter use and initial indications of water vole were but displacement by cattle had occurred by the later surveys. No evidence of use of the site by badger, dormouse or polecat was found.

The ES acknowledges that development will result in some loss of habitat to the site including within the SINC but argues that this will be compensated for by the development and implementation of a Habitat Management Plan (HMP) and a Bat mitigation Strategy to lessen the physical impact of the development. The net effect of implementing this approach the applicants contend would result in a minor beneficial result in terms of ecology

The Council's Ecologist has considered in depth the content of Chapter 8 Ecology, Chapter 9 Ornithology and their associated appendices along with the appendices on groundwater and its likely impacts for the ecology of the area. In concluding on the issue the importance of conditions requiring appropriate Construction Environment Management Plan (CEMP) and long-term Habitat Management Plan (HMP) are considered of paramount importance.

Criterion 6 – there are no unacceptable adverse impacts on statutorily protected built heritage assets.

Chapter 11 of the ES takes into account the impact of the development on the cultural heritage of the area. This takes into account Scheduled Ancient Monuments, Listed Buildings and the Archaeological assets within and around the site, as well as any identified undesignated heritage assets. Construction effects will be of minor adverse significance with one exception that qualifies as a moderate adverse effect. Beyond the site, setting effects are considered moderate or minor adverse, this though relates largely and most importantly to assets in the Caerphilly area notable Caerphilly Castle. In compensation, the applicants are offering a bespoke heritage engagement and interpretation project designed to deliver legacy products alongside local groups to connect young people with their community heritage and landscape. Whilst tis itself would be welcome the effect on historic assets is unaltered.

Criterion 7 – there are no unacceptable adverse impacts by way of shadow flicker, noise, reflected light, air quality or electromagnetic disturbance.

Chapter 10 of the ES deals with the issue of noise whilst Chapter 15 deals with the issue of shadow flicker, air quality issues do not specifically feature and electromagnetic disturbance features in relation to safe management of air traffic

.Consideration of the potential for significant effects from noise focuses upon whether accepted noise standards in the form of ETSU-R-97 could be breached because of wind farm operation. Attention is focused upon those residential receptors closest to the proposed development. The noise assessment reported within the Chapter concludes that any effects are not significant.

The submitted shadow flicker assessment addresses the issue from a worst case scenario to determine when and under what conditions the function of any turbines will need to be curtailed to reduce the effect to an acceptable level with mitigation applied which can also include suitable screening or planting in addition to turbine curtailment. The net result is that this issue is reduced to not significant when mitigation is applied resulting in a neutral effect.

Impacts on air quality have not been considered. As the type of development proposed would not impact adversely on air quality. In a global sense, much of the climate change scenario, air quality could improve because of the development, over its lifetime would offset greenhouse gas emissions that would otherwise arise because of conventional electricity generation.

In respect of aviation (chapter 13), it is acknowledged that turbines have the potential to effect civil and military aviation infrastructure and telecommunications because of electromagnetic disturbance. Discussions between the applicants and stakeholders are ongoing and it is expected that this will result in an agreed approach that will be reflected in planning conditions should these proposals gain consent.

Criterion 8 – there are no unacceptable impacts on the operations of defence facilities and operations (including aviation and radar) or the Mid Wales Low Flying Tactical Training Area (TTA-7T)

The application site lies in an area with no low flying concerns as advised by the Ministry of defence.

Criterion 9 – there are no unacceptable adverse impacts on the transport network through the transportation of components or source fuels during its construction and/or ongoing operation.

The applicants have assessed the potential impact of the development on the highway network in Chapter 5 of the ES. The route to the site is established and the turbines and all other related plant will be delivered via the motorway and A – Roads. The increase in HGV usage and abnormal load traffic is acknowledged and by way of mitigation a series of management plans and a wear and tear agreement, no residual significant adverse effects are expected.

Impacts on the highways during the operational phase of the development are likely to be neutral.

Members are advised that the Highways and Transportation section, as Local Highway Authority, are a statutory consultee on the DNS application and will prepare separate comments to be sent directly to PEDW for consideration.

Criterion 10 – the proposal includes consideration of the materials needed or generated by the development to ensure the sustainable use and management of resources.

Site selection and design strategy seeks to balance technical economic and environmental considerations. The site lies partly within a pre assessed area and a grid connection is available at Cilfynydd. Wind speeds and terrain characteristics favour the proposed development. Access from Port to the site is achievable by road. The layout of the site has been designed to balance the maximum energy yield possible with a legible layout that relates to the landform and scale of the site.

Ecological considerations have also informed turbine layout and numbers. Whilst there will be some displacement of peat and common land excavation and loss has been minimised and it is intended that stone for foundations will be derived from on-site borrow pits

All construction activities will be informed by a Construction Environmental Management Plan (CEMP) that could be secured by condition. A further planning condition volunteered by the applicant would include measures to manage waste during construction.

No materials will be generated or removed from site during operation of the windfarm.

The scheme is therefore considered to result in neutral impact in these regards.

Criterion 11 – there are acceptable provisions relating to the decommissioning of the development at the end of its lifetime, including the removal of infrastructure and effective restoration.

The manner in which the Environmental Statement has been drafted relates to decommissioning as part of the life cycle of the development itself and its effects are considered in that context.

Criterion 12 – the cumulative impacts of existing and consented renewable energy schemes should also be considered.

As a requirement of the EIA regulations the ES has considered the possible effects the proposals may have in combination with existing or consented developments in accordance with national guidance a staged process for assessing schemes has been adopted. Likely cumulative effects have been defined as the likely effects that the proposed development may have in combination with other wind and relevant solar schemes that are at application stage, consented, under construction or operational. Alternatively, put another way, the incremental effects resulting from the proposed development if all other wind and relevant solar schemes are assumed to be constructed/operational.

The applicants at table 6:10 of chapter 6 provide a list of all likely projects that might combine with the proposed development to create a cumulative effect. The developments and proposals covered are extensive and fair.

Chapter 6 Landscape and Visual Assessment and Chapter 11 Cultural Heritage assess the cumulative effect of the proposed development assuming that all current and future developments are constructed/become operational, (worst case scenario). Otherwise within the technical chapters of the ES (chapters 5 – 15 excluding the above), each chapter is has detail provided as to which cumulative developments have been assessed where relevant.

The approach taken is considered acceptable and the effect is that within each technical chapter cumulative effects are addressed insofar as the applicant believes them to be relevant. As such, within the LIR below, the assessments and subsequent concerns raised would include any considerations over potential cumulative effect

CONCLUSIONS

While the part of the site located within Rhondda Cynon Taf is located outside of any of WG's PAAs for large-scale wind energy development, FW2040 allows for such

development outside of these areas providing the scheme complies with relevant planning policy.

The proposed development will have a negative impact on the landscape in visual terms and on the outlook of the nearest residents .this though is a largely subjective issue.in all other key aspects it is considered that appropriate mitigation can be applied that there is no more than a neutral impact or that negative impacts that remain after mitigation is applied are reduced to a minimum.

There are other issues that might require further consideration, such as the issues raised by the Council Ecologist in terms of cumulative impact on certain bird species. Other issues can be addressed through the judicious application of planning conditions and through Section 106 agreement.

FW2040 and PPW clearly offer strong support for the provision of renewable energy projects across Wales, as does RCT's own LDP; and it is clear from the national policy documents that there is a strong presumption in favour of such projects to the point where adverse impacts have to be particularly severe for a refusal of consent to be justified. Given that, the extent or perceived extent of any adverse impacts in this case are likely be the key determining factors for the PEDW Inspector when weighed against the strong policy support for windfarm and renewables development, and that this is considered to be mostly related to visual impact, which is subjective the following recommendation is made.

Having taken account of the above information report, it is advised Members offer no objections to the content of the LPA's LIR as set out below and that it be forwarded to PEDW for their consideration as reported below.

APPENDIX 'A'

RHONDDA CYNON TAF CBC LOCAL IMPACT REPORT

PEDW REF.: DNS/3272053

RCTCBC REF.: 22/1272/05

APPLICANT: Twyn Hywel Energy Park Ltd.

DEVELOPMENT: The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

LOCATION: Land North of Senghenydd, Caerphilly

Town and Country Planning Act 1990 (as amended)

The Developments of National Significance (Wales) Regulations 2016 (as amended)

The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)

1. INTRODUCTION

The report below forms the Local Planning Authority's (LPA – RCTCBC) Local Impact Report (LIR) in response to the above Development of National Significance (DNS) planning application. The full description of development is as follows: -

The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations; crane hardstanding and laydown/storage areas with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connection on to the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal

loads such as the construction of over-run areas and temporary modifications to street furniture.

It is noted that the application straddles the boundary between Rhondda Cynon Taff and Caerphilly County Borough Councils and that only three of the proposed turbines would be located within the boundary of Rhondda Cynon Taf. It is understood that the total height to blade tip of the proposed turbines would be up to 200m high.

This report is set out in accordance with the headings advised in the relevant Welsh Government (WG)/ Planning & Environment Decisions Wales (PEDW) guidance notes as follows

1. Local designations relevant to the site/surroundings and constraints
2. Planning history
3. Publicity
4. Relevant local planning policies, guidance and other documents
5. Likely impact of the DNS development on the area (in terms of its positive, neutral or negative effects)
6. Likely impact of any application in relation to secondary consents needed or to be granted.
7. Draft conditions/obligations the LPA considers necessary for mitigating any likely impacts of the development.

It is requested that the appointed PEDW Inspector consider this report when determining the above DNS planning application

2. LOCAL DESIGNATIONS RELEVANT TO THE SITE/SURROUNDINGS AND CONSTRAINTS

- Under the current Local Development Plan the site lies within the Taff Vale Eastern Slopes Special Landscape Area (Policy SSA23:10); and is part designated a Site of Interest for Nature Conservation Pont Sion Norton Woodland and Fridd (Policy AW8).the site is also a known Sandstone Resource Area (Policy AW14)
- The site benefits from various landscape designation under Landmap across all five sub groupings (geological, historical, cultural, landscape habitats and visual/sensory). The designation is never lower than moderate and mostly in the higher categories.

- The nearest Listed Building is Parc Mawr within Caerphilly CBC.
- The Albion Tip to the North of the site is identified as potentially contaminated land.
- The site is crossed with high-risk areas in respect of historic underground coal mining.
- There are areas of high medium and low surface water flood risk identified across the site associated with the network of unnamed ordinary watercourses and drainage features.
- The site is accessed or skirted by the following public rights of way in addition to the established highway network, PON/2/2, PON/4/1, PON/5/1, PON/112/1, PON112/2, PON/11B/1, POR/R51 and the Cistercian Way

3. PLANNING HISTORY

None (RCT only)

4. PUBLICITY

In accordance with the relevant Regulations, the LPA erected 20 site notices (in both English and Welsh) around the site and at appropriate locations within the wider areas affected. A copy of the site notice, a photograph of the site notice on display at the site and a map showing the locations of the site notices are attached at Appendix I

5. RELEVANT LOCAL PLANNING POLICIES, GUIDANCE AND OTHER DOCUMENTS

The LPA notes the policies identified by the Applicant in relation to Planning Policy Wales 11 and Future Wales: The National Plan 2040 in their supporting documentation and accepts that they are relevant in the consideration of this proposal. The following policies are those that are considered relevant in the local sense only:

Rhondda Cynon Local Development Plan 2011 – 2021 The Inspector is advised that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. 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 04 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 04 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 on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies outside of any settlement boundary; is within the Southern Strategy Area

Core Policies

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy CS10 – sets out the criteria for the protection of mineral resources.

Area Wide Policies

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes 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 quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – sets out criteria for development proposals that would impact upon built heritage assets and PRoWs.

Policy AW8 – sets out 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 AW12 – sets out criteria for renewable and non-renewable energy proposals.

Policy AW13 – supports large-scale wind farm development, subject to relevant criteria and where it can be demonstrated there would be no unacceptable effects

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction. Southern Strategy Area Policies

Policy SSA23 – advises that development within SLAs will be expected to conform to the highest standards of design, siting, layout and materials appropriate for the site.

For full details, please see RCT adopted Local Development Plan 2011 – 2021.

Supplementary Planning Guidance

- Design and Placemaking
- The Historic Built Environment
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking
- Employment Skills

For Full details please see RCT adopted Supplementary Planning Guidance.

6. LIKELY IMPACT OF THE DNS DEVELOPMENT ON THE AREA (IN TERMS OF ITS POSITIVE, NEUTRAL OR NEGATIVE EFFECTS)

Location of Development Site

The application site straddles the boundary between Caerphilly County Borough Council and Rhondda Cynon Taff County Borough Council. The majority of the site lies within the boundary of Caerphilly County Borough Council with the westernmost part lying within Rhondda Cynon Taf. The site sits within the wider area of Mynydd Eglwysilan Common.

The site is a horseshoe shaped area of land comprised primarily of open Moreland with grazing fields and occasional woodland and forestry located at the fringes of the site.

There is no built development within the site within the boundaries of Rhondda Cynon Taf. The nearest properties to the site boundary are located in Cilfynydd and are approximately 360m from the site boundary at the closest point.

Constraints that have the potential to affect the site and the proposed development are listed above in Section 2 of the report.

Key Issues

- Development of a Large Scale On-Shore Wind Farm with that area within Rhondda Cynon Taf outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)
- Landscape and Visual Impact
- Ecology and Nature Conservation
- Ornithology
- Traffic and Transport
- Noise,
- Cultural heritage
- Mining
- Climate change
- shadow flicker
- aviation
- Geology, hydrology, hydrogeology and Peat
- Cumulative Effects

Other Issues

- Section 106
- Strategic recreational framework
- Collaborative benefits report
- Socio economic impact appraisal.

Key Issues

Development Outside of Pre Assessed Areas (PAA)

Development of a Large Scale On-shore Wind Farm Outside of any Welsh Government Pre-Assessed Area (as set out in Future Wales: The National Plan 2040)

Future Wales: The National Plan 2040 (FW2040) identifies 10 Pre-Assessed Areas (PAA) for wind energy – areas where Welsh Government has already modelled the likely impact of wind energy development on the landscape in these locations and has found them to be capable of accommodating such development in an acceptable way. The element of this application site which

sits within Rhondda Cynon Taf is however located outside of any PAA, but it is acknowledged that FW2040 does allow for wind energy development outside of the PAA's providing the proposal complies with each of the criteria set out in Policy 18, as well as any other relevant national and local planning policy.

It is also noted that Policy 18 establishes Welsh Government's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales' international commitments and the target to meet 70% of consumed electricity by 2030.

In this case, despite the three turbines proposed within Rhondda Cynon Taf being outside of any PAA, the Local Planning Authority notes that the proposed development would reduce reliance on traditional forms of energy generation, helping to reduce the Country's overall carbon footprint and go some way help meet Welsh Government's renewable energy targets.

The Council notes that despite the site's location outside of any PAA where it extends into Rhondda Cynon Taf, and as LPA is of the view that the proposed development could result in a positive impact in terms of meeting the Welsh Government's renewable energy targets. Nonetheless, the appointed inspector is encouraged to test the proposals against the 11 point requirements set out in Policy 18 of Future Wales 2040 and be satisfied that the applicants have sufficiently demonstrated the soundness of the proposals against these tests insofar as they are relevant to the current proposals if development is to be allowed outside of the PAA.

Landscape & Visual Impact

The Environmental Statement (ES) submitted with this application contains a full Landscape & Visual Impact Assessment (LVIA) and the LVIA addresses the proposed development as a whole taking into account the effects on both sides of the administrative boundary.

The Environmental Statement considers the whole development and takes a conventional approach to this issue as follows: -

Baseline conditions: gives a reasonable descriptive account of the application site and wider area and acknowledges that the site sits within a Special Landscape Area for the purposes of the Rhondda Cynon Taf Local Development Plan.

Proposed Mitigation: sets out that the proposed evolution of the layout has been an iterative process and that the layout submitted is a result of the Site Selection and Design Strategy that is itself a mitigating factor.

Residual Effects: the Environmental Statement recognises that the proposal will have unavoidable significant effects on the landscape character of the area that will affect the areas immediately around the site. these effects will not only be experienced by and within the application site but are far reaching (certainly within the 7.5 km radius of the site), and will have impact on some residential areas and on highways and recreational uses that are across or within the sphere of influence of the proposed development. It is argued that the impact of the proposals lessens with distance. The assessment also considers aviation lighting on the proposed turbines and concludes it will have little or no effect given its orientation and level of luminescence.

The Local Planning Authority notes the level of negative impact predicted, and the appointed inspector is invited to consider the effects of the proposal on the following and to test the soundness of the proposals against the following: -

- The full extent of the impact of the proposals on affected landscape character areas with particular reference to Landmap designations.
- Impacts on the Special Landscape Area that the site is situated within and those nearby
- The impact on and sensitivity of the surrounding area to the changes that the proposed windfarm would bring
- Views from buildings and homes in residential areas most impacted by the proposed development. In the context of Rhondda Cynon Taf, this has particular relevance to residents in Cilfynydd, though there is the potential for such impacts in Abercynon and much of the Taf Valley.
- Views of the development from highways particularly those close to the site or from main arterial routes where the proposed development would be particularly visible.
- Views from the Public Rights of Way that traverse the site and others outside the site from which the development would be visible.
- Impacts on the settings of local Listed Buildings and Scheduled Ancient Monuments within and within influencing distance of the site.
- Impacts on the Ynysangharad War Memorial Park
- Cumulative effects in the context that the development would be located in relatively close proximity to a number of existing windfarms and other proposed schemes nearby, (including the Maes Mawr solar farm and land east of Trebanog both the subject of current DNS submissions and both within Rhondda Cynon Taf).

Ecology & Nature Conservation

The application is accompanied by an ecological impact assessment that draws on baseline ecological conditions and identified ecological features to provide an assessment of the effects of the proposed development on the ecology of the area.

A range of ecological surveys have been undertaken defining baseline conditions for the proposed development. These include phase 1 habitat surveys, phase 2 national vegetation classification survey, bat roost surveys, bat activity surveys along with surveys for badger, otter, water vole and dormouse. Assessments were undertaken following guidelines issued by The Chartered Institute of Ecology and Environmental Management. Analysis of the impact on bats using the standard ecobat tool for wind farm bat assessments.

Baseline Conditions: the applicants correctly identify that much of the site overlaps the Mynydd Eglwysilan Site of Interest for Nature Conservation (SINC). . The site offers a combination of habitats including ffridd, improved pasture, scattered broadleaved trees and plantation woodland. . Much of the land is common land and has been subjected to over grazing which has reduced its ecological value.

Bat surveys identified the potential for roosts in buildings structures and trees within the site, but there is no evidence of roosting bats within any features that lie within 250m of a turbine or 20m of the access route and grid connection search area. Activity surveys revealed the presence of seven species of bat passing through the area.

There is limited evidence of otter being recorded at the site and a small population of water vole previously identified has been displaced through cattle grazing. No evidence was found for dormouse, badger or polecat. Common species of reptiles and amphibians may use the site but there is no evidence of greater crested newts using the site.

Overview of Effects: the effects of the proposed development will result in the loss of habitat in the SINC that is considered an adverse, major and significant effect on this feature. In the absence of mitigation, there would also be an adverse moderate or major effect on bats from operation of the turbines.

Mitigation: will take the form of a habitat management plan for implementation to improve the condition of habitats within the SINC including hedgerow creation and management of the rhos pasture to benefit the Marsh Fritillary butterfly and management of the plantation woodland on a felling cycle to benefit the nightjar.

The applicants also propose the creation of a bat mitigation strategy comprising buffer zones, blade pitching (feathering) to reduce rotation when in idle, turbine curtailment strategy reducing rotation where bat impacts cannot be reduced using other methods and post construction monitoring to define patterns of bat activity and refine the curtailment strategy.

Residual Effects: when balanced against the initial loss of habitat the positive effects from habitat management are considered significant. Impacts on bats are considered to result in a low/negligible adverse but not significant effect.

The Local Planning Authority notes the level of impact predicted and that the positive effects of habitat management are significant only when balanced against the initial loss. The appointed inspector is invited to consider the issue against the current state of ecology in the application site. The Council's Ecologist has stressed the need for any permission to require conditions relating to the agreement of a Construction Environment Management Plan and a long term Habitat Management Plan to fully and properly mitigate the impacts of the proposal over its lifespan to having an acceptable impact. The appointed inspector is invited to include such condition should the evaluation of the current proposals prove successful.

Ornithology

The applicants have chosen to deal with the issue of ornithology outside of the ecology umbrella. An ornithological impact assessment supports the proposals and calls on evidence collected at the site over a number of years.

Methodology: follows guidance set out by Scottish Natural Heritage which includes a suite of surveys, including vantage point surveys, breeding bird surveys, breeding raptor surveys, breeding nightjar surveys and winter walkover surveys to assess avian baseline conditions

Baseline conditions: Seven species of high conservation value (goshawk, merlin, peregrine, red kite, harrier, hobby and barn owl) and three species of common raptor (buzzard kestrel and sparrow hawk) were registered during the two-year survey period. Of the seven species, five were assessed as breeding within the site or within 2km of it. Three other species were recorded from vantage point surveys (golden plover, lapwing and snipe) and whilst nightjar were not recorded from vantage point surveys a single territorial male was recorded during nocturnal transect surveys

Overview of effects: seven species and one species group were carried forward for assessment in line with guideline. The impact assessment process assumes the application of standard mitigation measures. The applicant concludes that with these in place predicted effects are considered to be minor adverse or negligible and not significant for all important ornithological features

Mitigation: the habitat management plan will be in operation to improve current and create new foraging and breeding habitats for the ornithological features of the site, including the creation of breeding habitat for nightjar

Residual effects: all effects are predicted to remain the same on implementation of the mitigation with the exception of nightjar, which is predicted to be minor beneficial.

Whilst noting the above and the nature of the impacts predicted. the Local Planning Authority requests the appointed inspector to consider the following: -

- Is the application of Scottish standard acceptable or appropriate to the location of the site?
- Is reliance on the management sufficient of itself to deliver what is predicted?
- On the advice of the Council's ecologist, further NRW expert opinion should be sought on the impact of the proposal on the wintering population of Golden Plover within the local area along with other high-risk species as the cumulative impact of this from the proposed development and other schemes is not clear.

Traffic & Transport

The proposed development has the potential to have negative impacts on the highway network in the construction and decommissioning phases of the development due to increased usage of local roads, including vehicles hauling abnormal loads.

The Environmental Statement looks at the development as a whole and takes a conventional approach to dealing with this issue as follows: -

Baseline conditions: the port of entry for the turbines and associated equipment would lead to traffic proceeding to the site via the M4, A470 and A472 via Nelson. Baseline traffic information was obtained from a number of sources including the Department of Transport, and automated traffic count surveys and national road traffic forecast low growth factors along with committed development trips and applied to current baseline to estimate future baseline flows. The data identified that there is an issue with speeding on the A472 that indicates that traffic management is required at this location.

Construction effects: the peak construction occurs in month eight with 107 HGV movements per day (with a split described as 54 inbound and 54 outbound). Along with 55 car/light goods movements (described as 28 inbound and 28 outbound). Giving an additional 5 HGV movements per hour above current levels. . It is also acknowledged that the movement of abnormal loads will require remedial works to the access route to the site. This will affect residents and users at Ty Du (Caerphilly) with a significant adverse effect. Similarly, there will be significant adverse effects to the PRow network at the site.

Mitigation: in terms of mitigation to deal with this issue the developer is suggesting a series of documents to be observed in the course of construction:

-

- Outline Construction Traffic Management Plan
- Abnormal Load Transport Management Plan
- Path Management Plan.
- Staff Travel Plan; and
- Wear and tear Agreement.

Residual Effects: the applicant takes the view that with the implementation of the above mitigation there would be no significant residual effects in respect of access, traffic and transport issue. The residual effects are all assessed as minor or negligible as they occur only in the construction phase and are temporary and reversible.

It is noted that the emphasis in this section is largely on the construction phase of development where the impacts are negative and therefore the appointed inspector is asked to give similar consideration to the impact of decommissioning the energy park at the end of its lifespan.

The Local Planning Authority notes the potential for negative impacts exists during the construction and decommissioning phase of the development. Even though much of the route to the site is via the M4 and Trunk Roads there will still be the potential for negative impacts on the local highway network that a series of plans in themselves will not resolve unless they include enforceable measures and appropriate reparation if there is a breach. Though impacts might be considered negligible, the appointed inspector is encouraged to give consideration to the applicants providing a before and after road condition survey with an agreement in place to make good any damage to the local highway network resulting from traffic associated with the development of the site.

Noise

The applicants have undertaken an assessment of the noise levels resulting from the introduction of the proposed development in terms of potential operational and construction effects.

Methodology: construction noise has been evaluated against the requirements of BS5228 (noise and vibration control on open sites). Operational noise has been assessed against the recommendations of ETSU-R-97 which offers the methodology for assessing wind turbine noise.

Baseline conditions: background noise monitoring was undertaken in accordance with the guidelines above with measured baseline noise levels undertaken at a time when they would be considered to be at their lowest

Overview of effects: construction of the development is expected to be typical of this type and is considered not significant, but best practical means will be used to minimise any disruption. The operational and cumulative noise assessment indicates that predicted turbine noise will meet the requirements of ETSU-R-97 without the need for mitigation or curtailment. Planning conditions can be put in place to ensure that this is the case.

Mitigation/enhancement: No specific mitigation is required

Residual effects: noise associated with construction and operation is expected to meet planning requirements. Overall noise effects are considered not significant

Noting the above, Rhondda Cynon Taf as the Local Planning Authority accepts the findings in respect of noise and consider the impacts neutral.

Cultural heritage

The approach to cultural heritage is to define it as comprising all the physical elements of previous human activity and is made up of individual historic features that are collectively known as historic assets.

Methodology: the applicants have undertaken a desktop assessment relating to legislation, policy and guidance in respect of historic assets. Data and evidence has also been gathered from Cadw, Glamorgan Gwent Archaeological Trust, the Royal Commission on the Ancient and Historic Monuments of Wales and NRW, as well as field surveys and geophysical surveys. The resulting data set has been assessed for direct effects from the construction of the proposed windfarm within the site and effects from changes to setting in the operation of the site along with cumulative effects from other windfarms on assets up to 10km away and up to 20km for assets of particular sensitivity or importance.

Baseline conditions: the site has 8 scheduled monument and 1 proposed scheduled monument and two listed buildings as well as a number of non-designated historic assets of local and one of national importance in the shape of the Senghenydd Dyke. The uplands also contain pre historic funerary and ritual sites from the Bronze Age including cairns and standing stones. There are also Iron Age enclosures and a roman road on the eastern side of the site. A number of medieval feature are on site in the form of dykes and field systems and at that time was settled as shown by the presence of long huts and farmhouses, the upland area remaining common land with the enclosed fields

on lower slopes. Later activity in the form of farms and homesteads continued into the industrial era.

Overview of effects: Construction may result in direct physical impact to 12 non-designated assets from groundworks that are considered to be of no more than minor significance, with the exception that one might be subject to moderately significant effects. There could be potential incidental effects from vehicle movements to 7 assets one of which is scheduled and one of which is proposed scheduled. Setting effects of moderate significance are predicted to Caerphilly Castle and Llanbradach Fawr farmhouse. Setting effects of minor significance are predicted for three further designated assets and three non-designated assets.

Mitigation/enhancement: has been central to the design of the proposed development, in terms of its impact on assets and the setting of assets. Assets are mapped and buffers applied to ensure infrastructure avoids the assets as much as possible. Access tracks have been arranged to only cross the Senghenydd dyke in areas where it has already been degraded, or is of lower quality. Fencing and partial fencing will be used on site where possible and assets will be marked out on the ground using guideposts. The workforce will be given toolbox talks on the importance of protecting the archaeological importance of the site.

Monitoring and protection of the scheduled monuments within the site will form part of the ongoing operation of the scheme. A bespoke heritage engagement and interpretation project will also be promoted. It is also intended that the project will deliver a variety of legacy products depending on community interests aimed at connecting young people with their community, heritage and landscape. These various heritage measures will be developed into a heritage enhancement plan in consultation with CADW, Glamorgan Gwent Archaeological Trust and local heritage interest groups

Residual effects: archaeological monitoring will not result in the removal of effects and the numbers and impacts of historic assets remains the same as described above.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of cultural heritage as a minor to moderate adverse impact.

Mining

The element of the environmental assessment that deals with mining considers the potential effects of the proposed development in relation to past mining

Methodology: involved desk based research, consultation with government bodies and field survey assessments in assessing the implications of mining conditions at the site. The methodology considered both sensitivity and the magnitude of risk relating to past mining activities. This allowed the development of a scoring system to determine a risk rating, with magnitude and sensitivity being evaluated in a combined manner.

Baseline conditions: the site lies in an area with a legacy of historic mining and the proposed development has been designed to avoid the mining legacy of the area by placing turbines and infrastructure outside of high-risk areas. Risk from mining effects is considered low to negligible as a result. Consideration has also been given to the potential construction and operational impact on Albion Tip stability and drainage design takes account of this

Overview of effects: Without mitigation, the development could result in greater water flow towards the tips that could increase the risk of instability during construction this is considered to be of moderate significance prior to mitigation and a minor to negligible risk during operation.

Vibration from borrow pit blasting and construction activity is unlikely to occur given the distances involved and the effect is considered to be of a minor to negligible significance.

No mine entries or shallow workings have been identified on site but a risk of unrecorded features being present remains, this though is considered a minor to negligible consideration.

Mitigation/enhancement: an outline drainage strategy that takes into account proximity to mine tips has been prepared which identifies measure to provide run off settlement and dispersal limiting the amount of water infiltrating the tips, protecting their stability from increases in water flow, periodic monitoring of the site for unrecorded mine workings will be undertaken allowing continual review during construction and operation. Appropriate toolbox talks will also be provided to site operatives.

Residual effects: are considered minor to negligible for risks of ground instability caused by the presence of unknown mine workings and entries. Surface water mitigation will result in the impact on tips to being of minor significance.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of mining and the associated environmental impact

Climate Change

In considering the impacts of the proposals on climate change, the approach adopted considers the impact of the proposals in reducing greenhouse gas emissions that would otherwise result from the electricity being generated by conventional means and the carbon dioxide emissions that would release.

Methodology: the assessment estimates the contribution the proposed development will make in saving Carbon Dioxide (CO₂) emissions arising from construction, operation and decommissioning. The assessment also identifies the ability of receptors (species and habitats) to adapt to climate change during the operation of the proposed development.

Baseline conditions: the UK Climate Projections, (UKCP18) are the most up to date climate change projections available and have been used to determine the future baseline conditions of the site.

Overview of effects: the construction phase of development will create more carbon emissions than it removes from the atmosphere. This is considered a minor negative effect that is not significant particularly as the overall contribution on a global scale would be small.

The payback time on CO₂ emissions is estimated at 1.5 years (18 months) this is the length of time required for the proposed development to offset emissions created in its construction. The applicants assume a 45 year operational lifespan for the project and the benefit that follows the payback period is considered a moderate (positive) and significant effect (in combination with other nearby wind farms). The development will also help Wales meet its climate change and energy targets, and a major (positive) and significant effect is identified cumulatively.

The climate adaptation assessment finds that the proposed developments unlikely to adversely affect the ability of environmental receptors to adapt to projected climate change. Judgements made throughout the Environmental Statement with respect to significant environmental effects are as a result likely to remain valid in the face of projected climate change

Mitigation/enhancement: no specific mitigation measures are proposed in respect of climate change though mitigation implemented in other topic areas throughout the Environmental Statement will contribute to efficient management of emissions.

Residual effects: the effects outlined above will be unchanged following implementation of mitigation

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the positive findings in respect of climate change.

Shadow flicker

Shadow flicker occurs when the shadow cast by blade rotation passes over an opening (e.g. a window) causing a temporary reduction in light to a room. Shadow flicker occurs under a combination of conditions such as location, time of day and year and prevailing weather conditions.

Methodology: a shadow flicker assessment identifies properties close to the development that could experience shadow flicker. Computer modelling is used to identify a worst-case scenario where maximum effect of shadow flicker could occur. This is then refined to a more reasoned scenario factoring such matters as the monthly percentage of sunny hours. This information is then used to determine when and which turbines will need to be curtailed to ensure that significant shadow flicker effects do not occur. This approach is considered industry standard best practice.

Overview of effects: the occurrence of shadow flicker is dependent on a number of factors including wind speed and direction, shielding or screening offered by natural or physical /built features, orientation of both the turbines and affected property and even if a room is in use at the time the effect occurs.

In the worse case scenario 40 properties are identified as potentially experiencing significant shadow flicker effects before applying mitigation, all of these properties surpass a threshold of 30 minutes of shadow flicker in any one day of the year. Four other properties are identified as potentially experiencing significant effects under the threshold of 30 hours per year

Mitigation/enhancement: All turbines will be monitored by a shadow flicker module. The modules will use site-specific date, time wind direction and sunlight intensity data to allow turbines to shut down automatically when conditions might result in shadow flicker to an affected property. If residents experience shadow flicker at their property mitigation will be explored to limit its effect at that location such as vegetation planting to provide shielding. If other measures do not mitigate the effect then the relevant turbines can be controlled via the shadow flicker module at appropriate times and conditions.

Residual effects: the predicted effects of the operation of the proposed development with respect to shadow flicker are not significant following the implementation of mitigation.

Noting the above, the Rhondda Cynon Taf as Local Planning Authority accepts the findings in respect of shadow flicker.

Aviation & Telecommunications

Methodology: no assessment of significant effects is provided, as there is no agreed definition of significance with regard to this issue. The assessment focusses on where there could be an effect and if so how it can be mitigated. Radar modelling is used to identify the effects on airfields, aerodromes and other related aviation activity and consultation has been undertaken with the Civil Aviation Authority and the Ministry of Defence

Overview of effects: an assessment of low flying effects shows that the proposed development is in an area with no military low flying concerns, though the Ministry of Defence will require the installation of infrared light on turbines. Analysis also confirms that the proposed development is inside controlled airspace and in an area frequently used by commercial flights operating in and out of Cardiff Airport.

Mitigation/enhancement: a lighting design has been devised which minimises the number of lit turbines while maintaining flight safety. Based on Met Office data the lighting will be set at a higher level of 2000 cd for 12% of the time and a lower level of 200cd for 88% of the time when visibility is good. The lighting addresses both CAA and MoD requirements and will be secured by a planning condition. Additionally the applicant has been in discussion with NATS Services Ltd and Cardiff International Airport the outcome of which will be to provide a radar mitigation scheme. Discussions continue and it is anticipated the installation of a radar designed specifically to mitigate the effects of wind turbines on radar performance will be installed and integrated into the radar display system

Whilst the above deals with the aviation issue telecommunications is dealt with differently. Consultation has been undertaken with a total of eight companies four of which have responded. BT and MBNL indicate no significant impact upon telecom infrastructure. Vodafone indicate no significant impact. Arqiva indicate no significant impact with mitigation.

Residual effects: Following the implementation of the mitigation there are no significant residual effects on civil or military aviation interests.

Noting the above, Rhondda Cynon Taf as Local Planning Authority accepts the neutral findings in respect of aviation. However, it is recommended that a condition be attached to any consent to ensure that radar mitigation is in place prior to the first operation of the turbines should consent be granted. Regarding comments from Arqiva the applicants have agreed that appropriately worded conditions should the inspector find in favour of the proposals.

Geology, Hydrology, Hydrogeology and Peat

The Environmental Statement submitted in support of the current proposals chooses to deal with the Geology, Hydrology, Hydrogeology and Peat issues associated with this proposal under one heading and in a collective way.

The conventional approach to dealing with the issues is also applied in this case.

Baseline conditions: the initial approach first considers the impact on two SSSI's located in the Caerphilly area and even at baseline considers them too distant to be impacted by the current proposals.

The document then proceeds to identify the various river catchments and concludes that no Water Framework Directive surface water bodies are located within the site though they drain into bodies of larger watercourses nearby which are classified as moderate under the directive.

The document then goes on to consider the underlying geology and coal related issues, concluding that parts of the site are within High risk coal mining areas but the turbines are sited to avoid these areas.

1180 peat probes have been undertaken across the site with 85.4% being less than 0.5m depth, and across the site peat deposits are considered limited and localised with little bog habitat and no evidence to suggest active peat forming conditions.

Groundwater dependency has been surveyed and is considered low or moderate with siting outside of groundwater buffers where the moderate level is achieved.

Private water supplies affected by the site have been identified and suitable buffers applied to protect their integrity. Where buffers cannot be applied, additional protection will be afforded during construction and operation.

The submission is supported with a full Flood Consequences Assessment that concludes there is a low risk of flooding impacting the development. Additionally a drainage strategy has been developed to consider the impacts of potential off site flooding that might result from the development, and includes engineered features to address any change to the drainage regime that might result from the proposed development.

Overview of effects: the assessment of effects claims to take into account embedded mitigation measures applied to the proposed development as part of the site selection and iterative design process, reducing the potential for significant effects through the careful siting of turbines and associated

infrastructure this sits alongside standard good practice mitigation measures which are intended to minimise the potential effects on geology, hydrogeology, hydrology and peat.

This relates to the preparation and employment of a series of management plans, further detailed investigations, monitoring and analysis and compliance with current NRW guidance to be applied throughout the construction process. The applicants conclude that the mitigation proposed would mitigate all potential effects in this field of study, and as such their proposals are acceptable and would not result in a high level of change. The exception being to private water supplies which they address in detail when discussing mitigation.

Overview of Proposed mitigation and enhancement measures: the applicants rely on a series of management plans to deliver mitigation and enhancement in this area, specifically the following

- Construction Environment Management Plan
- Peat Management Plan
- Water Quality Management Plan

These documents to be submitted to and agreed with the Local planning Authority in consultation with Natural Resources Wales.

Where issues around Private Water Supplies (PWS) are concerned, supplies deemed to be at risk from the development will be subject to additional mitigation, monitoring, and dialogue with the supply users. If a PWS is affected by construction works contingency supply arrangements will be made available including the provision of temporary alternative supplies if required.

Summary of likely residual effects: the applicants believe that following the implementation of embedded and additional mitigation measures the effects on the subject area are considered not significant. Additional mitigation measures relating to PWS will reduce any likely adverse effect to that of a minor nature that is not significant with PWS protected throughout construction and operation.

The Environmental Statement places great emphasis on the various management plans to reduce/remove the potentially negative effects of the proposed development on Geology, Hydrology, Hydrogeology and Peat. Whilst the residual effects are considered minor adverse but not significant, which the Council accepts, the appointed inspector is invited to consider whether the approach adopted, i.e. the reliance on the future agreement of management plans is a sufficiently robust approach to dealing with this issue, particularly as there is little to suggest that any betterment can be achieved in this sphere of the proposals.

7. LIKELY IMPACT OF ANY APPLICATION IN RELATION TO ANY SECONDARY CONSENT NEEDED OR TO BE GRANTED.

The Proposed Development will be constructed on Mynydd Eglwysilan Common (Common Land Unit 61) as set out on the site plans. For further clarity, the Proposed Development seeks consent to carry out restricted works on common land to lay, maintain, replace and remove an underground electricity cable and to upgrade a section of a byway open to all traffic that crosses the Proposed Development site. In addition, part of the common land will need to be deregistered and exchanged in order to construct and operate the Proposed Development. Two secondary consents by way of applications pursuant to sections 16 and 38 of the Commons Act 2006 are therefore required under Schedule 1 to the 2016 Regulations.

In addition, the Proposed Development seeks consent to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development, by way of a planning permission pursuant to section 57 of the Town and Country Planning Act 1990, as amended.

Rhondda Cynon Taf as County Borough Council do not consider that the requirements for secondary consents would create an impact in respect of any of its interests

Cumulative Effects

In the Scoping Direction to the applicants from PEDW, they advise that the applicants set out in the Planning Inspectorates Guidance for Nationally Significant Infrastructure Projects Advice Note 17 Cumulative Effects Assessment. The applicants evaluate this in Chapter 16 of the Environmental Statement under the description of interrelated effects and likely significant effects. The approach adopted to the cumulative effects issue is to embed the consideration of the issue within each chapter to the extent the applicants believe the approach is relevant to any of the given technical chapter headings (Chapters 5-15)

The applicants concede that prior to mitigation there would be significant effects to

- Access, traffic and Transport
- Landscape and Visual Impact
- Geology, Hydrology, Hydrogeology and Peat
- Ecology

- Cultural Heritage
- Mining,
- Shadow Flicker and
- Climate Change.

Prior to mitigation significant effects are not predicted for

- Ornithology
- Noise, and
- Aviation

Following mitigation significant effects remain for

- Landscape & Visual Impact
- Cultural Heritage
- Ecology, and
- Climate Change

The applicants then go on to consider cumulative effect in the context of the interrelationship of the topics covered in their key chapter headings.

The applicants take the view that effects on cultural heritage assets also fall within the scope of cultural heritage and landscape and visual impacts. The description and scope of the relevant chapters of the Environmental Statement presents the differences the applicants contend in a transparent manner beyond the topic specific effects within the respective chapters and they conclude that there are no interrelated effects.

The applicants acknowledge that there are potential interactions between effects on geology, hydrology, hydrogeology and peat and the ecology of the site. They contend that the potential for such interrelated effects and the need for any mitigation measures has been addressed under the respective chapter headings.

Similarly, the applicants acknowledge that there is potential for interrelationships between ecology and ornithology be it in relation to habitat loss or indirect due to the loss of foraging. These effects they regard as being adequately dealt with under the ornithological chapter.

The applicants also acknowledge that a number of effects of different kinds can impact residential amenity that can be affected by noise, landscape impacts and

shadow flicker. The applicants take the view that such interactions have been taken into account in the EIA process particularly in the design and assessment of the proposed development. These issues are discussed as discreet environmental topics within the ES. They conclude that in light of the information provided additional significant interrelated effects are unlikely to occur over and above those already reported because of the proposed development.

Effects on recreational users are covered in chapters 5 (access) and 6(LVIA, and though the receptors are the same they are experienced differently, the first considers the effect on the ability of the individual to move from A to B along PRow's and open access land whilst the latter considers the visual amenity of the individual whilst doing so. The applicants consider that there would be no significant interrelated effects are likely to occur in this area because of the development.

Rhondda Cynon Tal as Local Planning Authority notes the comments of the applicants in considering the cumulative effects of the proposed development and would invite the appointed inspector to test the adopted approach against the advice given by PEDW in the scoping direction.

Other Issues

Section 106

The applicants indicate that the content of any Section 106 agreement is to be the subject of negotiation with the relevant LPA, to date no suggestion has been made as to what that might involve in terms of content or obligations.

Collaborative benefits report

In support of the application, the applicants have submitted a collaborative benefits report that sets out the perceived benefits of allowing the development against the following headings

- Carbon savings
- Energy generation
- Economic impact
- Employment, social value and employability skills
- Supply chain and social value
- Employability – creating pathways into industry locally

- Ecological enhancement
- Heritage interpretation
- Recreation and access.

Socio economic impact appraisal

Sets out the socio economic benefits of the proposed development in terms its potential to contribute to the economy of Wales through inward investment in the construction and operation of the facility and the employment that will flow from that both directly and through the supply chain. The appraisal also considers the impact of the proposals on tourism concluding that it will have no adverse impact. It also addresses the proposed community benefit fund which it claims is 50% more than current industry standards and has the potential to deliver over £30 million during the lifetime of the project to local community based groups

Strategic recreational framework

This document sets out what the applicants consider the potential options for improving recreational access to the Twyn Hywel Energy Park site. The intent is to develop a framework in conjunction with relevant stakeholders and land owners after planning permission has been granted. It is noticeable that the applicants are clear that the document is not a plan or commitment to undertake any of the options set out within it. The document sets out options for improving recreation at the site whilst at the same time managing the main function of the energy park itself.

8. DRAFT CONDITIONS/OBLIGATIONS THE LPA CONSIDERS NECESSARY FOR MITIGATING ANY LIKELY IMPACTS OF THE DEVELOPMENT.

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 shall be carried out in accordance with the following plans and documents:

- Figure 1.1 Site Location Plan
- Environmental Statement and appendices

Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.

3. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- 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.
- Resource management: details of fuel and chemical storage and containment.
- Traffic management: details of site deliveries, plant on site, wheel wash facilities.
- Pollution prevention: prepare a Pollution Prevention Plan to demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures, incident response plan and a pollution control system during earthworks and construction.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, to include an ecological clerk of works
- A construction noise management plan, including identification of access operations to be carried out, mitigation measures and a scheme for the monitoring of noise.
- A Species Protection Plan that will include arrangements for the protection of breeding birds, reptiles, otters, water vole, and clubmoss populations on both the site and access track, including preconstruction surveys and mechanisms to take remedial action and monitor outcomes;

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

Reason: In the interests of biodiversity and preventing pollution in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
- a) Purpose, aims and objectives of the scheme.
 - b) A review of the site's ecological potential and constraints.
 - c) Description of target habitat features to be restored.
 - d) Selection of appropriate strategies for achieving habitat restoration.
 - e) Selection of specific restoration techniques and practices for re-establishing vegetation.
 - f) Sources of habitat material.
 - g) Method statement for restoration of vegetation.
 - h) Extent and location of proposed works.
 - i) Aftercare and long-term management.
 - j) Personnel responsible for works.
 - k) Timing of works.
 - l) Monitoring.
 - m) Disposal of arisings.

All restoration works will be carried out in accordance with the approved details. Any amendments to the Habitat Management Plan during the operation of the windfarm required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to their implementation.

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

5. Prior to the commencement of development, a Written Scheme of Investigation (WSI), securing the implementation of a programme of archaeological work, shall be submitted to and approved in writing by the Local Planning Authority.

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 in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the commencement of development an Ecological Compliance Audit (ECA) scheme shall be submitted to and approved in writing by the Local Planning Authority. The ECA shall include:
- Ecological avoidance, mitigation and compensation works;
 - Details of the re-use of extracted peat with priority given to support existing peat resources and peat/bog habitat.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

7. The turbines hereby approved shall be removed from the site and the land reinstated, in accordance with a decommissioning and site restoration scheme that has first been submitted to and approved in writing by the Local Planning Authority. The decommissioning plan shall include pollution control measures. The developer shall notify the Local Planning Authority in writing no later than one month following cessation of power production. The approved restoration scheme shall be implemented in full within 12 months of the cessation of electricity generation.

Reason: In the interest of landscape and general amenity and to prevent pollution in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Construction Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority

Measures to reduce potential environmental effects associated with the storage and transportation of waste will include

- The careful location of stockpiles and other storage areas to minimise the risk of pollution.
- The use of good practice in the design of storage areas and the use of suitable containers
- The use of sheeting, screening and damping where appropriate and practicable.
- The control and treatment of runoff from soil and soil stockpiles.
- Minimising storage periods
- Minimising haulage distances.
- Details of the identification, classification, quantification, and where practicable, appropriate segregation of materials; and
- Details of how any materials that cannot be reused will be disposed of

The approved CWMP shall be adhered to throughout the construction period.

Reason: In the interests of general amenity and pollution prevention in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by

the Local Planning Authority. The approved CTMP shall be adhered to throughout the construction period and shall provide for and include:

- Site entrance roads will be well maintained and monitored during the operational life of the development. Regular maintenance will be undertaken to keep the Site access track drainage systems operational and to ensure there are no run-off issues onto the public road network;
- A site speed limit of 15 mph will be in place at all times to reduce the risk of faunal collisions with construction vehicles;
- A path management plan;
- A staff travel plan;

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to works commencing on site, a final version of the Habitat Management Plan (HMP) shall be submitted to the Local Planning Authority for approval, in consultation with NRW.

Reason: In the interests of biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the relevant guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the relevant sections of the Environmental Statement. At the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition, curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required, shut down the turbine and at their own expense, employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure and assess, and report to the Local Planning Authority the level of noise emissions from the wind turbine at the property to which the complaint relates in a scheme to first be agreed with the Local Planning Authority and in accordance with the relevant guidance notes. The assessment shall be commenced within 21 days of the notification and

provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If the assessment (referred to in condition 12) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1) $t=4*D$ seconds) where t = measurement time period in seconds (subject to a minimum period of 10 second) D = rotor diameter in metres.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. In the event that an alternative turbine to that contained in the submitted Environmental Statement is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Notwithstanding the provisions of conditions 11 - 14, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to first be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 are being met. The data produced in accordance with the scheme shall be forwarded to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the relevant guidance and provided to the Local Planning Authority at its request and in accordance with the relevant guidance within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. Noisy operations, which could be audible at the nearest residential property will be limited to the following hours
 - Monday to Friday 0800-1800;
 - Saturday: 0900-1300; and
 - Sundays and public holidays:

No other work operations would take place outside the working hours of 0700-1900 Monday to Friday; 0700-1300 Saturday; with no working on Sundays and public holidays unless agreed with the relevant county borough councils.

Reason: In the interests of general amenity and to prevent noise pollution in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

18. Should any contaminated material be observed during construction which has not been previously identified, then development shall cease and the Local Planning Authority immediately informed. A desk study, site investigation and risk assessment to determine the nature and extent of the contamination should be undertaken in accordance with methodologies which have been first submitted to and approved in writing by the Local Planning Authority. The results of the desk study, site investigation and risk assessment, and a Report specifying the measures to be taken to remediate the site to render it suitable for the development, shall be submitted to and approved in writing by the Local Planning Authority. Remedial action, which may include measures to protect surface and ground water interests, shall be undertaken in accordance with the approved details prior to development recommencing.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

19. Between dusk and dawn between 1 April and 31 October each year, all turbine blades shall be 'feathered' when wind speeds are below the cut in speed of the operational turbines. This shall involve pitching the blades to 90 degrees and/ or rotating the blades parallel to the wind direction to reduce the blade rotation speeds below two revolutions per minute whilst idling.

Reason: To protect the amenities of local residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

20. No development shall commence until a Bat Mitigation Strategy, shall be submitted to and approved by the Local Planning Authority in consultation with NRW. The plan shall include, but not necessarily be limited to
- a) The times of the day when curtailment will restrict operations;
 - b) The times of the year when curtailment will restrict operations;
 - c) The weather conditions (temperature, wind speed and precipitation) when curtailment will restrict turbine operation;
 - d) The submission of details concerning the technical specifications of equipment to confirm suitability for proposed curtailment;
 - e) Confirmation as to whether SMART technologies will be used to implement curtailment;
 - f) Mechanisms that will be undertaken to evidence and audit implementation of the curtailment plans; and the plan shall be implemented in accordance with the provisions of the approved plan

Reason: In the interests of biodiversity and to accord with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the commissioning of the wind turbines, a Historic Environment Plan providing interpretation measures within the site shall be submitted to and approved in writing by the Local Planning Authority. The Historic Environment Plan shall include measures to proposals to improve access to the historic assets including details of interpretation/information panels and a programme of works. The site shall be developed in accordance with the approved Historic Environment Plan.

Reason: To mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

22. Within 28 days of a written request from the relevant Local Planning Authority, following a complaint alleging shadow flicker from an occupant of a dwelling which lawfully existed or had planning permission at the date of this permission, the wind farm operator shall, at its expense, commission and submit a report to the relevant Local Planning Authority assessing the reported shadow flicker event(s). Where the relevant Local Planning Authority, after having reviewed the report submitted to it, confirms in writing that the incident of shadow flicker is affecting the living conditions of the resident(s), the wind farm operator shall, within 21 days, submit for approval a scheme of mitigation to the Local Planning Authority. The scheme shall be designed to mitigate the event of shadow flicker at that property and to prevent its future recurrence and shall specify timescales for implementation. The scheme shall be implemented as approved.

Reason: To protect the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

23. Development shall be permitted with the exception of attachment of the blades unless and until a scheme for the mitigation of the anticipated impacts of the operation of wind turbines on the operation of Cardiff Airport Primary Surveillance Radar (“the radar mitigation scheme”), which is required due to a direct line of sight between the radar and proposed turbines, has been submitted to and approved in writing by the Local Planning Authority. Approval of the Local Planning Authority shall not be given until the Local Planning Authority has consulted with Cardiff International Airport Limited or their successor in title, and thereafter the development shall be operated in accordance with the radar mitigation scheme
- i) for the life of the development or
 - ii) until an alternative agreement has been reached between the developer and Cardiff International Airport, or their successor in title.

Reason: In order that any impact from the proposed development on civil aviation is appropriately mitigated in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

24. Two proposed wind turbines (WT2 and WT3) are located in close proximity to two Arqiva SHF (super-high frequency) (link 900020 and 900719 respectively). Micrositing of these wind turbines will be restricted as set out below to avoid infringement of the associated exclusions zones as defined within the accompanying Telecommunications Impact Assessment (9773C). Specifically:

- WT2 (E309880.00, N190847.00) cannot be located closer the associated link from its original position on a bearing range between 202 degrees to 22 degrees.
- WT3 (E309857.64, N191405.45) cannot be located closer the associated link from its original position on a bearing range between 150 degrees to 330 degrees.

Reason: In order to appropriate, mitigate the impact of the development on telecommunications systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

25. The developer will provide and agree a Crane Operation Scheme, in consultation with Arqiva, to establish a way of managing and/or mitigating any impact. The Crane Operation Scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to appropriately mitigate the impact of the development on telecommunications systems in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

26. The development shall include the submitted aviation safety lighting scheme which was sent to the Civil Aviation Authority on 9th September 2022 and confirmed as being acceptable by the MOD. Any changes to the submitted aviation safety lighting scheme must be submitted to and approved by the MOD before implementation of this permission

Reason: In order that any impact from the proposed development on military or civil aviation is appropriately mitigated in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

27. The development hereby approved shall endure for a period of 45 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). The developer shall notify the Local Planning Authority in writing of the First Export Date within 28 days of the First Export Date. Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme shall include, but not be limited to:

- The removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm.
- Confirmation of the management and timing of works.
- A traffic management plan to fully address highway safety issues during the period of the decommissioning works.

- Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning scheme shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure the impacts of the development exist only for the lifetime of the development, in accordance Policies CS2, AW5, AW6, AW7, AW8, AW10, AW12, AW13, AW14 and SSA23 of the Rhondda Cynon Taf Local Development Plan, Policies 17 and 18 of Future Wales: The National Plan 204 and the relevant guidance set out in Planning Policy Wales.

28. No development shall commence until details of the make, design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and agreed in writing by the Local Planning Authority. All materials used shall conform to the details so approved.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

29. All wind turbines shall be of a 3 bladed configuration, shall not exceed an overall height of 200m to the tips of the turbine blades, and shall rotate in the same direction. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface. The turbines shall not be illuminated (other than for aviation safety reasons), and there shall be no permanent illumination on the site.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

30. All electricity and control cables within the site shall be laid underground and alongside tracks which are constructed on the site as part of the development.

Reason: To minimise the environmental and visual impacts of the development, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

31. In the event that any turbine does not function (i.e. does not supply electricity to the electricity grid network) for a continuous period of 12 months and if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled and its base removed to a depth of 1 metre below ground level, and removed from site within a period of 6

months from the end of that period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the turbines are not obsolete, produce electricity whilst in-situ and are removed from the site if they cease to function, in accordance with Policies AW5, AW6, AW7, AW12, AW13 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

32. No development shall commence until a Construction Method Statement (CMS), describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved Statement. The Statement shall include provisions relating to, but not be limited to:

- The construction period and sequence of development works.
- Pollution control (including fuel, oil, concrete and chemical storage).
- Constructional Noise Management Plan. • Environmental Management.
- Details of location of temporary storage compounds.
- Details of track construction and laying of cables and measures to be implemented to ensure that there are no polluting discharges from tracks and disturbed areas.
- Provision of any temporary fencing.
- Details of excavation of turbine bases and of the nature, type and quantity of material required to be imported onto the site for backfilling operations.
- The management of ground and surface water.
- The management of foul water.
- The monitoring of private water abstractions.
- Details of any soil storage and spreading.
- The provision of any means of temporary site illumination.

Reason: To protect the water environment and minimise environmental impact in the vicinity of the application site in accordance with Policies AW5, AW6, AW8, AW10, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

33. No development shall commence until details of the means of access to include permanent surfacing for the first 20m off the public highway and timing of works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

34. No development shall commence until a report indicating a methodology for undertaking a conditions survey of local roads that could be affected by the proposed development has been submitted to and approved in writing by the Local Planning Authority. The report should include, but not be limited to:

- Details of the roads to be surveyed.
- Timescales for undertaking the surveys and the methods of reporting the findings to the Local Planning Authority. (Including comprehensive photographs and potential compensation arrangements.)

The development shall not be brought into beneficial use until the final survey on completion of the development hereby approved and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.

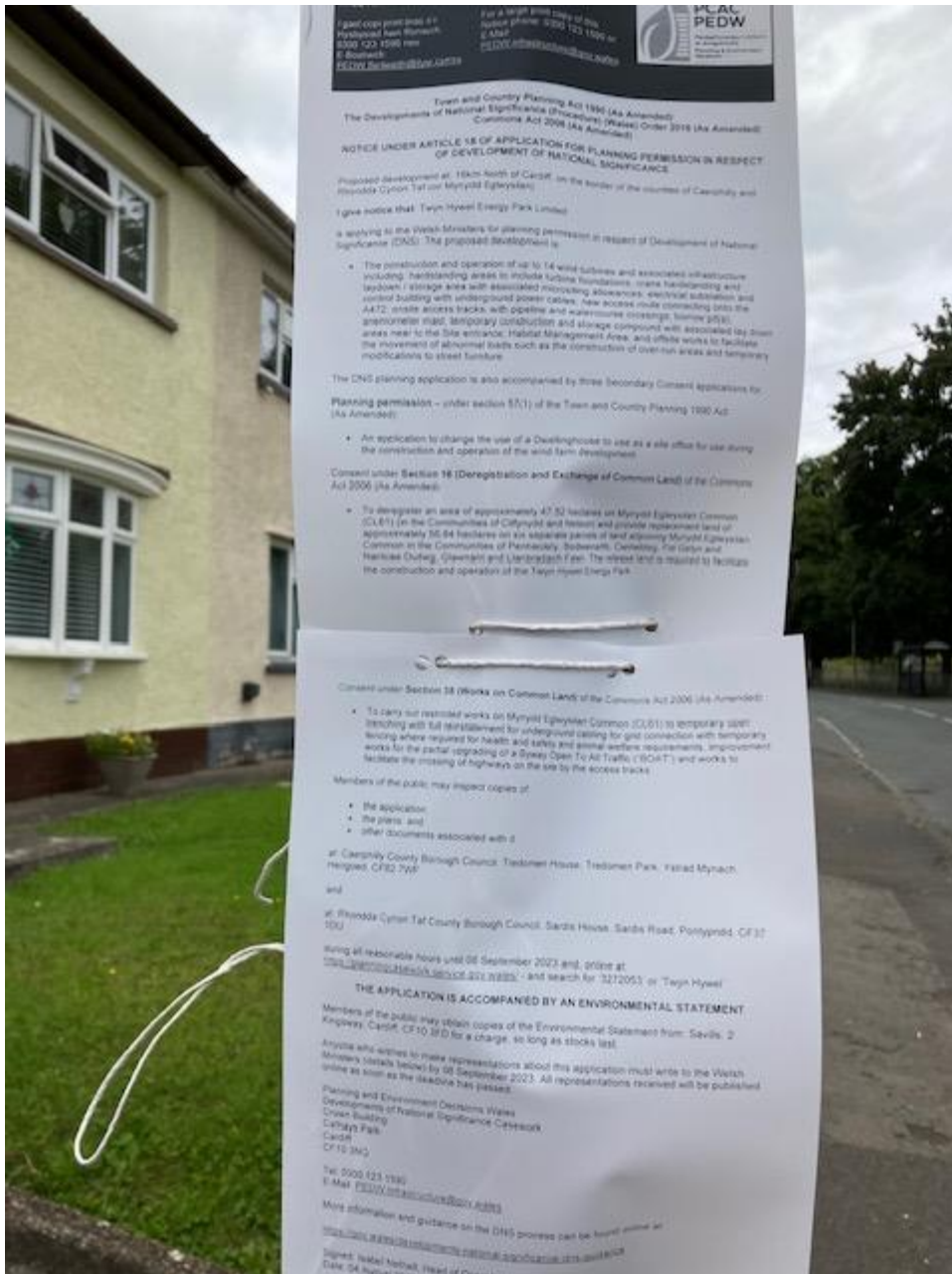
Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

35. No development shall commence until a scheme for the protection of Public Rights of Way during works of construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to:

- Provision to ensure that Public Rights of Way are maintained with no obstruction to use.
- Measures to prevent any damage to Public Rights of Way from constructional activity at the site.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of public safety in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.



For a large print copy of this notice please call 0300 123 1996 or email PCAC.PEDW@planningdecisions.wales



Town and Country Planning Act 1990 (As Amended)
The Development of National Significance (Procedure) (Wales) Order 2018 (As Amended)
Commons Act 2006 (As Amended)

NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

Proposed development at: 18km North of Cardiff, on the border of the counties of Caerphilly and Rhondda Cynon Taf (or Mynydd Eglwysilan)

I give notice that Twyn Hywel Energy Park Limited

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance (DNS): The proposed development is:

- The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include 40/50tne foundations, crane hardstanding and control building with underground power cables, new access roads connecting into the A472, access tracks, with pipeline and watercourse crossings, borrow pits, appropriate silt, temporary construction and storage compound with associated lay-down areas near to the site entrance, Habitat Management Area and other works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

The DNS planning application is also accompanied by three Secondary Consent applications for Planning permission – under section 57(1) of the Town and Country Planning 1990 Act (As Amended):

- An application to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development.

Consent under Section 18 (Deregistration and Exchange of Common Land) of the Commons Act 2006 (As Amended):

- To deregister an area of approximately 47.50 hectares on Mynydd Eglwysilan Common (SLE1) in the Communities of Cefnhyd and Trefon and provide replacement land of approximately 56.84 hectares on an adjacent parcel of land adjoining Mynydd Eglwysilan Common in the Communities of Penrhos, Salsburgh, Cwmsilly, Pen Cefn and Hafod Cwmy, Cwmsilly and Llanbrydion Twp. The replacement land is required to facilitate the construction and operation of the Twyn Hywel Energy Park.

Consent under Section 18 (Works on Common Land) of the Commons Act 2006 (As Amended):

- To carry out reinstatement works on Mynydd Eglwysilan Common (SLE1) to temporary site fencing with full reinstatement for underground cabling for grid connection with temporary works for the partial opening of a Green Open To All Traffic (GOAT) and works to facilitate the crossing of highways on the site by the access tracks.

Members of the public may inspect copies of:

- The application;
- The plans; and
- Other documents associated with it.

at: Caerphilly County Borough Council, Tredomen House, Tredomen Park, Ffrind Mynach, Neigwed, CF82 7WP

and

at: Rhondda Cynon Taf County Borough Council, Sards House, Sards Road, Pontypridd, CF37 1DQ

during all reasonable hours until 08 September 2023 and, online at: <https://www.planningdecisions.wales/casebook> - and search for 3212053 or 'Twyn Hywel'

THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

Members of the public may obtain copies of the Environmental Statement from: Savills, 2 Kingsway, Cardiff, CF10 3FD for a charge, so long as stocks last.

Anyone who wishes to make representations about this application must write to the Welsh Ministers (details below) by 08 September 2023. All representations received will be published online as soon as the decision has been made.

Planning and Environment Decisions Wales
 Development of National Significance Casebook
 Caerphilly Park
 Cardiff
 CF10 3AC

Tel: 0300 123 1996
 E-Mail: PCAC.PEDW@planningdecisions.wales
 More information and guidance on the DNS process can be found online at: <https://www.planningdecisions.wales/casebook>

Signed: Nadeel Nadeed, Head of Operations
 Date: 24 August 2023

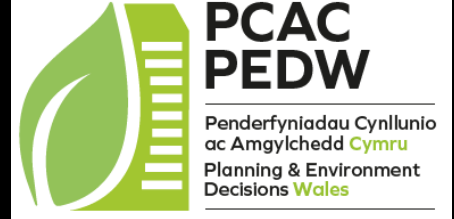


HYSBYSIAD STATUDOL

I gael copi print bras o'r
Hysbysiad hwn ffoniwch: 0300
123 1590 neu E-
Bostiwrch:
PEDW.Seilwaith@llyw.cymru

STATUTORY NOTICE

For a large print copy of this Notice
phone: 0300 123 1590 or E-Mail:
PEDW.infrastructure@gov.wales



Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd)

Gorchymyn Datblygiadau o Arwyddocâd Cenedlaethol (Gweithdrefn) (Cymru) 2016

(fel y'i diwygiwyd)

Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

HYSBYSIAD O DAN ERTHYGL 18 O GAIS AM GANIATÂD CYNLLUNIO MEWN PERTHYNAS Â DATBLYGIAD O ARWYDDOCÂD CENEDLAETHOL

Datblygiad arfaethedig ar: 16km i'r Gogledd o Gaerdydd, ar ffin siroedd Caerffili a Rhondda Cynon Taf (ar Fynydd Eglwysilan)

Hysbysaf fod: Twyn Hywel Energy Park Limited

yn gwneud cais i Weinidogion Cymru am ganiatâd cynllunio ar gyfer Datblygiad o Arwyddocâd Cenedlaethol (DAC). Y datblygiad arfaethedig yw:

- Adeiladu a gweithredu hyd at 14 o dyrbinau gwynt a seilwaith cysylltiedig gan gynnwys: ardaloedd llawr caled i gynnwys sylfeini tyrbinau, llawr caled ar gyfer craen ac ardal baratoi / storio gyda lwfansau microleoli cysylltiedig; is-orsaf drydanol ac adeilad rheoli gyda cheblau pŵer tanddaear; llwybr mynediad newydd sy'n cysylltu â'r A472; traciau mynediad ar y safle, gyda chroesfannau cwrs dŵr a phiblinell; pwll/pyllau benthyg; mast anemomedr; cyfateilad adeiladu a storio dros dro gydag ardaloedd paratoi cysylltiedig ger y fynedfa i'r Safle; Ardal Rheoli Cynefin; a gwaith oddi ar y safle i hwyluso symud llwythi anghyffredin, fel adeiladu ardaloedd gor-redeg ac addasiadau dros dro i ddodrefn stryd.

Mae'r cais cynllunio DAC hefyd yn cynnwys tri chais Cydsyniad Eilaidd ar gyfer:

Caniatâd cynllunio – o dan adran 57(1) Deddf Cynllunio Gwlad a Thref 1990 (fel y'i diwygiwyd)

- Cais i newid defnydd Tŷ Annedd i'w ddefnyddio fel swyddfa safle yn ystod adeiladu a gweithredu'r datblygiad fferm wynt.

Cydsyniad o dan **Adran 16 (Datgofrestru a Chyfnwid Tir Comin)** Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

- I ddatgofrestru ardal o oddeutu 47.52 o hectarau ar Dir Comin Mynydd Eglwysilan (CL61) (yng Nghymunedau Cilfynydd a Nelson) a darparu tir cyfnwid o oddeutu 56.84 o hectarau ar chwe llain ar wahân o dir sy'n cyffinio â Thir Comin Mynydd Eglwysilan yng Nghymunedau Penheolely, Bodwenarth, Cwmedeg, Fid Gelyn a Nantcae Dudwg, Glawnant a Llanbradach Fawr. Mae angen rhyddhau'r tir i hwyluso adeiladu a gweithredu Parc Ynni Twyn Hywel.

Cydsyniad o dan **Adran 38 (Gwaith ar Diroedd Comin)** Deddf Tiroedd Comin 2006 (fel y'i diwygiwyd)

- I wneud gwaith cyfyngedig ar Dir Comin Mynydd Eglwysilan (CL61) i agor ffos dros dro a'i hadfer yn llawn ar gyfer cebl tanddaear i gysylltu â'r grid gyda ffensys dros dro pan fydd angen ar gyfer iechyd a diogelwch a gofynion lles anifeiliaid, gwaith gwella i uwchraddio'n rhannol Cilffordd sydd Ar Agor i Unrhyw Draffig a gwaith i hwyluso croesi priffyrdd ar y safle gan y traciau mynediad.

Caiff aelodau'r cyhoedd archwilio copïau o'r:

- cais;
- y cynlluniau; a
- dogfennau eraill sy'n gysylltiedig â nhw

yn y cyfeiriad canlynol: Cyngor Bwrdeistref Sirol Caerffili, Tŷ Tredomen, Parc Tredomen, Ystrad Mynach, Hengoed, CF82 7WF

ac

yn y cyfeiriad canlynol: Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, Tŷ Sardis, Heol Sardis, Pontypridd, CF37 1DU

yn ystod pob awr resymol tan 08 Medi 2023 ac, ar-lein yn <https://planningcasework.service.gov.wales/cy> - trwy chwilio am '3272053' neu 'Twyn Hywel'

MAE DATGANIAD AMGYLCHEDDOL YN CYD-FYND Â'R CAIS

Gall aelodau'r cyhoedd gael copïau o'r Datganiad Amgylcheddol gan: Savills, 2 Ffordd y Brenin, Caerdydd, CF10 3FD am dâl, tra bydd cyflenwadau ar gael.

Mae'n rhaid i unrhyw un sy'n dymuno gwneud sylwadau ynglŷn â'r cais hwn ysgrifennu at Weinidogion Cymru (manyion isod) erbyn 08 Medi 2023. Bydd pob sylw a dderbynnir yn cael ei gyhoeddi ar-lein cyn gynted ag y bydd y dyddiad cau wedi mynd heibio.

Penderfyniadau Cynllunio ac Amgylchedd Cymru

Gwaith Achos Datblygiadau o Arwyddocâd Cenedlaethol

Adeilad Y Goron

Parc Cathays

Caerdydd

CF10 3NQ

Rhif ffôn: 0300 123 1590

E-Bost: PEDW.Seilwaith@llyw.cymru

Mae rhagor o wybodaeth ac arweiniad ynglŷn â'r broses DAC ar gael ar-lein yn:

<https://www.llyw.cymru/datblygiadau-o-arwyddocad-cenedlaethol-dns-canllawiau>

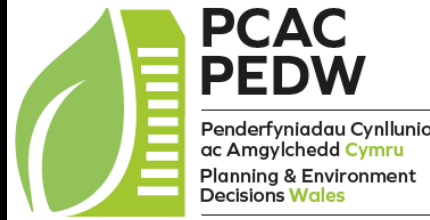
Llofnod: Isabel Nethell, Pennaeth Gweithrediadau

Dyddiad: 04 Awst 2023

HYSBYSIAD STATUDOL STATUTORY NOTICE

I gael copi print bras o'r
Hysbysiad hwn ffoniwch:
0300 123 1590 neu
E-Bostiwch:
PEDW.Seilwaith@llyw.cy
mru

For a large print copy of this
Notice phone: 0300 123
1590 or E-Mail:
PEDW.infrastructure@gov.wales



Town and Country Planning Act 1990 (As Amended)

The Developments of National Significance (Procedure) (Wales) Order 2016 (As Amended)

Commons Act 2006 (As Amended)

NOTICE UNDER ARTICLE 18 OF APPLICATION FOR PLANNING PERMISSION IN RESPECT OF DEVELOPMENT OF NATIONAL SIGNIFICANCE

Proposed development at: 16km North of Cardiff, on the border of the counties of Caerphilly and Rhondda Cynon Taf (on Mynydd Eglwysilan)

I give notice that: Twyn Hywel Energy Park Limited

is applying to the Welsh Ministers for planning permission in respect of Development of National Significance (DNS). The proposed development is:

- The construction and operation of up to 14 wind turbines and associated infrastructure including: hardstanding areas to include turbine foundations, crane hardstanding and laydown / storage area with associated micro-siting allowances; electrical substation and control building with underground power cables; new access route connecting onto the A472; onsite access tracks, with pipeline and watercourse crossings; borrow pit(s); anemometer mast; temporary construction and storage compound with associated lay down areas near to the Site entrance; Habitat Management Area; and offsite works to facilitate the movement of abnormal loads such as the construction of over-run areas and temporary modifications to street furniture.

The DNS planning application is also accompanied by three Secondary Consent applications for:

Planning permission – under section 57(1) of the Town and Country Planning 1990 Act

(As Amended)

- An application to change the use of a Dwellinghouse to use as a site office for use during the construction and operation of the wind farm development.

Consent under **Section 16 (Deregistration and Exchange of Common Land)** of the Commons Act 2006 (As Amended)

- To deregister an area of approximately 47.52 hectares on Mynydd Eglwysilan Common (CL61) (in the Communities of Cilfynydd and Nelson) and provide replacement land of approximately 56.84 hectares on six separate parcels of land adjoining Mynydd Eglwysilan Common in the Communities of Penheolely, Bodwenarth, Cwmeideg, Fid Gelyn and Nantcae Dudwg, Glawnant and Llanbradach Fawr. The release land is required to facilitate the construction and operation of the Twyn Hywel Energy Park.

Consent under **Section 38 (Works on Common Land)** of the Commons Act 2006 (As Amended)

- To carry out restricted works on Mynydd Eglwysilan Common (CL61) to temporary open trenching with full reinstatement for underground cabling for grid connection with temporary fencing where required for health and safety and animal welfare requirements, improvement works for the partial upgrading of a Byway Open To All Traffic ("BOAT") and works to facilitate the crossing of highways on the site by the access tracks.

Members of the public may inspect copies of:

- the application;
- the plans; and
- other documents associated with it

at: Caerphilly County Borough Council, Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7WF

and

at: Rhondda Cynon Taf County Borough Council, Sardis House, Sardis Road, Pontypridd, CF37 1DU

during all reasonable hours until 08 September 2023 and, online at <https://planningcasework.service.gov.wales/> - and search for '3272053' or 'Twyn Hywel'

THE APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT

Members of the public may obtain copies of the Environmental Statement from: Savills, 2 Kingsway, Cardiff, CF10 3FD for a charge, so long as stocks last.

Anyone who wishes to make representations about this application must write to the Welsh Ministers (details below) by 08 September 2023. All representations received will be published online as soon as the deadline has passed.

Planning and Environment Decisions Wales
Developments of National Significance Casework
Crown Building
Cathays Park
Cardiff
CF10 3NQ

Tel: 0300 123 1590

E-Mail: PEDW.Infrastructure@gov.wales

More information and guidance on the DNS process can be found online at:

<https://gov.wales/developments-national-significance-dns-guidance>

Signed: Isabel Nethell, Head of Operations

Date: 04 August 2023

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1321/10 (GRD)
APPLICANT: Popcorn Property Developments
DEVELOPMENT: Change of use from residential to care home for children (C2)
LOCATION: 41 WOOD ROAD, TREFOREST, PONTYPRIDD, CF37 1RH
DATE REGISTERED: 24/01/2023
ELECTORAL DIVISION: Treforest

RECOMMENDATION: Approve, Subject to conditions

REASONS: The application site is in a predominantly residential area, within settlement boundary limits and in a sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature.

Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- A written request has been received from a Councillor for the application to be reported to the Development Control Committee.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing residential dwelling (C3) to a residential Children's Home (C2). The applicant has confirmed that the conversion would not result in any external or internal changes at the property, except for some minor works, such as repairing and/or replacing windows.

The application property has 8 bedrooms, with 6 of those bedrooms having en-suite facilities. The property also benefits from a kitchen, utility room, front room and living

space. Externally, the property benefits from a small outdoor amenity space and a detached garage.

A Statement of purpose submitted with the application notes the following:

The home would cater to young people, with a range of complex needs and issues. The age range of children would be between the ages of 11 to 18 years; however, the supporting statement also notes that it is recognised that mixing young people with large age gaps may not be suitable, and as such, the home would endeavour to ensure young persons under their care would be no more than 3 years apart in age range and that if this is not possible then there may be a need to reduce the occupancy of the home.

The statement notes that the Care Home would have a maximum capacity of 5no. residents. Each resident's bedroom would have en-suite facilities, whilst a provision of a separate shower and W/C is available for staff to use.

The supporting statement notes that all staff would be registered with or working towards registration with Social Care Wales. When the home is fully occupied, the staffing ratio throughout the day would be 1no. Manager, 1no. Shift lead/ Senior and 4no. Residential Care Worker. Overnight, there would be 3no. night staff with two on a sleep and one on a waking shift. It is noted in supporting information that the manager would be at the home Monday to Fridays for extra support if needed.

The care home would provide the residents with a living room area, a dining area, along with an outdoor garden/ yard.

SITE APPRAISAL

The application site relates to a rectangular shaped parcel of land is located on land that steeply slopes down from Cliff Terrace. From the frontage the property is viewed as a two-storey building, but the building is arranged over three floors due to the steep slope. The property is set back from and faces the adjacent highway to the southwest. A detached garage is also sited within the curtilage of the property. The property benefits from a small garden to the rear and side. The development redline boundary also includes land to the rear of the site, which is set at a lower ground level and appeared very overgrown at the time of the officer's visit.

The site is bound to the southwest by the adjacent highway, with the railway line to the northeast of the site. A neighbouring detached property is located approx. 9m to the southeast of the application property, and a disused Church is located to the northwest of the site. Whilst the church is currently vacant, planning permission was granted on appeal for the conversion of the church to 8 apartments in 2022.

The surrounding area is predominantly residential with a mix of detached and terraced properties visible from the application site. The area is also marked by several Licenced HMOs in proximity to the application site.

PLANNING HISTORY

09/0334/10: LAND ADJACENT TO 41 WOOD ROAD, TREForest, PONTYPRIDD, CF37 1RH. 'Construction of 1 no. detached house with parking area.' Refused, 04/02/2010

PUBLICITY

The application has been advertised by means of direct neighbour notification and through the erection of a site notice in the vicinity of the site. Letters of objection have been received from two individuals. Points raised are summarised as follows:

- No parking available at the property, and lack of parking spaces within the street;
- The street is already congested;
- Property would be more appropriate for students who don't need cars;
- Concerns with the loss of housing stock. Rented family accommodation is scarce due to the number of HMOs in the area;
- No facilities for the teenagers proposed to be accommodated;
- No public transport in the area;
- Concerns with the provision of two children's homes in proximity to each other, with another located along Tower Street.

The Local Member for the ward, Cllr. Powderhill has also noted his concerns with the application. Concerns raised note that the loss of another family home in the area would be harmful to the community. Concerns have also been raised that there are Houses in multiple Occupation (C4 Use Class) in proximity to the site with no control of occupants with many properties housing people with social and other issues. The Local Member has also noted that the highway is dangerous with inadequate parking facilities provided for staff and visitors. Furthermore, the Local Member is concerned due to problems caused within the area by another children's home.

CONSULTATION

Pontypridd Town Council

No Comments

Local Highway Authority

No Objection

Public Health & Protection

No Objection

South Wales Police
Concerns expressed

Waste Services
No Comments

South Wales Fire and Rescue Service
No Objection

Community and Children's Services
Object to the Proposal

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 LDP 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 relates to an existing residential property, that is located within settlement boundary limits. The following policies are relevant in the determination of this application:

Policy CS2 (Development in the South): sets out criteria for achieving sustainable growth including development that benefits Rhondda Cynon Taf as a whole.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

Access Circulation and Parking

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 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

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 change of use of an existing residential dwelling (Use Class C3) to a residential Care home for up to 5 children (Use Class C2).

The site is situated within the settlement boundary limits of Treforest, in a predominantly residential area. The application site has good access to key services and facilities, being located on a bus route and within walking distance of both Treforest and Pontypridd Train Stations and within walking distance of other facilities and local amenities.

The application site is in a highly sustainable and predominantly residential area and located within settlement boundary limits. The principle of providing a care home at this location is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

Impact on the character and appearance of the area

The proposal would not result in any external alterations to the property. The character and appearance of the property would therefore remain as existing. Furthermore, the provision of a children's care home in a predominantly residential area would not be considered to alter or harm the general character of the area.

Impact on residential amenity and privacy

The proposal would not result in any external alterations to the property and as such, it is not considered that the proposed development would adversely impact upon the amenities or privacy of neighbouring occupiers.

Furthermore, other than the element of care and the presence of staff, it is considered that the proposed residential care home, with a maximum number of 5 children, would be of a limited scale and would generally exhibit similar residential characteristics as that of the existing residential dwelling. Consequently, it is not considered that the use would result in harmful levels of noise and disturbance. As such, any potential impact upon surrounding properties would be limited in this regard.

Whilst concerns have been raised with regards to the location of the proposed care home for children, the area is nonetheless predominantly residential, and the property's immediate neighbours include a residential dwelling to the east of the site and a disused church to the west of the site with planning permission granted for residential use. The provision of a care home for children in a sustainable and predominantly residential area is considered acceptable and appropriate in terms of its impact on residential amenity.

The application site is also considered of a sufficient scale, with reasonable levels of outlook provided and an area of outdoor amenity space provided to the rear and side of the property. Consequently, it is considered that the development proposal would provide adequate space for people's living needs both inside and out.

Access and highway safety

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

Access

The proposal is served off Wood Road and located at the junction of Cliff Terrace. There are double yellow lines preventing on-street car parking fronting the site to protect the junction of Cliff Terrace and maintain the free flow of traffic.

Parking: Access, Circulation and Parking Supplementary Planning Guidance (SPG)

Existing:

The existing use as an 8-bedroom residential dwelling requires up-to a maximum of 3 off-street car parking spaces with one provided in the adjacent garage.

Proposed:

Residential children's homes / homes for elderly person's / nursing homes require 1 parking space per resident staff, 1 space per 3 non-resident staff, 1 space per 4 beds.

The proposed use to a children's care facility with up-to 5 residents and 10 staff with a maximum of 6 staff members on site at any one time require up-to a maximum of 4 off-street car parking spaces with one provided in the existing garage.

There are only 3 staff on a sleep shift pattern during the night when street space is at its highest in demand.

Some concern is raised due to the location of the proposal, with high on-street car parking demand and limited space available for on-street car parking. Objections have also been raised by neighbours and third parties in relation to a lack of parking spaces at the site and within the street, with objectors noting that the street is already congested.

However, whilst these objections have been noted and considered, considering the increase in the car parking demand is minimal (1 space) to the existing use at the site, along with the sustainable location of the proposal near both bus and rail stops to promote sustainable modes of travel, on balance the proposal is acceptable.

Local Highway Authority Recommendation:

Taking the above into consideration on-balance the proposed is acceptable in terms of Highway Safety, Parking and Access and no objections were raised by the Local Highway Authority.

Community and Children's Services:

Consultation was undertaken with the Council's Community and Childcare Services Department, who have raised significant concerns and have objected to the planning application.

In their consultation response, they have noted that best practice in terms of establishing new care homes strongly supports that a location assessment is carried out ahead of establishing a new children's home. This is deemed necessary to match new development with local need, and to seek Local Authority and Police views about the suitability of the site. Furthermore, it is noted that a location assessment is important from the point of view of safeguarding and crime prevention, particularly linked to safeguarding young people from criminal exploitation.

The Council's Community and Childcare Services have advised against this specific location for a care home as they hope to see a better spread of such services across Rhondda Cynon Taf and consider that there are several accommodation provisions for vulnerable people within this community.

The Council's Community and Childcare Services Department also raised concerns as to whether any setting could meet the needs of 5 children with complex needs in one home.

The Council's Community and Childcare Services Department have noted that there is a need for children's homes in Rhondda Cynon Taf. However, they have objected to the proposal as they consider that there is insufficient need for a care home at this location. Furthermore, the Council's Community and Childcare Services Department object to the proposal as they consider that insufficient engagement was undertaken with the Council's Children's Services Department in the location assessment.

The Council's Community and Children's Services Department have also noted that all social care homes in Wales must comply with the Regulations and Inspection of Social Care Act (Wales) RISCA and must comply with these regulations to be registered with Care Inspectorate Wales (CIW) to provide residential care provision. As part of this process, applicants would need to provide a location assessment,

Statement of Purpose, and Policies in relation to the provision of care and support, along with other relevant information. As advised by the Council's Community and Children's Services Department, this process applies to all homes seeking registration in Wales.

Comments received from the Council's Children's Services department are noted and have been considered; however, the nature of concerns and objections received are not considered material planning considerations. As outlined above, issues and objections raised by the Council's Community and Children's Services Department could be addressed through the process of complying with the Regulations and Inspection of Social Care Act (Wales) (RISCA) and through registering with Care Inspectorate Wales (CIW).

Consequently, issues raised by the Council's Community and Childcare Services Department would be addressed under legislation, regulations and procedures relating to Social Care Provision in Wales, with processes and regulation undertaken by the Council's Community and Children's Services Department and Care Inspectorate Wales.

Other Issues:

Following consultation, the South Wales Fire and Rescue Service have no objections to the proposed development.

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust and waste.

No external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Third Party Comments:

Objections have been received opining that the property would be more appropriate for students, who objectors claim do not need cars. Additionally, objections have been received with regards to the loss of housing stock in the area, noting that rented family accommodation is scarce due to the number of HMOs in the locality. Whilst these concerns have been noted, the Local Planning Authority (LPA) must consider the application on its own merits and assess whether the provision of a care home for children (Use Class C2) would be acceptable at this site. The LPA consider that the provision of a Residential Care Home, in a sustainable location and within a predominantly residential area is acceptable in principle.

Concerns were also raised by objectors that there are no facilities within the locality for teenagers which would be resident at the site, and that there is no public transport

within the area. However, it is considered that the application site is located on a bus route, within walking distance of train stations and has good accessibility to key facilities and amenities.

Concerns have also been raised that another care home is located close to the application site, with objectors noting that the other children's home currently in operation has caused 'trouble' in the area. However, it is considered that other bodies including Care Inspectorate Wales, the Council's Community and Childcare Services Department and South Wales Police would be best placed to ensure the care home meets the required standards and regulations, along with effective operations at the care home.

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 site is in a predominantly residential area, within settlement boundary limits and in a sustainable location with good access to public transport and key services and facilities, which is considered acceptable. The site also relates to an existing residential property and, other than an element of care and the presence of a small number of staff, the proposed use would continue to be residential in nature. Furthermore, the proposal would not involve external alterations and would not impact upon the character and appearance of the application property or upon the amenity and privacy of surrounding properties, nor would it have any adverse impact upon highway safety in the vicinity of the site.

RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan. Title Number: WA304452
- Drawing Title: Existing Floor Plans;

- Drawing Title: Existing Floor Plans;
- Drawing Title: Existing Site Plan;

And documents received by the Local Planning Authority on 10/11/2022, 19/01/2023, 24/01/2023, 15/06/2023 and 13/07/2023 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 premises shall only be used as a regulated children's home and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. When the use hereby approved ceases, the premise shall revert back to its original Class C3 use.

Reason: In the interest of residential amenity and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

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PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1378/15 (MF)
APPLICANT: Cenin Renewables Ltd
DEVELOPMENT: Variation of condition 1 of planning permission ref. 15/1635/10 - to extend time limit for commencement of development by one year (Drainage Briefing Note 10/02/23 Rev.2 - 10/07/23, received 16/06/23).
LOCATION: LLWYNCELYN FARM, HAFOD LANE, PORTH, CF39 9UE
DATE REGISTERED: 23/11/2022
ELECTORAL DIVISION: Graig and Pontypridd West

RECOMMENDATION: Approve

REASONS: The scheme would provide a wind energy development that would contribute to Welsh Government's commitment to optimising renewable energy generation within Wales.

Sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site; and would have no detrimental impact to the nearby tip complex. The pre-commencement elements of condition 24 can therefore be discharged through this planning application.

The pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been approved through earlier discharge of conditions applications. These conditions can subsequently be varied from pre-commencement to compliance related wording.

With no material change of circumstance at the site since the granting of the original planning permission that would prevent the renewal of the existing consent, and confirmation that appropriate site drainage arrangements would be installed, there is no objection to the variation of condition 1 and the extension of the planning permission for a further year.

REASON APPLICATION REPORTED TO COMMITTEE

- 3 or more letters of objection have been received from members of the public.

APPLICATION DETAILS

Background

Full planning permission for the construction of two wind turbines and associated infrastructure was originally granted at the site on 24/11/2017 (application ref. 15/1635/10). The scheme proposed two 2.5MW turbines with a maximum blade tip height of 125m above ground level. Associated infrastructure included the turbine foundations and crane hardstanding areas, two external transformer and switchgear cabins, a temporary construction compound and approximately 2.5km of access tracks. The turbines would operate for 25 years from the first generation of energy following which they would be decommissioned and removed from site. The estimated energy production would be 9547MWh, which is the equivalent of the electricity required for the annual usage of roughly 2300 homes.

Access would be gained from existing highways, specifically the M4 and A470 to Pontypridd, then the A4058 and Graigwen Road through Pontypridd to an un-named road that leads to the site entrance where new access tracks through several fields to the turbine bases would be required.

The original application set out that a grid connection could be provided from a kiosk near to Ynyshir Community Primary School directly to the west of the site at the valley floor, via an underground cable down the adjacent mountainside. However, this element of the scheme was not included within the application site red line boundary and therefore does not benefit from planning permission. Members are therefore advised that should this extension of time application be approved and the developer wishes to install a cable along this route themselves, they would be required to submit a separate planning application for those works. However, Members are also advised that the installation of any cable may be able to be undertaken by National Grid (NG) without the need for planning permission through their permitted development rights as statutory undertaker, subject to relevant criteria, should NG decide to install the cable instead.

At this point in time the applicant is unsure of whether the potential cable route identified within the original application would be used and who would install any cable; but has informally advised that is unlikely this route would be used as it would involve crossing the nearby tip complex, which they would rather avoid if possible. The applicant has advised alternate routes are being considered, but no definite plans have been finalised yet and no details have been submitted to the Local Planning Authority (LPA) at this time. It is advised that the final cable route would be determined going forward should this extension of time application be granted.

Current application

This application seeks the variation of condition 1 of planning permission ref. 15/1635/10, to extend the time limit for commencement of development by one year (from the date of permission).

With full site drainage arrangements submitted in support of the application, if approved, it would also result in the pre-commencement elements of condition 24 (site drainage) becoming obsolete, essentially discharging those elements of the condition through this application and allowing the condition to be varied from pre-commencement to compliance related wording.

Condition 24 requires full site drainage arrangements to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

A Drainage Briefing Note has been provided to aid this assessment, which has been amended twice since the original submission, the latest version being submitted on 10/07/23.

Condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. Each of the other ten pre-commencement conditions have already been discharged through earlier discharge of condition applications. Subsequently, if approved, this application would also allow those conditions to be varied from pre-commencement to compliance related wording:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

SITE APPRAISAL

The application site covers a total area of 5.7ha and is located in the open countryside approximately 1.5km to the east of Porth and outside of the settlement boundary. It forms open farmland to the north of Llwynhelyn Farm and the turbines would be located within two adjacent fields on a wide ridgetop plateau. The land is generally semi-improved pasture used for sheep grazing and forms part of an extensive pattern of fields enclosed by stone walls and post and wire fences. The majority of land in the immediate vicinity is used for sheep grazing, although St Gwynno Forest lies adjacent to the eastern boundary of the two fields. The site lies approximately 350m A.O.D which represents the highest part of the ridge and provides extensive panoramic views. Areas of land to the west of the site, sections of mountainside between it and the settlement of Ynyshir below, form part of the Category C rated (potential to cause risk) RH72 Ynyshir Tip complex.

The closest settlements are those of Porth, Ynyshir, Wattstown and Pontygwaith, which are located between 700m – 1.5km to the west / south-west / north-west. But as well as Llwynhelyn Farm, which is located approximately 1km to the south-west of the turbine locations, a small number of individual residential dwellings are located nearby along the un-named road to the east, between 1km – 1.5km from the site (Llwynperdid Farm, Llysnant Farm, Nyth-Bran House and Pen y Lan Farm).

Vehicular access to the site can be obtained via an existing farm track running from the un-named road forming part of the public road network to the north-east of the site, although it is noted that the construction of a new access track across several fields would be required. Public Rights of Way (PRoW) YNR/15/1 and YCC/14/1 cross the site and a further PRoW YNR/14/1 runs along the western boundary.

The site itself is unallocated but is designated as a Sandstone Safeguarding Area. Land lying immediately to the north-east is designated as a Site of Importance for Nature Conservation (St Gwynno Forestry SINC). Land to the south and west and a separate parcel of land comprising the St Gwynno Forestry to the east are both designated as Special Landscape Areas (SLAs). The site also lies within the Rhondda Registered Landscape of Historic Interest published by Cadw.

There are no existing turbines located within the immediate vicinity of the site, the nearest being located at Mynachdy Farm, approximately 2.5km to the north-east.

PLANNING HISTORY

Previous planning applications submitted at the site:

22/1363/39 – Non-material amendment to 15/1635/10 to vary the wording of condition 24 (site drainage arrangements).

No decision, withdrawn by applicant, 09/12/22

22/0940/38 – Discharge of conditions 20 (traffic management plan), 21 (means of access) and 22 (highway conditions survey methodology) of 15/1635/10.
Decision: Granted, 27/09/22

22/0871/38 – Discharge of conditions 17 (species habitat protection plan), 18 (habitat and ground restoration scheme) and 19 (bat mitigation measures) of 15/1635/10.
Decision: Granted, 17/11/22

22/0665/38 – Discharge of condition 8 (construction environmental management plan) of 15/1635/10.
Decision: Granted, 15/11/22

22/0646/38 – Discharge of condition 24 (site drainage arrangements) of 15/1635/10.
No decision, yet to be determined

22/0645/38 – Discharge of condition 4 (external finishes) of 15/1635/10.
Decision: Granted, 29/06/22

22/0477/38 – Discharge of condition 13 (noise assessment) of 15/1635/10.
Decision: Granted, 07/11/22

22/0447/38 – Discharge of condition 25 (written scheme of historic environment mitigation) of 15/1635/10.
Decision: Granted, 24/05/22

20/0050/15 – Variation of condition 2 of planning permission ref. 15/1635/10 (erection of 2 no. wind turbines with a tip maximum height of 125m and associated infrastructure, transformer cabin and access track) - amend approved plans to increase maximum tip height to 131m (6m increase).
No decision, withdrawn by applicant, 11/04/22

18/0877/10 – Erection of 2x wind turbines with 138.5m tip height and associated infrastructure, transformer cabin and access track, to supersede 15/1635/10.
No decision, withdrawn by applicant, 11/04/22

15/1635/10 – Erection of two wind turbines with a tip maximum height of 125m, associated infrastructure, transformer cabin and access track, including access via the public highway and across Cribin Ddu Farm and Llwynceilyn Farm.

Decision: Granted, 24/11/17

PUBLICITY

The application has been advertised by means of direct neighbour notification, site and press notices (additional consultation has been undertaken following the submission of updated information throughout the application process). Letters of objection have been received from 23 individuals, making the following comments (summarised):

- There has been a large increase in surface water running-off the mountain down to Heath Terrace in recent years, resulting in some properties along the street being flooded. The existing culverts cannot cope with the current amount of surface water run-off and have recently had to be repair/maintained at public expense. The construction of 2 wind turbines at the top of the mountain would exacerbate this issue.
- Full site drainage arrangements were not considered during the original application process. That application was determined prior to the recent, major storm events which resulted in a major landslip nearby. The water environment has therefore changed in the area since the granting of the original consent and needs to be reconsidered.
- Insufficient information has been provided to demonstrate that the construction of 2 turbines at this site would not result in further flooding to the properties below and potential land slips, being sited above a high risk coal tip.
- The site sits above a high risk coal tip which has culverts running through it to reduce the flow of surface water run-off through it. Underground channels at the top of the mountain link up and pass through the tips. The construction of 2 wind turbines at the top of the mountain would increase surface water run-off and could lead to potential slippage of the tip, below which are residential properties and a primary school at Ynyshir.
- Has the Council checked the tip to compare current water levels with historic levels? Without this information no decision should be made.
- A National Coal Board report identifies that a significant amount of extraction has occurred directly below the area of the proposed wind turbines and the nearby coal tips. Other similar developments have been required to move the positioning of turbines for similar reasons, e.g. Ogmere Vale.
- An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.
- Who would pick up the cost if flooding or landslips occur as a result of this development?
- The residents of this area will have a 360 degree of view wind turbines following development.

A further letter was also received from the occupiers of a nearby farm setting out that they have no objection to the planning application.

CONSULTATION

Flood Risk Management – No objection or conditions suggested. The proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development.

Tip Safety Team – No objection or conditions suggested. The supporting information provided by the developer appropriately demonstrates that there would be no adverse effects on the RH72 Ynyshir Tip complex.

Highways and Transportation – No objection subject to the re-imposition of previous conditions.

Public Health and Protection – No objection subject to the re-imposition of previous conditions.

Public Rights of Way Officer – No objection.

Natural Resources Wales – No objection.

Merthyr Tydfil County Borough Council – No objection.

Bridgend Country Borough Council – No objection

No other consultation responses have been received within the course of the application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The current LDP's lifespan was 2011 to 2021. It has been reviewed and is in the process of being replaced. 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 04 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 04 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 on 24 September 2020. Subsequently, the existing Plan remains the development plan for consideration when determining this planning application.

The application site is outside of any settlement boundary and is unallocated. It is largely within the Northern Strategy Area save for the south-east section of the proposed access track which is located within the Southern Strategy Area.

Policy CS1 – sets out criteria for development in the Northern Strategy Area.

Policy CS2 – sets out criteria for development in the Southern Strategy Area.

Policy CS10 – sets out criteria for the protection of mineral resources.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes 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 (CIL).

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 placemaking, including landscaping.

Policy AW7 – sets out criteria for development proposals that would impact upon built heritage assets and PRowS.

Policy AW8 – sets out 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 AW12 – sets out criteria for renewable and non-renewable energy proposals.

Policy AW14 – safeguards minerals from development that would sterilise them or hinder their extraction.

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.

The original application was assessed against the 9th Edition of PPW. The policy document has been updated since the granting of the original consent with Edition 11 being the current iteration. Future Wales: The National Plan 2040 (FW2040) has also been introduced since the original planning permission was granted. Both PPW11 and FW2040 incorporate the objectives of the Well-being of Future Generations (Wales) Act into town and country planning setting out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 also sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

The aims and general context of the revised PPW document, Edition 11, have remained unaltered since previous versions, with the emphasis being on sustainable development. The aims and general context of FW2040 are the same, with a strong presumption in favour of renewable energy projects.

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 17 – Renewable and Low Carbon Energy and Associated Infrastructure
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national 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
- Welsh Government Circular 016/2014 – The Use of Planning Conditions for Development Management

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.

This scheme relates to the construction of two wind turbines and associated infrastructure at the site. The original consent was granted in 2017, subject to a number of relevant conditions. This application seeks to vary condition 1 of the original consent, to extend the planning permission for a further year, as well as the discharge of the pre-commencement elements of condition 24 (site drainage), the only pre-commencement condition attached to the original consent yet to be discharged. If approved, each of the already discharged pre-commencement conditions would also be amended from pre-commencement to compliance related wording in accordance with the details approved under the earlier, relevant discharge of conditions applications.

The key considerations in the determination of this application are therefore whether there has been a material change in circumstance at the site since the granting of the previous consent which would prevent the renewal of the planning permission or justify the imposition of additional conditions / removal/variation of existing conditions; and whether the site drainage arrangement details submitted with the application are sufficient to demonstrate that the development would not increase the risk of surface water flooding on or around the site, or would have any detrimental impact to the nearby tip complex.

For Members information, while the existing permission's expiry date for commencement of development has passed, 24/11/22, as this application to extend the time period for development was submitted prior to the expiry date of the original planning permission, on 23/11/22, the permission remains live until this application (and any subsequent appeal) has been determined, following which the consent would either be extended or would expire.

Principle of development

The scheme proposed by this extension of time application currently benefits from planning permission (15/1635/10), albeit it is accepted that the consent would expire should this application be refused and any subsequent appeal be dismissed. The general principle of the proposed development has consequently already been

established as being acceptable, however a brief overview of the key considerations are set out below.

While it is noted that PPW has been updated since the original consent was granted, there has been no significant change to the guidance contained within it. The main thrust and general context of sustainable development remains unaltered and the push for renewable energy schemes remain a key priority.

The push for renewable energy developments has also been strengthened through FW2040, published since the granting of the original consent. The national policy document has an overarching presumption in favour of such developments establishing WG's strong support for the principle of delivering renewable and low carbon energy from all technologies and at all scales, requiring decision makers to give significant weight to the need to meet Wales's international commitments and the target to meet 70% of consumed electricity by 2030.

In addition to the above, following an examination of the previous application and an inspection of the site and its surroundings, it is evident that the site remains in a similar, if not identical position to that during the determination of the earlier application. Therefore, with this application not proposing any changes to the development scheme previously approved, simply the variation of an existing condition to allow a further year for development to commence, the scheme remains acceptable in respect of its visual impact, its potential impact upon the amenities of surrounding residents and highway safety, and in biodiversity terms, subject to the imposition of the original conditions (amended to compliance related wording where necessary).

Subsequently, in general terms, it is not considered any new impacts have arisen since the original permission was granted that would prevent the renewal of the existing consent.

However, notwithstanding the above and as mentioned by the objectors, a number of issues have arisen in the surrounding area since the granting of the original consent in respect of surface water run-off on the mountainsides of the Valley, which has led to flooding in the area and a landslip nearby. Therefore, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, which was granted before some of these issues were apparent and is the usual process for such schemes, it is now considered these issues should be considered through the application process and prior to determination to ensure the turbines would not result in any surface water impacts. This is discussed in detail within the following section of the report.

Site drainage arrangements (discharge of the pre-commencement elements of condition 24)

As detailed above, condition 24 is the only pre-commencement condition attached to the original consent yet to be discharged. It requires full site drainage arrangements

to be submitted to and approved by the LPA prior to any development works commencing on site, and for works to be undertaken in accordance with the approved details thereafter.

The approval of site drainage arrangements by way of condition following the granting of planning permission is the usual process for such schemes. Therefore, with no concerns in respect of surface water flooding in the area during consideration of the original application, this approach was taken when consent was originally granted. However, it is noted that a number of major storm events have occurred since the granting of the original consent which, at times, have led to properties in the area being flooded by way of surface water running-off the mountainsides. One storm event also led to a well-documented landslip further up the Valley at Tylorstown.

It is therefore evident that the water environment in the area has changed since the granting of the original consent and needs further consideration. This issue has been highlighted by the objectors who, in the main, believe that the erection of two turbines at the site would exacerbate surface water issues in this area, leading to further flood events and potentially further landslips, notably at the RH72 Ynyshir Tip complex which sits on the mountainside between the application site and the residential area of Ynyshir below.

Consequently, while it was considered site drainage arrangements could be adequately controlled by condition during consideration of the original application, this approach is no longer considered appropriate. It is now considered these issues should be fully assessed during the application process and prior to the renewal of planning permission, should Members resolve to do so.

In light of these issues the applicant has provided a Drainage Briefing Note in support of the application which sets out the full, proposed site drainage arrangements of the scheme (the latest version of which being submitted on 10/07/23).

In reviewing the information provided by the applicant and the comments received by the objectors the Flood Risk Management (FRM) team raised no objection to the application. It was commented that the applicant's supporting information demonstrates the proposed site drainage arrangements would include appropriate sustainable drainage methods that would be sufficient to ensure there is no increase in surface water run-off in the area as a result of the development. FRM are subsequently of the opinion that the development would result in no further flood risk to the properties at Ynyshir below the site or any further risk to the tip complex over and above that which already occurs. As such no objection is raised and it is advised the pre-commencement elements of condition 24 have been satisfied.

The Tip Safety (TS) team also advised that the supporting information provided by the developer demonstrates that there would be no adverse effects to the RH72 Ynyshir Tip complex, and that the report is considered appropriate and acceptable.

Therefore, no further information is required and no objections are raised / conditions suggested.

It is noted that an objector queried whether the Council has assessed the tips as part of this planning application process. The Council has not undertaken any specific investigation as part of the planning application assessment, and as the tips in question are under private ownership, it is the responsibility of the landowner to manage and maintain them, ensuring their safety. However, the TS team advised that, in accordance with their powers under the Mines and Quarries (Tips) Act 1969 (as amended), they do undertake regular monitoring and investigation of the tip complex as appropriate to the risk category of the tip; and following assessment of this case and available information, it is their opinion that the information submitted in support of the application, which has been produced by appropriately qualified engineers, sufficiently demonstrates that there would be no impact as a result of the proposed development, which is acceptable.

Taking the comments of the FRM and TS teams in account, while the concerns raised by the objectors are fully acknowledged, it is considered that sufficient information has been provided to demonstrate that the turbines would not result in any increase in surface water flooding in the area, or any determinantal impact to the nearby tip complex.

The scheme is therefore considered acceptable in this respect and sufficient information has been provided to effectively discharge the pre-commencement elements of condition 24, allowing variation of the condition to compliance related wording.

Variation of pre-commencement conditions that have already been discharged

As set out above, the applicant has already discharged all but one of the pre-commencement conditions attached to the original planning permission through earlier discharge of conditions applications. Therefore, should Members be minded to approve this application, it would be appropriate to remove the pre-commencement elements of those conditions, altering the wording of the conditions to instead ensure development proceeds in accordance with the approved details. Specifically, the following conditions would be varied:

- Condition 4 (external finishes) – pre-commencement elements discharged under application ref. 22/0645/38.
- Condition 8 (construction environmental management plan) – pre-commencement elements discharged under application ref. 22/0665/38.
- Condition 13 (noise assessment) – pre-commencement elements discharged under application ref. 22/0477/38.
- Condition 17 (species habitat protection plan) – pre-commencement elements discharged under application ref. 22/0871/38.

- Condition 18 (habitat and ground restoration scheme) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 19 (bat mitigation measures) – pre-commencement elements discharged under application ref. 22/0871/38.
- Condition 20 (traffic management plan) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 21 (means of access) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 22 (highway surveys) – pre-commencement elements discharged under application ref. 22/0940/38.
- Condition 25 (written scheme of historic environment mitigation) – pre-commencement elements discharged under application ref. 22/0447/38.

It is also noted that conditions 1 (time limit) and 2 (approved plans /documents) would be altered to allow a further year for development to commence and to include the additional information submitted with this application.

For clarity, the original conditions and the proposed varied wording are set out in Appendix A. Conditions not set out within the Appendix would not alter from the previous planning permission.

Neighbour consultation responses

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- No works have been undertaken within the application site. Any works outside of the site would be beyond the scope of this application and would be subject to separate investigation / permissions (if required). It is noted however that following complaints from members of the public Planning Enforcement officers have undertaken several visits in the area both before this application was submitted and since, with no unauthorised works being found.
- *An application was submitted at this site 20 years ago for a transmitter mast. The Council refused that application because the ground was unstable. How can the Council now contemplate wind turbines at this site? The land is now more unstable and more prone to subsidence, erosion, or mass land movement as indicated by landslip events in recent years caused by ever worsening inclement weather.*

A search of the Council's planning application register has not found any records of applications for transmitter masts at this site, however, it is noted that 2 applications for telecommunications masts were submitted under the prior approval (permitted development) process at other locations within the wider farm boundary (2004 and 2006). Those applications were refused due to potential impacts upon the landscape and the associated radio waves having potential public health implications, not due to

land instability concerns. In any case, despite the refusal those applications, all applications must be considered on their own individual merits and as set out in detail above, the impacts of site drainage and land stability relevant to this development have been considered and are deemed acceptable.

- *Who would pick up the cost if flooding or landslips occur as a result of this development?*

As set out above, this development would not result in any further surface water issues in the area over and above that which already occur. Any damage/maintenance issues arising as a result of the development would be a private matter between the relevant parties.

- *The residents of this area will have a 360 degree of view wind turbines following development.*

The visual impact of the development was considered in full during the original application process. Any potential impacts were considered acceptable and planning permission was granted. Therefore, as noted above, with the site remaining in a similar, if not identical position to that during the determination of the earlier application and with no changes to the scheme proposed, the development is again considered acceptable in this regard.

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 not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

It is accepted a number of surface water run-off and land stability issues have arisen in the surrounding area since the granting of the original consent. However, it is considered sufficient information has been provided to demonstrate that the proposed site drainage arrangements would not increase the risk of surface water flooding on or around the site or would have any detrimental impact to the nearby tip complex. There is subsequently no objection to the pre-commencement elements of condition 24 being discharged through this planning application.

Further, as the details required by the pre-commencement elements of conditions 4, 8, 13, 17, 18, 19, 20, 21, 22 and 25 have already been agreed, there is no objection to these conditions being varied to compliance related wording.

In light of the above, and with no significant difference in general planning circumstance at the site since the previous application was approved that would

prevent the renewal of the existing permission or require any further conditions to be added, it is considered reasonable and appropriate to renew the previous consent for a further year.

RECOMMENDATION: Approve, subject to 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 ref.:

- Figure 1: General Location Plan – 16/05/16
- Figure 1a: Location Plan showing access route to site – 16/05/16
- Figure 2: Detailed Layout – 16/05/16
- Figure 3A: Transformer Cabin (Plan & Elevation) – 16/05/16
- Typical Wind Turbine and Foundation: Vensys – 16/05/16

and documents received by the Local Planning Authority on 16/05/16, 23/11/22 and 10/07/23; and with all documents approved within the earlier, associated discharge of conditions applications, 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 permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include details of:

- The removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm.
- Confirmation of the management and timing of works.
- A traffic management plan to fully address highway issues during the period of the decommissioning works.

- Any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with Policies CS1, AW5, AW6, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. The turbines hereby approved shall be constructed in accordance with the details (design, colour and external finish of the turbines and associated structures) agreed under discharge of conditions application ref. 22/0645/38, granted 29/06/22. Should alternate details to those approved by application ref. 22/0645/38 be proposed then no operations shall commence on site until further details of the design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details so approved 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. The wind turbines shall be of a 3 bladed configuration and not exceed an overall height of 125m to the tip of the turbine blades. The turbines shall not display any prominent name, logo, symbol, sign or advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interest of visual amenity in accordance with Policies AW5, AW6, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

6. In the event that either turbine does not function (i.e. does not supply electricity to the grid) for a continuous period of 12 months and if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period.

Reason: In the interests of visual amenity and to ensure that the turbines are not obsolete, produce electricity whilst in situ and are removed from the site if they cease to function, in accordance with Policies CS1, AW5, AW6, AW7, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables between the turbines and the switch room shall be laid underground.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

8. The development works hereby approved shall be carried out in accordance with the detailed design and method statements for construction agreed under discharge of conditions application ref. 22/0665/38, granted 15/11/22.

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

9. Construction work on site, excluding the delivery of abnormal loads and actual erection of the wind turbines, shall be confined to the hours of 07:00 – 19:00 Mondays to Sundays.

Reason: To minimise impact on the amenities of local residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached guidance notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the table attached to these conditions at the curtilage of any non-financially involved noise sensitive premises lawfully existing at the time of this consent. For the purpose of this condition curtilage is defined as 'the boundary of a lawfully existing domestic garden area'.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. At the reasonable request of the Local Planning Authority, following a complaint to it about noise emissions from the wind turbines, the wind turbine operator shall, if required, shut down the turbine and at their own expense employ a suitably competent and qualified person, approved by the Local Planning Authority, to measure, assess and report to the Local Planning

Authority the level of noise emissions from the wind turbine at the property to which it relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority and in accordance with the attached guidance notes. The assessment shall be commenced within 21 days of the notification and provided to the Local Planning Authority within 2 months of the date of the request, or such longer time as approved by the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

12. If the assessment (referred to in condition 11) requested by the Local Planning Authority demonstrates that the specified level is being exceeded, the operator of the turbine shall take immediate steps to ensure that the noise emissions from the turbine are reduced to, or below, the specified noise limit. The operator shall provide written confirmation of that reduction to the Local Planning Authority within a time period to be agreed with the Local Planning Authority. In the event that it is not possible to achieve the specified noise limit with mitigation within a reasonable time period, then the operation of the turbine shall cease.

The measurement time period shall be based on BWEA blade length calculation (para 3.4(1) $t=4*D$ seconds) where t = measurement time period in seconds (subject to a minimum period of 10 seconds) and D = rotor diameter in metres.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

13. In the event that an alternative turbine to that contained in the Noise Assessment report (SLR, November 2021), agreed under discharge of conditions application ref. 22/0477/38, granted 07/11/22, is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the provisions of conditions 10 – 13, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 10 are being met. The data produced in accordance with the scheme shall be forwarded

to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Wind speed, wind direction and power generation data for the wind turbines shall be continuously logged by the wind farm operator in accordance with the guidance note 1(d) and provided to the Local Planning Authority at its request and in accordance with the attached guidance note 1(e) within 28 days of any such request. This data shall be retained for a period of not less than 24 months.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. At the reasonable request of the Local Planning Authority, following a complaint to it about shadow flicker from any wind turbine, the operator of the wind turbine shall, if required, shut down the turbine and at its own expense, and employ a consultant approved by the Local Planning Authority to measure, assess and report to the Local Planning Authority the level of shadow flicker generated by the operation of the wind turbine at the property to which it relates ('the complainant's property') in a scheme to be agreed with the Local Planning Authority. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the Local Planning Authority.

If the assessment requested by the Local Planning Authority demonstrates unacceptable levels of shadow flicker the operator of the turbine shall take immediate steps to provide mitigation to ensure that the impacts are reduced to an acceptable level. The operator shall provide written confirmation of that scheme of mitigation and a timescale for its implementation to the Local Planning Authority within a time period to be agreed with the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

17. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 17 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

18. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 18 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

19. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 19 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

20. The development works hereby approved shall be carried out in accordance with the traffic management details agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development.

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. The development works hereby approved shall be carried out in accordance with the means of access details, including the permanent surfacing of the first 20m off the public highway, agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22.

Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

22. The highway conditions survey methodology agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22, shall be implemented and adhered to during development works. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

23. Heavy Goods Vehicle deliveries shall only take place between 09:00am-16:00pm Monday to Friday.

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

24. The development works hereby approved shall be carried out in accordance with the full site drainage arrangements set out within the Drainage Briefing Note Rev. 2 10/07/23 (Tulip Engineering Consultancy). The turbines shall not be brought into beneficial use until the drainage arrangements have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

25. The development works hereby approved shall be carried out in accordance with the written scheme of historic environment mitigation agreed under discharge of conditions application ref. 22/0447/38, granted 24/05/22.

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 in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

APPENDIX A

Conditions varied as a result of earlier discharge of conditions approvals and the granting of this application (conditions not set out below would not alter from the previous planning permission)

~~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.~~

1. The development hereby permitted shall be begun before the expiration of one year 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 nos:~~

- ~~• Location Plan: Figure 1 — 16/5/16~~
- ~~• Location Plan and Access Route: Figure 1a — 16/5/16~~
- ~~• Detailed Layout : Figure 2 — 16/5/16~~
- ~~• Transformer Cabin Plan and Elevation: Figure 3a — 16/5/16~~
- ~~• Typical Wind Turbine and Foundation: Vensys — 16/5/16~~
- ~~• Grid Connection Route: - 16/5/16~~

~~and documents received by the Local Planning Authority on 16/5/16 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.~~

2. The development hereby approved shall be carried out in accordance with the approved plans ref.:

- Figure 1: General Location Plan – 16/05/16*
- Figure 1a: Location Plan showing access route to site – 16/05/16*
- Figure 2: Detailed Layout – 16/05/16*
- Figure 3A: Transformer Cabin (Plan & Elevation) – 16/05/16*
- Typical Wind Turbine and Foundation: Vensys – 16/05/16*

and documents received by the Local Planning Authority on 16/05/16, 23/11/22 and 10/07/23 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.

~~4. Operations shall not be commenced until details of the design, colour and external finish of the turbines and associated structures, proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.~~

~~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.~~

~~4. The turbines hereby approved shall be constructed in accordance with the details (design, colour and external finish of the turbines and associated structures) agreed under discharge of conditions application ref. 22/0645/38, granted 29/06/22. Should alternate details to those approved by application ref. 22/0645/38 be proposed then no operations shall commence on site until further details of the design, colour and external finish of the turbines and associated structures proposed to be used have been submitted to and approved in writing by the Local Planning Authority. All materials used shall conform to the details so approved 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.~~

~~8. Prior to the commencement of works on the turbine bases, access route and cable run, a detailed design and method statement for their construction shall be submitted to and approved by the Local Planning Authority. The statement shall include measures to:~~

- ~~• Prevent pollution.~~
- ~~• Control surface water runoff.~~
- ~~• Control and prevent non-native invasive species especially Himalayan Balsam and Japanese Knotweed.~~
- ~~• Include the remedial works needed to reinstate the land.~~

~~The works shall be carried out in accordance with the approved details, unless otherwise agreed by the Local Planning Authority.~~

~~Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.~~

~~8. The development works hereby approved shall be carried out in accordance with the detailed design and method statements for construction agreed under discharge of conditions application ref. 22/0665/38, granted 15/11/22.~~

Reason: To minimise environmental impact in the vicinity of the site in accordance with Policies AW5, AW6, AW8, AW12 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

~~13. In the event that an alternative turbine to that contained in the submitted noise assessment (Chapter 9 and Appendices of the Environmental Report August 2016) is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.~~

~~Reason: To protect the amenities of residents in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.~~

13. In the event that an alternative turbine to that contained in the Noise Assessment report (SLR, November 2021), agreed under discharge of conditions application ref. 22/0477/38, granted 07/11/22, is chosen for installation, then development shall not take place until a new desktop site specific noise assessment of the proposed turbine has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of residents in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

~~17. No development shall take place until a Species and Habitat Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:~~

- ~~i. An appropriate scale plan showing Protection Zones where construction activities are restricted and where protective measures will be installed or implemented.~~
- ~~ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction.~~
- ~~iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed.~~
- ~~iv. Details of specific species and habitat mitigation and monitoring measures for key species including bats, nightjar, and reptiles.~~
- ~~v. Details of wildlife sensitive lighting proposals.~~
- ~~vi. Details of water pollution control measures.~~
- ~~vii. Details of Himalayan Balsam control.~~
- ~~viii. An agreed scheme of progress reporting to the Council during the construction programme.~~
- ~~ix. Persons responsible for:
 - ~~a. Compliance with legal consents relating to nature conservation.~~
 - ~~b. Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works).~~
 - ~~c. Installation of physical protection measures and management during construction.~~
 - ~~d. Implementation of sensitive working practices during construction.~~~~

- ~~e. Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction.~~
- ~~f. Specific species and habitat mitigation measures.~~
- ~~g. Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.~~

~~All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.~~

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

~~17. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 17 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.~~

~~Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.~~

~~18. No development shall take place until details of a habitat and ground restoration scheme has been submitted to and approved in writing by the Local Planning Authority.~~

~~All works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.~~

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

~~18. The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 18 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.~~

~~Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.~~

~~19. No development shall take place until a bat mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a turbine shutdown programme and further post-construction monitoring. The turbines shall not be operated other than in strict accordance with the approved scheme.~~

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

19. *The development works hereby approved shall be carried out in accordance with the Report to Inform Discharge of Condition 19 (BSG Ecology, July 2022) agreed under discharge of conditions application ref. 22/0871/38, granted 17/11/22.*

Reason: To afford protection to animal and plant species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

~~20. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:~~

- ~~a. Detailed swept path analysis including mitigation measures and use of potential third party land.~~
- ~~b. Traffic Management (during transportation of abnormal loads).~~
- ~~c. Traffic management during construction.~~
- ~~d. Structures (over bridges height, width, weight restrictions).~~
- ~~e. Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales).~~
- ~~f. Dry Run (to be witnessed by highway authority and police).~~
- ~~g. Temporary Traffic Regulation Orders; and where residents displaced parking would take place without impacting on free flow of traffic and highway safety.~~
- ~~h. Emergency Contingencies.~~

~~The development shall be carried out in accordance with the approved TMP, unless otherwise agreed by the Local Planning Authority.~~

~~Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.~~

20. The development works hereby approved shall be carried out in accordance with the traffic management details agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22. Any temporary mitigation measures affecting the public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development.

Reason: In the interests of highway safety and to ensure safe and satisfactory delivery of all components in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

~~21. Development shall not commence until details of the means of access to include permanent surfacing for the first 20m off the public highway and timing of works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.~~

~~Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.~~

~~21. The development works hereby approved shall be carried out in accordance with the means of access details, including the permanent surfacing of the first 20m off the public highway, agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22.~~

~~Reason: In the interests of highway safety and to ensure mud and debris are not tracked onto the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.~~

~~22. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (un-named Lane) that could be affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report should include:~~

- ~~a. The timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority.~~
- ~~b. Comprehensive photographs.~~
- ~~c. Potential compensation arrangements.~~

~~The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.~~

~~Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.~~

~~22. The highway conditions survey methodology agreed under discharge of conditions application ref. 22/0940/38, granted 27/08/22, shall be implemented and adhered to during development works. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority. Any compensation arrangements shall be carried out in accordance with the approved details.~~

~~Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.~~

~~24. No development shall take place until full drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The turbines shall not be brought into use until the drainage arrangements have been completed in accordance with the approved details.~~

~~Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.~~

24. The development works hereby approved shall be carried out in accordance with the full site drainage arrangements set out within the Drainage Briefing Note Rev. 2 10/07/23 (Tulip Engineering Consultancy). The turbines shall not be brought into use until the drainage arrangements have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

~~25. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted to and approved by the Local Planning Authority. Thereafter, the programme of work will be fully 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 in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.~~

25. The development works hereby approved shall be carried out in accordance with the written scheme of historic environment mitigation agreed under discharge of conditions application ref. 22/0447/38, granted 24/05/22.

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 in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1433/10 (JE)
APPLICANT: WK Plasterers LTD
DEVELOPMENT: Proposed development of two dwellings, car parking and associated works.
LOCATION: VACANT LAND AT WILLIAM STREET, YSTRAD, PENTRE
DATE REGISTERED: 08/02/2023
ELECTORAL DIVISION: Ystrad

RECOMMENDATION: APPROVE

REASONS: The principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

- More than three letters of objection have been received.
- A request has been received from Councillor Geraint Jones for the matter to come to Committee for Members to consider the full impact of the development.

APPLICATION DETAILS

Full planning permission is sought for the construction of two dwellings with car parking and associated works at vacant land at Williams Street, Ystrad. The proposal would consist of a pair of semi-detached dwellings located centrally within the plot fronting William Street. Vehicular access would be gained from River Street to the rear with each dwelling benefitting from an 2no. off street parking spaces and an area of amenity space.

The dwellings would measure a combined width of 12 metres by a depth of 8.3 metres. The dwellings would have a dual pitched roof design with gable ends on their side elevation measuring a maximum height of 8.8 metres sloping to 5.6 metres at the front elevation and height of 11.3 metres sloping to 8.2 metres measured from the rear.

The proposed dwellings would see living accommodation over three floors with the following layout proposed:

Lower Ground Floor:

- Kitchen/dining room
- Storage and water tank cupboard

Ground Floor:

- Entrance hallway
- Living room
- Bedroom
- WC

First Floor:

- 3no. bedrooms
- Airing cupboard
- Bathroom

The proposal has been designed to meet local needs following discussions with Trivallis who would occupy the units once complete.

Members are advised that this application was originally submitted as a terrace of 3no. properties before a reduction to 2no. The applicant has advised that the reason for this change was concerns associated with the potential need for underpinning of existing foundations should they attach to the neighbouring property.

This application is supported by:

- Transport Statement
- Flood Consequence Assessment and Drainage Strategy
- Geotechnical and Geoenvironmental Desk Study and CMRA
- Preliminary Ecological Appraisal

SITE APPRAISAL

The application site relates to a vacant parcel of land along William Street within the village of Ystrad. The site is irregular in shape and extends to approximately 0.03 hectares and is located on the southern side of William Street located between No.78 and No.83. The site is overgrown with shrub and it is noted as previously being occupied by a terrace of properties which were historically demolished. The nature of the site decreases in level from north to south. The site is bounded by the highway at William Street to the north, a separate vacant parcel of land to the east, the highway at River Street to the south and No.83 William Street to the west.

The area surrounding the site comprises a mix of residential properties and commercial units.

PLANNING HISTORY

The most recent planning applications on record associated with the application site are:

12/0666/10: VACANT LAND 80 - 84 WILLIAM STREET, YSTRAD.
Construction of 4 no. 3 bed dwellings & 1 no. 1 bed maisonette.
Decision: 27/03/2013, Grant

11/0804/10: VACANT LAND, 80 - 84 WILLIAM STREET, YSTRAD.
Proposed construction of 5 no. 3 bed dwellings & 1 no. bed maisonette.
Decision: 20/06/2012, Withdrawn by Applicant

09/5640/32: 80-84 WILLIAM STREET, YSTRAD
Residential development
Decision: 09/12/2010, Withdrawn by Applicant

03/2150/13: PLOTS 79 - 84 WILLIAM STREET, YSTRAD, PENTRE
Erection of 2 no. dwellings (outline).
Decision: 16/04/2004, Refuse

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as notices displayed at the site.

3no. letters of objection and a petition with a total of 10 signatures from neighbouring occupiers have been received following consultation (summarised below).

- Development is next to an existing Trivallis housing facility which creates existing problems with highway safety and parking.
- Highway at River Street is substandard in width.
- River Street has no turning facilities.
- Poor ground conditions caused the previous developer to go bankrupt which created problems for local residents.
- Proposal results in a poor quality of accommodation.
- The dwellings have insufficient amenity space.
- Concerns associated with the intentions of the developer due to the floor plans indicating that the space can be used by wheelchair users although no lift between floors is shown.
- Proposal is out of keeping with William Street which is characterised by terrace properties.
- Concerns associated with Trivallis – costs of development, lack of consultation with residents.
- Concerns and disagreement with the findings of the supporting information, specifically the Transport Statement.
- Concerns associated with existing drainage infrastructure which is noted as frequently blocking.
- The site accommodates a spring which impacts upon neighbouring properties through water ingress. The intended construction on the applicant site will cause excessive rainwater run-off from the site to the lower levels and will

undoubtedly increase the problems currently being experienced by neighbouring occupiers.

- Other developments have been required to include turning facilities which are not included in this development.

CONSULTATION

Transportation Section: No objection subject to conditions.

Countryside (Ecology): No objection subject to a condition.

Flood Risk Management (Drainage): No objection.

Public Health and Protection: No objection although conditions suggested with regard to hours of construction, noise, dust, waste and contamination.

South Wales Fire and Rescue: No objection.

The Coal Authority: Sets out that the site does not fall within a Development High Risk area and no objection is raised.

Wales and West Utilities: Standard consultation response setting out that utility pipes maybe present in this area.

Dwr Cymru/Welsh Water: No objection although condition suggested with regard to surface water drainage.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 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 Ystrad and isn't allocated for a specific purpose.

Policy CS1 – sets out the criteria for new development in the Northern Strategy Area.

Policy CS5 - Identifies that there is a need to provide 1770 affordable housing units over the plan period.

Policy AW1 - The policy identifies how land will be made available to meet the housing land requirement figure, and does not include the development of unallocated land outside the defined settlement boundary.

Policy AW2 – Supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptable conflict with surrounding uses.

Policy AW5 – Sets out the criteria for new development in relation to amenity and accessibility.

Policy AW6 – Requires development to involve a high quality design and make a positive contribution to placemaking, including landscaping.

Policy AW8 – only permits new development where its shown that there will be no harm to locally designated sites or unacceptable impact upon features of importance to landscape or nature conservation.

Policy AW10 – Does not permit proposals where they could cause or result in a risk of unacceptable harm to health and/or amenity.

Policy NSA12 – Identifies the criteria for assessment of development proposals within and adjacent to settlement boundaries.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking
- Affordable Housing

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 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
- Policy 7 – Delivering Affordable Homes – SDP/LDP allocations and innovative approaches.
- Policy 33 - National Growth Area - Cardiff, Newport and the Valleys: Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region.

Other national policy guidance considered:

PPW Technical Advice Note 2 – Planning and Affordable Housing

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 18 – Transport

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 seeks full planning permission for the construction of two dwellings with car parking and associated works at vacant land at Williams Street, Ystrad. The application site is located within the settlement boundary and benefits from a previous consent for residential development. As such, the principle of residential development on the site has been previously established and the proposal is acceptable subject to an assessment of the criteria set out below.

It has also been set out by the Council's Housing Strategy Team that this social rented scheme has been designed by Trivallis in dialogue with them to help address the need for additional affordable housing within Ystrad. The unit mix and tenure proposed are in accordance with the Local Housing Market Assessment 2017/23, and, as such, this proposal satisfies Policy NSA11 of the adopted Local Development Plan.

Impact on the character and appearance of the area

The residential development surrounding the site comprises a mix of dwelling types, including some recently built semi detached houses immediately to the west, in addition to the traditional Victorian terraced properties to the north and a terrace of late 20th century properties to the rear along River Street. In this context given the variation in local character, the proposed development is considered to be an acceptable addition to the street scene and would share similarities with a recently built house directly to the west. In addition, the redevelopment of the site would result in a positive impact upon the character and appearance of the area due to its currently overgrown nature which appears unkempt and forms a prominent feature within the street scene.

In terms of the visual impact of the proposal, the dwellings would be sited on a relatively spacious plot, directly adjacent to an existing pair of semi detached properties. The proposed dwellings would have a similar layout and orientation to the adjacent properties, with the principal front elevations facing towards William Street and vehicular access gained from the rear.

In addition, the submitted site layout plan indicates the site is large enough to accommodate the proposed dwellings whilst also retaining sufficient amenity space and off street parking.

Furthermore, the materials proposed with a cement rendered finish is considered appropriate for the development with adjacent properties benefiting from a variety of rendered or dashed elevations. As such, the proposal is not considered harmful to the existing character and appearance of the locality and is considered acceptable in this regard.

Impact on residential amenity and privacy

When considering the impact upon properties to the north along William Street, whilst the proposed development would form a prominent addition from the front elevation of these dwellings, the resulting relationship would be similar to that which currently exists between neighbouring properties within the vicinity and is not considered to be significant.

The proposed dwellings would be erected alongside the blank side elevation of No.83 William Street located to the west. An area of amenity space would also be located along the boundary that would offset the buildings from the nearest residential property with no windows proposed within the side elevations of the dwellings. Additionally, the relationship between the new dwellings and No.83 would be a betterment to the previously approved relationship that would see No.83 as a mid terrace dwelling.

The main impact of the proposal would be the potential for overlooking to the dwellings at the rear of the site, on River Street, as they are at a lower level to the site. However, this proposal would be no closer to the dwellings on River Street than that previously approved and would result in a similar impact. This relationship is also a common occurrence in the surrounding area.

Taking the above into account, the proposal is not considered to adversely impact upon residential amenity and is considered acceptable in this regard.

Highway Safety

The Council's Transportation Section were notified during the consultation period in order to provide comments on the suitability of the application. Whilst a number of concerns were raised by the objectors with regards to access and parking, no objection was raised by the Transportation Section with the following response received:

Access

The proposal is served off the A4058 (William Street) which has a carriageway width of 7.7m with 1.7m wide footways on each side. There are on street parking restrictions in place in the form of double yellow lines to prevent indiscriminate on-street parking.

The proposed parking to the rear will be served off River Street which has substandard carriageway width to accommodate two-way vehicular movement due to on-street parking. The rear of the property is only accessible by vehicle via Brook Street or a side lane off the A4058 (William Street).

The proposed provides parking to the rear however no details of a vehicular crossover have been submitted therefore, a condition has been suggested accordingly. The applicant also proposes bi-folding gates to the rear of the property which will open internally which is considered acceptable.

Trip Rate (TRICS)

The proposed will result in limited additional peak trips, 3 in the AM and 3 in the PM which will have minimal impact on the existing highway network.

Parking

The development proposes the construction of 2no. 4-bedroom dwellings which have a parking requirement of 3 spaces per dwelling in accordance with SPG: Access, Circulation & Parking Requirements 2011 with only 2 provided per dwelling, resulting in a shortfall of 1 space per dwelling, which raises concern. The applicant also proposes secure cycle storage which promotes sustainable modes of transport which is considered acceptable.

Swept Path

Swept Path analysis has been provided within the Transport Statement to indicate the off-street car parking is accessible from River Street which is acceptable.

Drainage

There is concern that water run-off from the proposed off-street parking to the rear may discharge onto the highway therefore a condition has been suggested accordingly.

Conclusion

The proposed site has previously been given planning permission for 5 units with 2 previously built. The proposal seeks permission for 2 additional dwellings taking the total to 4 dwellings.

The proposed results in a shortfall in the maximum standards of 2 spaces potentially increasing on-street parking demand in an area with high on-street parking demand and restricted traffic flow due to lack of off-street parking facilities in the area and the nature of terraced streets. However, taking into consideration the proposed is located in a sustainable location within walking distance of nearby public transport in the form of bus and train, parking restrictions fronting the property to prevent indiscriminate on-street parking, provision of secure cycle storage to promote sustainable modes of transport on-balance, the proposed is considered acceptable.

Public Health

The application is supported by a Geotechnical and Geoenvironmental Desk study which has been reviewed by the Council's Public Health and Protection Division during the consultation period. Whilst the Council does not hold any records of potentially contaminating former land uses on the site or landfills on or within 250 metres, the aforementioned report identifies medium risks to human health and recommends an intrusive site investigation. As such, the standard contaminated land conditions were requested by the Public Health Division.

The Public Health and Protection Division also suggested a number of conditions be attached to any consent in relation to construction noise, waste and dust. Whilst these comments are appreciated, it is considered that construction noise, waste and dust matters can be more efficiently controlled by other legislation. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Ecology

The application is supported by the December 2022 Wildwood Ecology PEA which identifies that the site consists primarily of tall ruderal and scrub which may be suitable for reptiles, nesting birds, hedgehog and invertebrates. This report has been reviewed and considered acceptable by the Council's Ecologist who requests that all recommendations set out in section 5 are conditioned should the development be granted consent.

Drainage

The objections received raise a number of concerns associated with drainage and impact associated with the proposed development. The application is supported by a Flood Consequence Assessment and Surface Water Drainage Strategy which demonstrates acceptable discharge rates from the site which provide a betterment to the existing situation as commented by the Council's Flood Risk Management Department. As such, no objection to the proposal was raised and it was commented that surface water flood risk will be adequately managed by both Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

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 application site lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The principle of development is considered acceptable and the proposed scheme would not result in a significant impact upon the character and appearance of the surrounding area or the amenities of the surrounding properties. Furthermore, there would be no undue impact upon pedestrian or highway safety in the vicinity of the site, subject to works detailed in the conditions below being carried out. As such, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

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:

- 2193-02 K
- 2193-03 I
- 2193-04 I
- Site Location Plan

and documents received by the Local Planning Authority on 20/06/23, 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 a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. Notwithstanding the details shown on the submitted plans, development shall not commence until design and detail of the vehicular crossover and tie in with River Street have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of highway and pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected 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.

6. The parking spaces shall be constructed in accordance with the submitted drawing no "2193-02 H" prior to the proposed being occupied. The parking spaces shall be retained for vehicle parking only unless agreed otherwise by the Local Planning Authority.

Reason: To ensure vehicles are parked off the public 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.

7. 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.

8. The development hereby permitted shall not commence 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.

1. 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.
2. 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.
3. 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 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.

9. The development hereby permitted shall not be brought into beneficial use until the measures approved in the scheme referred to in Condition 8 have been implemented and a suitable validation report of the proposed scheme is submitted and approved 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 Taf Local Development Plan.

10. 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 Taf Local Development Plan

11. The development hereby approved shall be carried out in accordance with the methods and recommendations set out in Section 5 of the Wildwood Ecology, Preliminary Ecological Appraisal, December 2022.

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

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PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORTS

Members are asked to determine the planning applications outlined below:

APPLICATION NO: 22/1476/08 (CHJ)
APPLICANT: Rhondda Cynon Taf County Borough Co
DEVELOPMENT: Permanent retention of landform created by deposit of approximately 19,700m³ of material from Tylorstown landslip, creation of new footpath incorporating two footbridges, drainage works plus landscaping and habitat/ecological mitigation measures and associated works.
LOCATION: LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE
DATE REGISTERED: 20/12/2023
ELECTORAL DIVISION: Ferndale and Maerdy

APPLICATION NO: 22/1477/08 (CHJ)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Permanent retention of approximately 740m³ of material from Tylorstown landslip, landscaping and habitat/ecological mitigation measures and associated works.
LOCATION: LAND TO THE SOUTH OF STATION ROAD, FERNDALE
DATE REGISTERED: 20/12/2022
ELECTORAL DIVISION: Ferndale and Maerdy

BACKGROUND

On Sunday 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslip followed by a smaller secondary event.

The result was that approximately 28-30,000m³ of slipped colliery tip material filled the valley bottom from the toe of the slope outwards in an extremely low angled and widely distributed debris envelope, filling the Afon Rhondda Fach's channel and diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating an approximately 5m vertical unstable

face and threatened to undermine the Rhondda Fach Leisure Centre overflow car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the leisure centre, downstream of the landslide toe, felled numerous trees in its wake and covered a water main below a former railway line used as a non-motorised leisure route.

Urgent work had to be undertaken to move the slipped material to prevent further damage and three parcels of land, conveniently located close to the slip a short distance upstream along the valley floor and capable of safely accommodating the large amount of material required to be stockpiled, were identified to receive the material.

These sites included RS-B with the other two sites being designated as Receptor Sites A1 and A2 (RS-A1, RS-A2).

The closeness of the sites to the landslip allowed the material to be moved in an efficient and timely way which, given the continuing damage being caused by the diverted river was a key consideration. Other advantages included the utilisation of the former railway line as a 'haul road'. The track bed which runs along the valley bottom conveniently connected the slip area and site thereby minimising the impact of the transportation of the material from the slip area with no material having to be transported on the local highway network.

Once the sites were cleared, work to deposit the material on the receptor sites began in July 2020 and was completed in February 2021.

Two planning applications for the temporary deposit of the slipped material, covering the three sites used, were submitted (see APPENDIX A). These were submitted during the engineering operations to deposit the material and were therefore partly retrospective. The response to the sudden and damaging landslip above Tylorstown had to be swift if further immediate harm was not to be caused to the environment, critical strategic infrastructure and property. The situation at the time required such an urgent response that the normal formal planning process could simply not be followed and complied with, although all works had been subject to extensive discussions (and a site visit) with Officers from the Council's Planning Service.

The two planning applications were approved in January 2021 for the temporary stockpiling of material from the landslip – 20/1312/08 (RS-A1 & A2) and 20/1313/08 (RS-B) and were both subject to an identical planning condition requiring submission and approval of the permanent landform and proposals. While the applicant could have chosen to discharge the requirements under this condition, they have instead chosen to submit a full/detailed application.

This application brings forward the same permanent proposals to satisfy the condition(s). One application has been submitted in respect of RS-B with a separate application being submitted to cover the proposals for RS-A1 and RS-A2.

For the sake of brevity, one report has been prepared to cover both applications (as was the case for the original applications) however two separate decisions will be required.

APPLICATION DETAILS

This is a full/detailed application to secure the finished landforms on Receptor Sites A2 and B following the temporary / urgent storage of the material involved in the landslip of 2020. A separate application will be made in the future in respect of Receptor Site A1.

The application includes:

- A Design & Access Statement
- Community Infrastructure Levy Declaration
- Ecological Mitigation & Enhancement Report
- Drainage Strategy Statement
- Flood Consequence Assessment
- Materials Management plan
- Coal Mining Risk Assessment and a
- Geo-Environmental Interpretive Report.

Technical Plans have also been submitted in support of the proposal.

There are a number of key features in the proposals. These include:

- Retention of majority of temporary landform in its current form.
- Minor remodelling and earthworks to facilitate installation of a new 2m wide footpath through part of the feature.
- Installation of two footbridges which will link the proposed new footpath to the footpath/cycleway route in the valley floor to a footpath running up the valley side.
- Installation of two benches and two interpretation panels on the top of the landform adjacent to the new footpath link.
- Indicative setting out of a number of stepping-stones through the upper platform of the feature.
- New features to deter unauthorised access.
- Minor alterations to existing drainage infrastructure arrangements; and

- Proposed landscaping, habitat mitigation and enhancements.

The applicant has advised that they had considered an alternative option of removing the materials from site, but this would have had negative environmental consequences as well as resulting in 3000 HGV road journeys through Ferndale (or potentially 9000 HGV movements travelling through Blaenllechau using smaller vehicles).

Furthermore, the proposals presented will provide benefits to the community in terms of extending the leisure walking route option, facilitating the upgrading and extension of the Active Travel Route and extending the diversity and value of local habitats.

It is proposed to retain the majority of the now established landform in its current form. The principal change will be works to alter the landform to incorporate a new footpath link from the footpath/cycleway route along the former railway, through part of the landform, to join an existing footpath that runs up the side of the valley. Details of the value of the footpath link and associated features are discussed further in the report.

RS-A2 was utilized as a part of the emergency relocation of the slipped material. However, it was only used as a site for drying the material before it was transferred to RS-B. The drying process was essential to the formation of a stable landform on RS-B as the saturated material would have not been able to be compacted to the required standard. It was anticipated that 8,000m³ of material would need to be stockpiled however the amount of material to be relocated from the slip site was reduced by the significant action of the river washing it downstream before it could be moved. Following this process, there was a small amount of material left on the site which amounts to approximately 740m³, which is well below the approved 8000m³. This residual material is spread very thinly across the site and does not affect the existing profiles of the valley slopes.

In total, the amount of material deposited on RS-B during the process to remove the landslide is estimated to be 19,700m³ - slightly lower than the maximum approved (22,000m³) under the temporary consent. It has been built up to a maximum height of 6.4m compared to the maximum of 8m envisaged in the temporary planning approval.

The methodology used to deposit the material on site was to a specification suitable, should it have been required, that the feature could form a safe, permanent landform. This involved drying the material before it was deposited and ensuring that it was formed in layers, each of which was firmly compacted. This ensured a firm and stable landform was developed.

The landform is an irregular shape; it extends approximately 190m in length with variable widths, slopes and heights. The contours are shown on the accompanying General Arrangement plan which shows the main features of the landform to be two sections separated by a drainage feature.

The smaller section, consisting of the western part of the landform and extending to 60m in length, was engineered to slope generally at a 1 in 3 angle to the southern

slope facing the former railway line; this angle generally mirrors the existing slope of the valley in this location. The section is approximately 30m wide along the majority of its length; at the rear, the section slopes back gently to meet the valley side – a characteristic that aids drainage. Between this section and the larger section is a drainage feature and the feature slopes towards it, the maximum height of the deposited material above the original ground level is 6.4m.

The larger section extends to approximately 130m and occupies the generally, eastern part of the landform. The lower and eastern slopes are more steeply angled than those of the adjoining section at 1 in 2 which also reflects the generally steeper angle of the valley side.

This section has a maximum width of approximately 40m; it levels out across two thirds of its width to provide a gentle rear slope towards the drainage feature along its northern edge.

The majority of the deposited landform will remain unaltered; the principal change proposed is the installation of a new footpath link from the footpath/cycle route along the line of the old railway through the application site to another existing footpath that has been formed running down the valley side. Creating the route of the proposed path requires the erection of two footbridges – one at either end, plus additional earthworks on the western slope of the larger section.

The proposed route of the new path has been chosen to minimise the impact on the existing and proposed habitat regeneration proposals.

A small embankment is proposed to be formed adjacent to the existing footpath/cycle route along with some localised regrading, which will allow a ramp to be formed to facilitate the installation of the 6m long by 1.2m wide bridge. The bridge will carry the new footpath onto the side of the landform crossing the existing drainage features at the base of the landform's slope. It is to be constructed of brown-coloured, wood-effect resin.

The footpath requires three sections in a zig-zag (switchback) pattern to gain the height by mostly cutting through the side slope up to the upper level of the landform. The long section of the route of the new path is shown on the submitted Footpath Long Section plan from which it can be seen that the majority of the required earthworks are cutting with a small amount of associated filling.

The longest length of the new path runs parallel to the upper edge of the landform with two layby places at either end for seating/benches – see submitted Landscape Plan. The shorter of the two proposed bridges at the eastern end of this section crosses the existing drainage swale and joins the new path to an existing footpath running down the valley side. Constructed of the same material as the 6m bridge, the bridge spans 4m and is also 1.2m wide. As detailed in the Proposed Footpath Layout plan, localised ground reprofiling to match the footbridge landing level will be required to tie into the existing footpath level.

Part of the design process included an attempt to create a footpath slope to a suitable standard for use by unassisted wheelchair users. Unfortunately, due to the constraints of space and the steepness of the slope to be climbed this was not possible. Within these constraints, the applicant has sought to make the slope as shallow as possible by incorporating the zig-zag design and making provision adjacent to the proposed benches for wheelchairs and/or pushchairs.

No other work is proposed to the existing footpath running down the valley side, which is not a Public Right of Way, nor is it maintained by RCT. It is an informal route created by frequent use; the lower portion of the informal path is quite steep and narrow in nature and was partially eroded during Storm Dennis. The option to use the new path will avoid this portion and allow the existing path to be abandoned .

The new footpath is to be surfaced in porous asphalt. Once completed the new footpath and associated features will be maintained by RCT.

One of the principles of the existing and future ecological enhancement of the site is the natural regeneration of the deposited material to provide a rich and diverse habitat. This process was begun at the completion of the temporary landform and has made good progress. However, the habitat is fragile and needs time to fully establish and maximise its ecological value.

The tops of the two sections of the landform were the first areas to be laid with the recovered turves and topsoil that has kick-started the regeneration process. The new footpath will avoid these areas, but it is accepted that the generally gently sloping nature of the top of the larger section of the landform could encourage encroachment onto the surface being regenerated. It is suggested that two elements of the scheme could at least minimise this intrusion.

Firstly, a route through the edge of the most sensitive area will be provided using stepping-stones - an indicative route is shown on the submitted plans. RCT is considering the options for the detailed design and installation of the route, the stones' materials and finished surface. One option is to involve the local community and schools in their design based around a project to extend the understanding and appreciation of the habitat being created.

Secondly, two interpretation boards are proposed to be located adjacent to the proposed seating area/benches, and at least part of the information on the boards will be about the importance, value and fragility of the developing habitats. The remainder of the boards' information could provide historical context of the local mining/railway line or landscape features able to be viewed from the position.

The site has portions of both the Blaenllechau Woodland Site of Interest for Nature Conservation (SINC) and the Old Smokey Slopes SINC within it and the Taff and Rhondda Rivers SINC lies immediately to the west.

An integrated long term habitat management strategy is proposed for the whole area affected by the initial landslip and proposed safety works to the remaining Llanwonno Tip; this includes the receptor sites beside the river. The plan is currently being produced following consultation with stakeholders.

The broad aims of the management plan will be;

- To maintain and enhance the SINC quality of habitats including through natural regeneration.
- Management input to enhance protected/priority habitats and species.
- To monitor habitats and species to inform the management plan, ensuring it is effective and there is built in flexibility for revision as required.
- To create a local nature reserve that will benefit the public and promote engagement.
- Reduce and minimise future grass fire risk.
- Reduce illegal off-road use of the site.

All mitigation and enhancement measures for the application site are designed to dovetail with the aims of this long-term management strategy for the whole area and are hence a microcosm of the biodiversity vision for the wider landscape. It seeks to maximise habitat diversity over the area, rather than simply replanting trees as compensation for those lost.

Topsoil and turves were retained from the existing habitats on the sites to be cleared as part of the emergency works response. These included priority and locally important habitats, including dry heath, violet species, wild strawberry rich habitat and an area of dense bracken. These were reinstated on the plateau created within RS-B shortly after the deposit of the slip material was completed to promote appropriate natural regeneration.

The distinct areas of habitat that are establishing due to careful translocation of soil will create a mosaic of habitats and will provide conditions for a wide range of invertebrates; bracken will provide shelter for reptiles, amphibians and will become suitable for breeding sites for Local Biodiversity Action Plan bird species such as stonechat.

The original scheme to deposit the slip material was designed to avoid any potential conflict with nearby areas of ancient woodland. The closest ancient woodland boundary is to the east of the site.

All the works providing the changes to the landform or additional features in the current application are sufficiently far enough from the ancient woodland or secondary woodland areas not to have any potential impact on them. In addition, there are no trees proposed to be felled as part of the proposals. As the works are sufficiently far enough from the existing trees on the hillside that additional measures to protect them are considered unnecessary.

In total across all three receptor sites (RS-A1, RS-A2 and RS-B), a total of 441 trees were removed at that time. Of these 275 were either non-native species (e.g. conifers self-seeded from nearby plantations) or Ash. Only 3 mature trees were removed that were of native species and the majority of all trees removed were either immature or semi-mature (See table in appendix of accompanying Ecological Mitigation and Enhancement Report for full details).

The proposed new landscaping consists of planting predominately trees but also shrubs that will develop into trees and climbers. The tree planting provides an opportunity to compensate for the loss of pre-existing trees, provide a mix of species that will avoid Ash species susceptible to disease (die-back has been observed in the area), provide for a native species mix of trees and maximise the potential biodiversity benefits of the site.

The proposed tree planting mix focusses on Birch, Oak, Rowan (Mountain Ash) and Hawthorn. This will consist of 70% of the planting across the whole site.

The proposed planting consists of:

- Trees – Birch, Oak, Rowan, Hawthorn = 285
- Shrubs/trees – Hazel = 101
- Honeysuckle = 21

The accompanying Ecological Mitigation and Enhancement Report outlines the anticipated benefits of the approach and also details the ongoing management and monitoring of the site. This will be long term, in line with the overall habitat management plan. There will also be interim arrangements during the normal 'establishment' period which will last 5 years from the planting date. This will provide for replacement and replanting of any failed trees; there will be no thinning out, thus ensuring the number of trees planted will be maintained. The proposed planting methodology is also described in the report which involves incorporating more topsoil into the planting holes than would normally be the case for virgin ground, recognising of the nature of the local substrate.

There is a long-standing problem in the local area from damage caused to the landscape and nuisance to residents and businesses by the unauthorised use 'scrambler' motor bikes.

There are indications that this site is also being used by scramblers, albeit to a less extent than other areas. However, the proposed uses of the site for a new footpath and habitat regeneration are both extremely sensitive to this potential unauthorised activity.

The applicant is therefore proposing to implement physical measures to deter unauthorised vehicular access to the site. Scramblers are most likely to pass the site

via the existing footpath/cycle route and therefore measures are proposed along the most vulnerable sections of the site boundary with this route. They consist of additional linear bunds adjacent to the existing drainage features along the length of the landform plus higher bunds at either end where the existing slopes are shallower.

The two larger bunds, in order to achieve the required gradient to deter scramblers, are proposed to be retained by proprietary Deltalok bags (black/dark grey geotextile fabric bags designed to be filled with a granular soil mix).

The material excavated to create the new footpath will be used to fill the bags and the area behind them at the eastern and western extents of the site. Use of the Deltalock system will also allow revegetation through and between individual bags containing the won material from the path creation works. The Deltalock system will also provide suitable conditions for wildflowers, shrubs and trees to naturally colonise the steep slopes.

Microtopography will be created via the use of the Deltalock system, providing a range of conditions (e.g., temperature, humidity, moisture levels) to encourage a wide range of invertebrate species to colonise.

However, whilst the above measures can address the vulnerable parts of this particular site, it is accepted that the causes and solutions of the 'scrambler' problem are unlikely to be solved by these measures alone; hence, the applicant is engaged in a wider approach involving liaison with landowners and occupiers who are experiencing the same, or worse problems, and the police.

The Geo-environmental Interpretative Report submitted with the application provides the results of site investigations, testing and monitoring of both the original cleared ground and the deposited material/landform and its potential impact on the environment.

It confirms that the investigations found that the original ground platform was '*uncontaminated*' when compared to standard 'open space' health criteria. The examination of the deposited material show it to be uncontaminated and to display mainly low levels of leaching.

Sampling of upstream and downstream surface water was also undertaken which did find some 'exceedance' levels of copper and zinc. However, neither were found to be attributable to the deposited material.

The report in part concludes that "*Given the land quality of the site then no remediation of the site is warranted. Rather it is considered that the 'treatment' phase is complete in that drying of fill prior to placement and the high compaction applied to the material during placement has delivered a landform which does not pose significant land quality risks to the environment.*"

The Geo-environmental Interpretative Report concludes that the landform is well compacted which was a key consideration of the original deposit methodology as it would allow the landform to remain undisturbed, should it be required to be the permanent site solution.

The stockpiled material was placed with a slope gradient not exceeding 1:2 (equivalent to 50% or 26.57 degrees) and was tracked/compacted with a bulldozer in thin layers, and left to dry, allowing any excessive pore pressures within the material to dissipate.

Evidence from the Llanwonno Tips Reclamation Scheme Stability Report determined the colliery spoil had a fines content of <20%, an effective angle of shearing resistance (in its undisturbed state) of 33.5 degrees and a residual angle of shearing resistance (following disturbance) of 26.5 degrees.

Geotechnical testing of the landslip material showed similar results with on average <15% fines allowing the material to be classified as 'Class 1B – Uniformly graded granular material'. This indicates that an engineered 1:2 slope is sufficiently conservative gradient for long term stability, provided adequate drainage is installed.

The maximum design height of RS-B was 8m which was not exceeded, with the actual finished height being no more than 6.4m.

The additional earthworks to create the route for the new footpath will not compromise the established stability of the landform. None of the new slopes will be steeper than the existing and the feature, as it is now and following the footpath work, is considered, will be both safe and stable in the long term.

Risk of flooding from all sources has been considered in the submitted Flood Consequence Assessment. This is the same assessment as used in the original application to create the stockpile as it has been reviewed and found to be still appropriate.

The assessment finds that the site lies partly in Flood Zone 1/DAM Zone A, at low risk of flooding, and partly in Flood Zone 2 and DAM Zone C2, at medium risk of flooding.

The majority of the site is at very low risk of flooding from surface water and small watercourses, with isolated areas of higher risk. A drainage strategy has been developed to manage surface water and is also included in the application – this ensures that the risk of surface water flooding is not increased as a result of the stockpiling.

Risk of flooding from artificial and residual sources has been assessed and is considered to be low.

Using the TAN.15 classifications this type of development is classed as Less Vulnerable land use and is appropriate in Flood Zone 1/DAM Zone A, and the area of

the site in Flood Zone 2/DAM Zone C2, subject to the application of justification test, including acceptability of consequences.

In the report the Justification Test has been applied and passed; it includes noting, as set out in TAN.15, that the development is part of a Local Authority regeneration initiative, the site is previously developed land, and that the potential consequences of a flooding event of the proposed development have been considered and found to be acceptable.

A surface water drainage strategy was developed as part of the original temporary application to deal with the runoff using sustainable drainage systems (SuDS). The eventual deposit of less material than anticipated and at a lower height meant that the actual implemented design did not need as much capacity as approved and therefore slightly less intrusive features were implemented.

An updated Drainage Strategy Statement to reflect these minor changes accompanies the application.

In simple terms, the proposed design contains the following elements:

- A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the landform and directing it around the landform.
- A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;
- A central swale between the two main elements of the landform directing flow down to the level of the toe swale; and
- A culvert connection that collects flow from the above features and directs it to the point of discharge.

The following is a summary of the proposed changes to the existing arrangements.

Originally proposed 3m wide central brick channel and cascade replaced with a 1m wide and 250mm deep lined swale;

- The originally proposed drainage to the eastern side of the landform (1m wide brick and concrete channel with a stepped cascade), directing flows into the pond – was not implemented. Rather, the same sized feature was constructed from gravel-filled geocell units and without the cascade. Over time the gravel fill within the geocells has been observed to be washed away and it is now proposed that this be refilled with topsoil and turves removed from the footpath construction and covered with geotextile to prevent erosion and encourage the establishment of vegetation. To dissipate the energy from the flows and in lieu of the cascade large rocks were installed in the pond;
- The proposed pond has been reduced in size from the original and rather than act as an attenuation feature its main function is to slow down flows as the site

has not increased in impermeable area, but overland flows across the site have been altered by the deposited material;

- The originally proposed alteration to the existing stream alignment to the east of the site is no longer proposed;
- The 1m wide swale to the northern edge of the landform was repositioned slightly due to lower volumes of discharge; and
- The lower actual flows also allowed a smaller pipe to be installed to link the pond to the existing river outfall.

The strategy confirms the design is compliant with current SuDS and other Government guidance and that the proposed changes to the landform will not result in any necessary changes to the drainage scheme implemented. It will form the basis of a subsequent SAB application.

The existing footpath/cycle route along the former railway line is part of the Sustrans National Cycle Network featuring as Route 881 and is a well-used local route. It will remain open at all times during construction works with this requirement being managed by the appointed contractor.

Completion of the permanent works to the application site and RS-A1/2 (RS-A1 when submitted) will remove one of the obstacles preventing the proposed upgrading of the railway footpath/cycle route. The route is planned to be upgraded to become an extension, from Tylorstown to Maerdy, of an existing Active Travel Route along sections of the Rhondda Fach. The finished surface specification of the proposed new path will match that proposed for the upgrading and improvement of the existing footpath/cycle route along the former railway.

There is no direct or formal vehicular access to the site although access can be gained from Station Road into a small informal car park close to RS-A1. There is no proposed change to this arrangement once the works are completed.

The existing footpath/cycle track is proposed to be used as a temporary construction access, an arrangement that will be managed by the appointed contractor using banksmen, to ensure the route remains open. No changes to the surface or width of the track are necessary to facilitate this.

The site is served by and entered immediately off Station Road. Although this single carriageway road is a bus route it is quiet during the majority of the day. The majority of traffic, both staff and deliveries to the site are likely to arrive from the west having travelled on the main A4233. This routing requires all vehicles to pass through the centre of Ferndale from whichever direction they travel along the single carriageway - A4233 (i.e. north or south). The centre of Ferndale, given the number of commercial premises, can be a busy and at times congested section of the A-road.

The normal available lane width is sufficient for the largest delivery vehicles to negotiate without disrupting other road users. A potential pinch point is the junction

with Station Road which sits on the outside of a curve and this junction needs to be negotiated with care.

The construction traffic generated during the construction period for the development will principally be connected to the activities required to build the new footpath and associated structures including the two bridges; plus, additional earth-moving activity generated by the creation of the bunds required to deter scramblers. This activity will involve general construction, earth-moving and track-laying.

However, the quantities of material involved in these activities are such that they will only have minimal impact on the local road network. The number of movements are estimated below.

In terms of the cut and fill balance there will be no material that needs to be removed from the site. Therefore, the construction of the footpath and installation of the bridges will be the main source of material movements.

For the footpath construction the following movements are anticipated.

- Sub-base = 76 m³ equivalent to 6-9 loads dependant on size of vehicle
- Surface course = 1 bulk delivery
- Binder course = 1 bulk delivery
- Footpath Total = between 6-8 deliveries

To install the bridges one delivery per bridge is anticipated.

In addition to these movements heavy earthmoving equipment will be required on site which will be a maximum of 3 one-off deliveries. Also, there will be the regular twice daily movements of the workforce, although these will be minimal, for a small scheme like this, and in any event will not use any vehicle larger than 'transit' van size.

To summarise, the anticipated impacts of traffic generated from the work activity are expected to be minimal. No conflicts with other road users or pedestrians, complaints of disturbance to residents or accidents were recorded during the much larger scheme to deposit the slip material on the application site in 2020/21 and the anticipated traffic impacts are considered well within the capacity of the existing network. Also, there will be no residual impacts beyond the completion of the work.

CONSULTATION

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – no objection

Transportation Section – no objection

Public Rights of Way Section – no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

The Coal Authority – no objection

POLICY CONTEXT

Committee is advised that there has been no significant change in Policy since this development was previously considered.

National Planning Policy

- Planning Policy Wales
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

Core Policies:

Policy CS 1 (Development in the North) - Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote “*accessibility by securing investment in ...walking and cycling*” and “*new forms of employment in the leisure and tourism sectors*”.

Area Wide Policies

Policy AW 5 – This policy 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 - This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

Policy AW 10 - developments proposed must overcome any harm to public health, the environment or local amenity,

Strategy Area Policies:

Policy NSA 20 (Major Road Schemes) -This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network.

Policy NSA 23 (Cycle Network Improvements) – Promotes the extension, improvements and enhancement of the existing networks of cycle paths.

REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)

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 to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

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

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

Committee is advised that the application basically seeks to retain the landforms created to deal with the aftermath of the landslide that occurred as a result of Storm Dennis (in respect of Receptor Sites A2 and B)

Committee will also note from the previous report that while there were technical considerations which dictated the appearance of the stockpiled material, thought was given to the overall impact of the material on the landscape since it was likely to remain there for a considerable time.

The applicant has considered removing the material from the site altogether however there would be significant consequences of this involving thousands of lorry movements through neighbouring villages. There would also be a significant cost associated with this which, while not necessarily being a material Planning consideration, would have to be weighed against the consequences of moving it and the ability of the landform in which it currently sits to accept the material in such a way that (a) it would not appear out of character and (b) that it would afford the local community an opportunity to benefit from enhanced leisure features that the landform could provide.

In addition, the landform has begun to regenerate, and while it is proposed to further enhance the landscaping, removing or disturbing the material in-situ is considered to be the least environmentally friendly approach.

Since the material was first moved the applicant has been in discussions with the LPA and various consultees to help shape the proposal before Committee such that many of the topic areas that would normally comprise this section of the report have already been incorporated and have been set out in the APPLICATION DETAILS section.

In light of the above comments, it is RECOMMENDED that the application be approved subject to the following conditions:

RECOMMENDATION: Approve

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 shall be carried out in accordance with the plans and documents listed within the Design & Access Statement submitted as part of this application unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until such time as a site wide 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):

- Construction methods: details of materials, how waste generated will be managed;
- 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.
- Biodiversity Management: species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including details of dust control measures.
- 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

- 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.
www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk
- 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.

Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

21 JANUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined below:

APPLICATION NO: 20/1312/08 & 20/1313/08 (CHJ)
APPLICANT: Cyngor Rhondda Cynon Taf Council

20/1312/08

DEVELOPMENT: Temporary deposit and storage of approximately 8,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective)

LOCATION: STATION ROAD, FERNDALE

20/1313/08

DEVELOPMENT: Temporary deposit and storage of approximately 22,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective)

LOCATION: LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE

DATE REGISTERED: 19/11/2020

ELECTORAL DIVISION: Ferndale

RECOMMENDATION: Approval subject to the conditions below.

REASONS: The development, while largely retrospective, has been necessary to remediate the landslip that occurred earlier this year. Fortunately, nobody was injured as a result of this incident, but it was clear that action to remove the material from the river was urgently necessary.

The proposal represents the most efficient and environmentally sustainable of the (limited) options available. While the stockpiling of this material will have some negative visual impact, it is necessary (for safety reasons) to dry out the material before it can be worked and will only be for a temporary period before

being removed / remodelled. This will be the subject of a separate planning application (to be made at a future date)

REASON APPLICATION REPORTED TO COMMITTEE: The nature of the application, while potentially capable of being considered under the Council's Scheme of Delegation, is such that a Committee determination is considered more appropriate.

BACKGROUND INFORMATION

On 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslide followed by a smaller, secondary event.

The consequence was that approximately 30,000 cubic metres of colliery tip material slid down the slope and filled the valley bottom from the "toe" of the slope outwards in an extremely low angled and widely distributed debris envelope. This subsequently filled the River/Afon Rhondda Fach diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating a vertically unstable face of approximately 5 metres which threatened to undermine the Rhondda Fach Leisure Centre car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the Leisure Centre downstream of the landslide "toe" and felled numerous trees in its wake and covered a water main below the former railway line which is used as a (non-motorised) leisure route.

APPLICATION DETAILS

The development which is the subject of this application is partially (largely) retrospective and was started without the benefit of planning consent due to the threat to the local buildings and infrastructure caused by the landslide and extensive scouring from the diverted river. Committee is reassured that, while the work may be retrospective, the applicants (the Council) sought early advice from both the Countryside, Landscape & Ecology Section and the Development Control (Planning) Section (as well as other in-house technical experts) before any work had commenced.

Committee is advised that there have been two applications submitted, one for each respective receptor site although the access to these sites are the same (essentially a haul road). Members may also note that the two reports are, largely, identical in content and considerations and while the scheme as a whole can be debated together, two separate determinations are required.

Both sites (referred to as **A & B**) are being used simultaneously for the stockpiling of material. Receptor Site A (RSA) is further away (approximately 1km) from the slip

material and Receptor Site B (**RSB**) is approximately 600 metres away from the slipped material.

Both sites are long linear strips of land the width of which has been dictated by the landform with a steep embankment to the north and the river to the south. **RSA** is actually divided into two parcels. The presence of two mine shafts have prevented this from being one area. **RSB** is wider than **RSA** but **RSA** is considerably longer. The majority of the material will be stored on **RSB** which is closest to the land slip area.

Work to deposit the material on the receptor sites began in July 2020 and is expected to continue until February 2021.

RSA (1 & 2) is proposed to accommodate approximately 8000 cubic metres with a maximum height of 5.5 metres however, the applicant has subsequently advised that **A1** has only 800 cubic metres and **A2** has nothing at all. **RSB** can accommodate 22,000 cubic metres with a maximum height of 8 metres. Committee is advised that the maximum heights are largely dictated by safety considerations although **RSA** is unlikely to be receiving the amounts of material envisaged (largely due to the good compaction rate of the material excavated so far).

The track (haul road) has had to undergo some strengthening in places and the addition of passing bays however these will be removed following completion of the work and the track returned to its original condition.

The application proposes temporary storage of this material for a period not exceeding 3 years. This allows sufficient time for consultation / monitoring prior to the submission of a planning application for the permanent scheme and it allows sufficient time following the Planning process to programme the work to ensure that it is undertaken during the most advantageous season to reduce any risks in respect of access, management of the material and ecological mitigation.

The applicant will not be precluded from removing the stockpiles before the end of this period subject to obtaining the necessary consents.

The documentation included with the application comprises:

- A Design & Access Statement (incorporating a Planning Statement)
- A Community Infrastructure Levy Declaration
- An EIA Screening Opinion & Response
- Extended Phase 1 Habitat Survey
- Ecological Rationale
- Ecological Method Statement
- Flood Consequences Assessment

- Coal Mining Risk assessment
- Chemical Stability Assessment
- Preliminary Sources Study Report
- Surface Water Drainage Design
- Transport Statement.

SITE APPRAISAL

The land in question (the deposition sites) is in the ownership of the Council.

The application sites largely comprises a linear strip of land which was formerly the line of the mineral railway. It is predominantly flat in its linearity and bounded on one side by the river and on the other an embankment by self-seeded landscaping by trees and shrubs. At one end of the site is the access from the public highway and has a relatively small informal car park for use by visitors who use the track for recreation purposes. Other than for the purpose of removing the slip material and general maintenance of WW/DC apparatus and the riverbank, access by motor vehicles is prohibited. The track is popular with both cyclists and walkers.

The applicants have advised that the site(s) were chosen as they were conveniently located close to the slip and the capacity was considered to be capable of safely accommodating the amount of material required to be stockpiled temporarily.

The closeness of the sites to the landslip also allows the material to be moved in an efficient and timely manner which was also a key consideration given the continuing damage being caused by the diverted river. The alternative was to remove this material in lorries through the narrow and congested streets of the surrounding villages which would cause significant disruption for a considerable period of time.

Four Sites of Interest for Nature Conservation (SINC) were identified within the survey area, which may be impacted. Of these the most relevant are Blaenllechau Woodland (SINC 61) and Old Smokey Slopes (SINC 65).

The majority of the area of **RSA** is located within Blaenllechau Woodland (only a small area at the north-west of the receptor site extends beyond the SINC boundary).

The majority of **RSB** is also located in Blaenllechau Woodland with the exception of a small area at the south-eastern end of the site which falls within Old Smokey Slopes SINC.

A parcel of ancient woodland was found to be located between **RSA** and **RSB** plus a linear parcel of ancient woodland located approximately 20m to the west and

another linear Ancient woodland parcel located approximately 110m to the south from the RSB.

PLANNING HISTORY

The land being used is the line of the former mineral railway. There is no recent planning history identifiable pertinent to the consideration of this proposal.

PUBLICITY

The application was publicised by site notices being displayed both on and in areas surrounding the application site. As a result of this exercise, one (6 page) letter of objection has been received from an adjoining landowner (Welsh Poultry). Due to the somewhat unusual nature of the application, a copy of this letter has been included as APPENDIX 1.

The points raised can be summarised as follows:

- The use of retrospective planning is criticized, and concern is expressed over the environmental consequences of tipping on RSB and that the submitted application is too general and applies to the whole project rather than individual aspects.
- There is criticism about the comprehensiveness of some of the ecological surveys and the limited ecological safeguards included within them.
- There is criticism of the ecological mitigation that is proposed and an absence of a comprehensive environmental compensation strategy.
- There will be an adverse impact on ancient woodland and the work done is one dimensional in its approach.
- The proposals will have an impact on low chemical input farming and RCT as a landowner are “notoriously negligent” in allowing invasive species to both flourish and spread to neighbouring lands. Approval should not be given whilst the applicant continues to work in isolation. A collaborative, comprehensive and detailed mitigation and restoration plan should be requested.
- There is concern about the chemical stability of the material and groundwater contamination.
- Concern is expressed about the consequences of the development flooding downstream by the reduction in the flood plain.
- There are concerns about the use by scramblers (motorcycles) on Council land and a lack of “policing” of activities on it.

Discussions have been held with the objector and it would seem that most of the cause for concern stems from the Council’s decision to transport the tipped material to RSA

& RSB without consultation with the neighbouring landowners and the disappointment of not considering other alternatives (even in combination). Subsequently, the concern is in respect of the environmental damage that has been caused to prepare RSA & RSB for receiving the material and the fact that what has been lost cannot be restored or mitigated.

Committee is advised that these issues will be addressed in the PLANNING CONSIDERATIONS section of this report.

CONSULTATION

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – have “significant concerns” over aspects of the development and advise on a need for appropriate licenses to be obtained.

Transportation Section – no objection

Public Rights of Way Section – no reply received (therefore no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales - Edition 10 (Welsh Government, December 2018)
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

Core Policies:

Policy CS 1 (Development in the North) - Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote “*accessibility by securing investment in ...walking and cycling*” and “*new forms of employment in the leisure and tourism sectors*”.

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Policy AW 10 - developments proposed must overcome any harm to public health, the environment or local amenity,

Strategy Area Policies:

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REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)

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 to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

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

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

Ecology

In terms of species the sites had varying degrees of potential to support protected species, as follows:

- Low suitability for dormouse, roosting bats and badger;
- High suitability for commuting and foraging bats, otter, breeding birds, common amphibians, hedgehogs, reptiles and invertebrates.

The report submitted contains a series of recommendations to deal with the consequences of the development and suggests where any further surveys etc. should be undertaken and impacts on, for example, ancient woodland should be avoided. The draft design and extent of the receptor sites was subsequently amended to completely avoid any impact on the ancient woodland.

It recognised that tree clearance was required on both receptor sites and specifies the basis on which this was to be undertaken (i.e. in accordance with BS5837: Trees

in relation to design, demolition and construction). It also considers briefly what enhancements could be achieved following the deposit of the material.

In addition, and subsequent to the survey, an Ecological Rationale document (included in the application pack), detailing the approach to the ecological management of the works, was produced following consultation with the RCT's Ecologist and Natural Resources Wales (NRW).

Following the Phase 1 Habitat Survey and agreed rationale, the Ecology Consultants sought to develop a methodology detailing (within the context of, and accepting the emergency nature of the works) how the impact on the habitats and species could be minimised and what mitigation measures were required. The draft document was developed and resulted some changes to their proposals for the receptor sites (for example, by excluding the areas identified as ancient woodland from the proposed work areas thereby avoiding any impact on these areas).

The applicant's approach was designed to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement was included as part of the contractor's works information required to be followed during the carrying out all aspects of the remedial works to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement is considered to identify all the protected habitats and species potentially impacted and sets out the necessary mitigation, working practices or other measures required to minimise the development's impact on each of them.

The applicant has also employed an Ecological Clerk of Works who has been on-site during the development and ensuring that it is carried out in accordance with the Ecological Method Statement.

The Ecological Method Statement describes, in detail, all the measures undertaken to protect and prevent damage to SINCs, ancient woodland, trees and other priority habitats, protected and priority species and measures to control invasive plant species.

It will be a requirement of a future application that seeks to remove or remodel the stockpiled material will need to include a full set of mitigation and enhancement measures to compensate for the loss of habitat that has been necessary to facilitate this development. Committee is advised that there is little meaningful mitigation and enhancement that can be carried out in respect of the existing situation (but still requires it to be addressed through the imposition of a condition) and it will be important for the applicant to consider how best to avoid the colonisation of the

tipped material by species that could, have an impact on future plans to remove the material (such as Great Crested Newts).

As part of the application, both the Council's Ecologist and NRW were consulted.

While having "significant concerns" NRW have requested the inclusion of a condition that seeks to improve and enhance the habitat for otters (which are a European Protected Species). Committee is advised that Condition 3 is considered to address this concern. Upon submission of the details required, both RCT's Ecologist and NRW will be consulted to consider any proposals.

RCTs Ecologist has advised:

In the late spring, a series of meetings were held (which included NRW) in order to progress emergency tip removal works at Tylorstown Tip. At that stage the emergency nature of the works was not subject to a planning application requirement. However, protected species issues and minimisation of impacts to SINC habitat were identified as priority environmental considerations in undertaking the emergency works. As such Redstart undertook preliminary ecological assessment in May 2020 which identified the following key ecological issues:

- SINC habitat impacts,
- nesting bird,
- reptile,
- otter,
- fish spawning and
- river pollution.

As a result, a series of precautionary measures to ensure adherence with wildlife law and minimisation of ecological impact were identified and implemented in the clearance and setting up of the receptor sites and in implementing associated works involved in moving spoil from the river and adjacent hillside.

These recommendations included ecological supervision for clearance works and tip removal / re-deposition, species mitigation (in particular nesting bird, otter and reptile), avoidance of adjacent key habitats, and adherence with NRW requirements in terms of river working, pollution controls and avoidance of fish spawning impacts.

The ecological measures identified for the emergency works were appropriate to the situation and circumstances and were ecologically supervised by Ecologists from Redstart.

Therefore, in terms of the current planning application for the two receptor sites, the ecological impacts of the receptor site clearance and much of the impacts of spoil removal has already been completed. In addition, any on-going works to complete this emergency phase are subject to the same attached method statement. As such, I would suggest that perhaps we could condition the continued implementation of the attached ecological rationale for any completion works required through this planning application.

As the ecological rationale identifies, mitigation and compensatory ecological measures in the form of an ecological restoration of the receptor sites, formed an important part of the ecological mitigation of the emergency works. SINC habitat has been affected by the landslip and emergency works. As such Policy AW8 of the LDP is relevant and ecological mitigation in terms of habitat restoration is an important consideration. Fortunately, there is considerable potential to engineer the final landforms of the receptor sites, and to re-use colliery spoil, to create conditions for species rich colliery spoil habitats to recolonise the receptor areas, and to implement simple /effective aftercare management. Colliery spoil grassland based on the local seedbank is a diverse, and species rich habitat, of particular value for a range of invertebrate species (including many pollinators). There is also potential to 'design in' the river bank restoration enhancement measures for species such as otter. So therefore, this application does have the ability to deliver effective ecological mitigation (and potential enhancement) in line with LDP policy AW8.

In light of the above comments, it is considered that the proposal is in accord with Policy AW5, AW8 and AW10 of the Local Development Plan.

Landscape Impact,

The site, while being on the valley floor, is publicly visible from a number of directions including public highways, the Sports Centre car park, residential properties and users of the leisure route that is the former mineral railway line.

The applicant, since the original submission, has subsequently advised that RSA (1&2) will now receive significantly less material than originally envisaged, which accordingly lessens any impact. However, there will still be a very visible, very large, mound of earth type material within a countryside location that was previously a well vegetated landscape and, as such forms a very alien feature within the landscape.

The applicant has not made any proposals to landscape the mound(s) due to the temporary nature of its siting. Some limited works are proposed but are predominantly designed in the interest of ecological mitigation.

In reaching a decision, Committee will need to be satisfied that any impact is acceptable, at least for a period of up to 3 years. The residential properties along Station Road and George Street are located closest to the receptor sites and some impact is very evident however, these properties are at a much higher level than the

application site where most views are directly across the valley rather than looking directly at the stockpiled material. It is therefore considered that, while a negative impact is acknowledged, it will not cause significant impact to local residents such as to warrant the refusal of the application. In addition, the outlook is not considered to be any worse than the devastation caused by the landslip which would have had a similar negative impact which, if it hadn't caused so much damage to the river and sewer could have been left in situ much longer than through the Council's intervention.

Accordingly, it is considered that the proposal complies with Policies AW5, AW8 & AW10 of the Local Development Plan.

Public Accessibility

The sites under consideration form part of an attractive walking and cycling route along the line of the former railway. It is part of the Sustrans National Cycle Network (Route 881). Due to the activity of construction traffic, this route has had to be temporarily closed, with the land slip effectively doing the same job when the incident occurred in February, albeit to a lesser extent.

Once work is complete and the necessary safety inspections have taken place, the route will again be open to the public. While any closure of a recreation facility is regrettable, especially in these difficult times, it is considered both reasonable and necessary under the circumstances the applicant was faced with.

The Water Environment

As part of the application, the applicant submitted a Flood Consequence Assessment. Amongst other considerations, one of its main aims was to establish what, if any, implications the creation of large earth mounds next to the river would have on land and properties downstream.

The application proposes "less vulnerable" development as defined by TAN15. NRW's Flood Risk Maps confirmed that part of the site is within Zone C2. In their consultation response, NRW have advised "*Given that only a small proportion of the material is located within the flood zones and Section 5.1 of the submitted FCA.....states that the material will be consolidated and the risk of any movement is minor, we have no objection on flood risk ground to the applications as submitted*".

In respect of the potential for land contamination and controlled waters, NRW have "welcomed" the applicant's proposal for further site investigations as outlined in the Receptor Site B Preliminary Sources (Desk) Study Report prepared by Redstart. Recommendations have been made by NRW and subsequently passed on to the applicant.

NRW have expressed "significant concerns" in respect of this development but discussions with them have identified that such concern lies largely outside of the Planning system. They have stated the need (prescribed by TAN15) for the LPA to

consider whether the “less vulnerable” development but within a C2 Flood Zone meets the relevant tests set out in the TAN. The tests are:

“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied recognising, however that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or local authority strategy required to sustain an existing settlement; **or***
- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

and

- *It concurs with the aims of PPW and meets the needs of previously developed land and,*
- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 found to be acceptable.”*

Members will be familiar with these tests which have been reported in such recent applications as the Industrial Unit development at Robertstown and the new Surgery in Mountain Ash.

Members are advised that Planning policies (both national and local) are written so as to require certain information to be carried out prior to the submission of any application where any impacts can first be identified and mitigated. Policies rarely (if at all) allow for the possibility of emergency works to take place nor offer any exemptions in such circumstances. Clearly policies need to be robust enough so as to deter applicants from undertaking developments without first applying for Planning permission however, there are rare occasions, where this simply isn't possible. This is one such case. Failure to carry out the work will have certainly had an adverse effect on the existing settlements in that area and the blocking of the river channel would have had significant consequences if left in situ. Appropriate advice was taken prior to any works taking place and, in the submission of the application, was fully justified in the proposals put forward. The principal (and principle) aim of TAN15 is to avoid flooding, protect the lives of people in such areas and, in undertaking the development, to prevent the possibility of properties downstream of the development to be at a

greater risk of flooding. The applicant has submitted a Flood Consequence Assessment which demonstrates this and NRW have not objected to the information submitted. In light of this, while the development is out of accordance with the tests in TAN15, the consequences of flooding have been appropriately managed and are found to be acceptable.

A Surface Water Drainage Strategy has been submitted to deal with the run-off using SuDS. A separate application has been made to the Council as the SuDS Approving Body (SAB) for approval of the proposed surface water design. Details of this have been submitted with the application. The applicant has stated:

“Whilst the individual stockpiles have been designed and shaped to reflect the local topographic constraints, they have each taken the form of a single batter with a variable height berm tying into the existing hillside. The surface water draining arrangements for all three receptor sites share the following common features:

- *A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the stockpile and directing it around the stockpile.*
- *A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;*
- *One or more cascade features that transfer flow from the rear swale down to the level of the toe swale; and*
- *A culvert connection that collects flow from the above features and directs it to the point of discharge.*

The cascade will consist of a steep brick lined channel with a stepped profile similar to another cascade in the area. The final detailed design and materials of this and other drainage features are still to be determined. These will follow the final approved SAB design, therefore the applicant is content for these to be subject to a suitably worded condition in any approval”.

No objections have been received from the Council’s Drainage Section although the issue of surface water drainage is considered (and regulated) outside of the Planning system.

In light of the above comments, it is considered that the development, in respect of the water environment, complies with the relevant policies (AW5, AW8 & AW10) in the LDP

Transportation Considerations.

The proposals represent a significant increase in the amount of vehicular (largely construction) traffic using this area. The majority of traffic will be active within the site and not using the surrounding public highway due to the proximity of the Receptor

Areas to the slipped material. Should an alternative receptor site have been proposed then there would be a considerable impact on the local highway network with a significant volume of material having no alternative other than to be carried throughout the roads and streets of the surrounding villages. While this could, potentially, be the subject of a future proposal (following the expiry of the temporary period sought), this application makes no such proposal and, accordingly the Council's Transportation Section has no objection to the current proposal.

In the LDP, Policy NSA20 (Major Road Schemes) includes the proposed route of the Upper Rhondda Fach Relief Road, the line of which follows the former railway line adjacent to the application site. A section of route from Port to Pontygwaith was opened in 2006/7 and there are currently no active plans to extend this route to Ferndale. Whilst the prospect of a scheme coming forward within the current plan period is unlikely, the stockpiling is not considered to affect such a proposal and is therefore not considered to be in conflict with this policy.

Accordingly, it is considered that any transport considerations are acceptable and comply with Policy AW5 of the Local Development Plan.

Objection letter

One letter of objection was received as part of this application. This has been summarised as part of the PUBLICITY section and copied for Committee's information as APPENDIX 1. A copy of this letter was also sent to the applicant who has responded to the comments on an issue-by-issue basis.

Members are advised that, while there may have been other options for the removal and storage of the slipped material, the applicant (the Council) has made an application to remove the material to the site identified and, as the Local Planning Authority, Committee must make a determination based on the strengths and weaknesses of the proposed development - rather than considering an alternative. The objector is correct that environmental damage has been done by the removal of trees and preparatory works in anticipation of receiving the tipped material however such work was carried out only after having received appropriate advice.. While this may be regrettable, neither the Council's Ecologist or NRW have offered any objection and it is considered that, upon removal or reprofiling of the material, it will be possible to both mitigate and enhance environmental / ecological.

A concern was also expressed that there was a lack of consultation (presumably by the applicant) with adjoining landowners to come up with an acceptable solution. While this is a matter for the applicant, the circumstances surrounding the need to remove the material from the river meant that this was, perhaps, not the most pressing issue. In terms of the Planning process, the application has been advertised in accordance with the Regulations and it is understood that this publicity served its purpose in enabling local residents to make any comments.

A concern was expressed about lack of surveys, ecological mitigation and impact on ancient woodland accompanying the application. Committee is advised that none of the respective consultees requested or required the submission of any additional surveys and the impact on the ancient woodland has been avoided. In light of this, the work submitted with the application is considered acceptable.

The objection letter refers to the insufficient justification for the choice of sites however, this is not a requirement and the application must be considered on its own merits.

The objector has raised an issue in respect of the presence and spread of invasive species. The applicant has prepared an Invasive Plant Species Method Statement to help prevent the spread of such species off site however, due to the nature of the land slip and the emergency works to clear the river channel, it was not possible to check whether the slip material contained any such species. The applicants have advised that the receptor sites will be monitored for the emergence of invasive plant species and a management / eradication regime will be carried out if required.

The objector is also concerned about the approach to groundwater pollution risks arising from the deposited material. Committee is referred to the response given by NRW earlier in this report.

Similarly, concerns in relation to flooding have been made. Again, Committee's attention is drawn to the consultation response from NRW.

Finally, comments are raised in respect of potential future uses, however Committee is advised that these are not a consideration of this application.

Other issues

As part of the application, the Council's Public Health & Protection Section was consulted. No objections were received but "standard" conditions were suggested in respect of noise, dust and other nuisances. While these comments have been noted, Committee is advised that the development is now largely complete. No adverse comments (complaints) have been received in respect of the works so far and, in the absence of a Planning consent, separate legislation exists (outside of the Planning system) to deal with such issues. Accordingly, Committee is advised that the imposition of conditions to this effect are not considered necessary but can be addressed directly (under Public Health legislation) should problems occur. In the final weeks of the operation.

The consultation response from NRW highlights the need for the applicant to have obtained various permits and licenses from NRW as part of this development. Committee is advised that it is not the role of the Planning system to consider issues other than material Planning considerations, which they are not. Accordingly, the report does not make any comments in this respect, but the applicant is aware of potential issues from ongoing discussions with NRW.

Conclusions

The application(s) is(are) relatively simple in what is proposed. It seeks the temporary storage / stockpiling of material resulting from the landslip which occurred in February of 2020. It is clear that the works that are under consideration are both proportionate and necessary given the circumstances of the situation.

The impacts (environmental and otherwise) of the works are not considered to be significant and the retention and completion of the earth movements are considered acceptable.

As the works are largely complete (scheduled to be completed in February) it is not considered that any many additional conditions are necessary other than to define the plans and documents that comprise the proposal (including mitigation) and the duration of the storage of the material (and its subsequent removal / reprofiling). While the works are largely retrospective (for the reasons given earlier in the report)

Committee is required to determine the application on its individual merits and the fact that the majority of the material has already been removed is not considered to be a material planning consideration. Should Committee decide to refuse the application(s) then it will be necessary to remove the material to an alternative location (which would likely require the submission of another planning application)

Committee is advised that there may be some unresolved issues in respect of the respective consenting regimes operated by NRW however these do not impact on the consideration of the planning application(s).

RECOMMENDATION: Grant

1. The development shall be carried out in accordance with the Plans & Documents contained within the Design, Access and Planning Statement dated November 2020 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.

2. Within 2 years from the date of the consent, a scheme for the removal / reprofiling of the tipped material (including restoration and environmental mitigation and enhancement measures) shall be submitted to, and approved in writing by, the Local Planning Authority. The material shall be removed / reprofiled in accordance with the scheme as may be approved before the expiry of 3 years from the date of this consent and the environmental mitigation and enhancement measures carried out in accordance with the

approved details (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To clarify the duration of the consent and to ensure that the site is returned to its original condition or the Local Planning Authority has an opportunity to formally consider an alternative proposal in the interests of Ecology and Visual Amenity in accordance with Policies AW5, AW8 & AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Within 3 months of the date of this consent, a scheme shall be submitted to the Local Planning Authority detailing works to be carried out to the river environment for an improved and enhanced habitat for otters. The scheme shall identify an appropriate timescale for the works to be undertaken and a regime to monitor its effectiveness. The scheme shall be carried out in accordance with any approval.

Reason: The otter is a European Protected Species and it is a requirement where a proposal impacts on such a habitat that, following the development, the habitat is not only maintained but also enhanced, and in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to completion of the final (temporary) landform, details of an ecological mitigation and restoration for the receptor sites and riverbank (including timescales) will be submitted to the Local Planning Authority. The works shall be carried out in accordance with any approval and maintained for the duration of the development.

Reason: in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORTS

Members are asked to determine the planning applications outlined below:

APPLICATION NO: 22/1476/08 (CHJ)
APPLICANT: Rhondda Cynon Taf County Borough Co
DEVELOPMENT: Permanent retention of landform created by deposit of approximately 19,700m³ of material from Tylorstown landslip, creation of new footpath incorporating two footbridges, drainage works plus landscaping and habitat/ecological mitigation measures and associated works.
LOCATION: LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE
DATE REGISTERED: 20/12/2023
ELECTORAL DIVISION: Ferndale and Maerdy

APPLICATION NO: 22/1477/08 (CHJ)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Permanent retention of approximately 740m³ of material from Tylorstown landslip, landscaping and habitat/ecological mitigation measures and associated works.
LOCATION: LAND TO THE SOUTH OF STATION ROAD, FERNDALE
DATE REGISTERED: 20/12/2022
ELECTORAL DIVISION: Ferndale and Maerdy

BACKGROUND

On Sunday 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslip followed by a smaller secondary event.

The result was that approximately 28-30,000m³ of slipped colliery tip material filled the valley bottom from the toe of the slope outwards in an extremely low angled and widely distributed debris envelope, filling the Afon Rhondda Fach's channel and diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating an approximately 5m vertical unstable

face and threatened to undermine the Rhondda Fach Leisure Centre overflow car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the leisure centre, downstream of the landslide toe, felled numerous trees in its wake and covered a water main below a former railway line used as a non-motorised leisure route.

Urgent work had to be undertaken to move the slipped material to prevent further damage and three parcels of land, conveniently located close to the slip a short distance upstream along the valley floor and capable of safely accommodating the large amount of material required to be stockpiled, were identified to receive the material.

These sites included RS-B with the other two sites being designated as Receptor Sites A1 and A2 (RS-A1, RS-A2).

The closeness of the sites to the landslide allowed the material to be moved in an efficient and timely way which, given the continuing damage being caused by the diverted river was a key consideration. Other advantages included the utilisation of the former railway line as a 'haul road'. The track bed which runs along the valley bottom conveniently connected the slip area and site thereby minimising the impact of the transportation of the material from the slip area with no material having to be transported on the local highway network.

Once the sites were cleared, work to deposit the material on the receptor sites began in July 2020 and was completed in February 2021.

Two planning applications for the temporary deposit of the slipped material, covering the three sites used, were submitted (see APPENDIX A). These were submitted during the engineering operations to deposit the material and were therefore partly retrospective. The response to the sudden and damaging landslide above Tylorstown had to be swift if further immediate harm was not to be caused to the environment, critical strategic infrastructure and property. The situation at the time required such an urgent response that the normal formal planning process could simply not be followed and complied with, although all works had been subject to extensive discussions (and a site visit) with Officers from the Council's Planning Service.

The two planning applications were approved in January 2021 for the temporary stockpiling of material from the landslide – 20/1312/08 (RS-A1 & A2) and 20/1313/08 (RS-B) and were both subject to an identical planning condition requiring submission and approval of the permanent landform and proposals. While the applicant could have chosen to discharge the requirements under this condition, they have instead chosen to submit a full/detailed application.

This application brings forward the same permanent proposals to satisfy the condition(s). One application has been submitted in respect of RS-B with a separate application being submitted to cover the proposals for RS-A1 and RS-A2.

For the sake of brevity, one report has been prepared to cover both applications (as was the case for the original applications) however two separate decisions will be required.

APPLICATION DETAILS

This is a full/detailed application to secure the finished landforms on Receptor Sites A2 and B following the temporary / urgent storage of the material involved in the landslip of 2020. A separate application will be made in the future in respect of Receptor Site A1.

The application includes:

- A Design & Access Statement
- Community Infrastructure Levy Declaration
- Ecological Mitigation & Enhancement Report
- Drainage Strategy Statement
- Flood Consequence Assessment
- Materials Management plan
- Coal Mining Risk Assessment and a
- Geo-Environmental Interpretive Report.

Technical Plans have also been submitted in support of the proposal.

There are a number of key features in the proposals. These include:

- Retention of majority of temporary landform in its current form.
- Minor remodelling and earthworks to facilitate installation of a new 2m wide footpath through part of the feature.
- Installation of two footbridges which will link the proposed new footpath to the footpath/cycleway route in the valley floor to a footpath running up the valley side.
- Installation of two benches and two interpretation panels on the top of the landform adjacent to the new footpath link.
- Indicative setting out of a number of stepping-stones through the upper platform of the feature.
- New features to deter unauthorised access.
- Minor alterations to existing drainage infrastructure arrangements; and

- Proposed landscaping, habitat mitigation and enhancements.

The applicant has advised that they had considered an alternative option of removing the materials from site, but this would have had negative environmental consequences as well as resulting in 3000 HGV road journeys through Ferndale (or potentially 9000 HGV movements travelling through Blaenllechau using smaller vehicles).

Furthermore, the proposals presented will provide benefits to the community in terms of extending the leisure walking route option, facilitating the upgrading and extension of the Active Travel Route and extending the diversity and value of local habitats.

It is proposed to retain the majority of the now established landform in its current form. The principal change will be works to alter the landform to incorporate a new footpath link from the footpath/cycleway route along the former railway, through part of the landform, to join an existing footpath that runs up the side of the valley. Details of the value of the footpath link and associated features are discussed further in the report.

RS-A2 was utilized as a part of the emergency relocation of the slipped material. However, it was only used as a site for drying the material before it was transferred to RS-B. The drying process was essential to the formation of a stable landform on RS-B as the saturated material would have not been able to be compacted to the required standard. It was anticipated that 8,000m³ of material would need to be stockpiled however the amount of material to be relocated from the slip site was reduced by the significant action of the river washing it downstream before it could be moved. Following this process, there was a small amount of material left on the site which amounts to approximately 740m³, which is well below the approved 8000m³. This residual material is spread very thinly across the site and does not affect the existing profiles of the valley slopes.

In total, the amount of material deposited on RS-B during the process to remove the landslide is estimated to be 19,700m³ - slightly lower than the maximum approved (22,000m³) under the temporary consent. It has been built up to a maximum height of 6.4m compared to the maximum of 8m envisaged in the temporary planning approval.

The methodology used to deposit the material on site was to a specification suitable, should it have been required, that the feature could form a safe, permanent landform. This involved drying the material before it was deposited and ensuring that it was formed in layers, each of which was firmly compacted. This ensured a firm and stable landform was developed.

The landform is an irregular shape; it extends approximately 190m in length with variable widths, slopes and heights. The contours are shown on the accompanying General Arrangement plan which shows the main features of the landform to be two sections separated by a drainage feature.

The smaller section, consisting of the western part of the landform and extending to 60m in length, was engineered to slope generally at a 1 in 3 angle to the southern

slope facing the former railway line; this angle generally mirrors the existing slope of the valley in this location. The section is approximately 30m wide along the majority of its length; at the rear, the section slopes back gently to meet the valley side – a characteristic that aids drainage. Between this section and the larger section is a drainage feature and the feature slopes towards it, the maximum height of the deposited material above the original ground level is 6.4m.

The larger section extends to approximately 130m and occupies the generally, eastern part of the landform. The lower and eastern slopes are more steeply angled than those of the adjoining section at 1 in 2 which also reflects the generally steeper angle of the valley side.

This section has a maximum width of approximately 40m; it levels out across two thirds of its width to provide a gentle rear slope towards the drainage feature along its northern edge.

The majority of the deposited landform will remain unaltered; the principal change proposed is the installation of a new footpath link from the footpath/cycle route along the line of the old railway through the application site to another existing footpath that has been formed running down the valley side. Creating the route of the proposed path requires the erection of two footbridges – one at either end, plus additional earthworks on the western slope of the larger section.

The proposed route of the new path has been chosen to minimise the impact on the existing and proposed habitat regeneration proposals.

A small embankment is proposed to be formed adjacent to the existing footpath/cycle route along with some localised regrading, which will allow a ramp to be formed to facilitate the installation of the 6m long by 1.2m wide bridge. The bridge will carry the new footpath onto the side of the landform crossing the existing drainage features at the base of the landform's slope. It is to be constructed of brown-coloured, wood-effect resin.

The footpath requires three sections in a zig-zag (switchback) pattern to gain the height by mostly cutting through the side slope up to the upper level of the landform. The long section of the route of the new path is shown on the submitted Footpath Long Section plan from which it can be seen that the majority of the required earthworks are cutting with a small amount of associated filling.

The longest length of the new path runs parallel to the upper edge of the landform with two layby places at either end for seating/benches – see submitted Landscape Plan. The shorter of the two proposed bridges at the eastern end of this section crosses the existing drainage swale and joins the new path to an existing footpath running down the valley side. Constructed of the same material as the 6m bridge, the bridge spans 4m and is also 1.2m wide. As detailed in the Proposed Footpath Layout plan, localised ground reprofiling to match the footbridge landing level will be required to tie into the existing footpath level.

Part of the design process included an attempt to create a footpath slope to a suitable standard for use by unassisted wheelchair users. Unfortunately, due to the constraints of space and the steepness of the slope to be climbed this was not possible. Within these constraints, the applicant has sought to make the slope as shallow as possible by incorporating the zig-zag design and making provision adjacent to the proposed benches for wheelchairs and/or pushchairs.

No other work is proposed to the existing footpath running down the valley side, which is not a Public Right of Way, nor is it maintained by RCT. It is an informal route created by frequent use; the lower portion of the informal path is quite steep and narrow in nature and was partially eroded during Storm Dennis. The option to use the new path will avoid this portion and allow the existing path to be abandoned .

The new footpath is to be surfaced in porous asphalt. Once completed the new footpath and associated features will be maintained by RCT.

One of the principles of the existing and future ecological enhancement of the site is the natural regeneration of the deposited material to provide a rich and diverse habitat. This process was begun at the completion of the temporary landform and has made good progress. However, the habitat is fragile and needs time to fully establish and maximise its ecological value.

The tops of the two sections of the landform were the first areas to be laid with the recovered turves and topsoil that has kick-started the regeneration process. The new footpath will avoid these areas, but it is accepted that the generally gently sloping nature of the top of the larger section of the landform could encourage encroachment onto the surface being regenerated. It is suggested that two elements of the scheme could at least minimise this intrusion.

Firstly, a route through the edge of the most sensitive area will be provided using stepping-stones - an indicative route is shown on the submitted plans. RCT is considering the options for the detailed design and installation of the route, the stones' materials and finished surface. One option is to involve the local community and schools in their design based around a project to extend the understanding and appreciation of the habitat being created.

Secondly, two interpretation boards are proposed to be located adjacent to the proposed seating area/benches, and at least part of the information on the boards will be about the importance, value and fragility of the developing habitats. The remainder of the boards' information could provide historical context of the local mining/railway line or landscape features able to be viewed from the position.

The site has portions of both the Blaenllechau Woodland Site of Interest for Nature Conservation (SINC) and the Old Smokey Slopes SINC within it and the Taff and Rhondda Rivers SINC lies immediately to the west.

An integrated long term habitat management strategy is proposed for the whole area affected by the initial landslip and proposed safety works to the remaining Llanwonno Tip; this includes the receptor sites beside the river. The plan is currently being produced following consultation with stakeholders.

The broad aims of the management plan will be;

- To maintain and enhance the SINC quality of habitats including through natural regeneration.
- Management input to enhance protected/priority habitats and species.
- To monitor habitats and species to inform the management plan, ensuring it is effective and there is built in flexibility for revision as required.
- To create a local nature reserve that will benefit the public and promote engagement.
- Reduce and minimise future grass fire risk.
- Reduce illegal off-road use of the site.

All mitigation and enhancement measures for the application site are designed to dovetail with the aims of this long-term management strategy for the whole area and are hence a microcosm of the biodiversity vision for the wider landscape. It seeks to maximise habitat diversity over the area, rather than simply replanting trees as compensation for those lost.

Topsoil and turves were retained from the existing habitats on the sites to be cleared as part of the emergency works response. These included priority and locally important habitats, including dry heath, violet species, wild strawberry rich habitat and an area of dense bracken. These were reinstated on the plateau created within RS-B shortly after the deposit of the slip material was completed to promote appropriate natural regeneration.

The distinct areas of habitat that are establishing due to careful translocation of soil will create a mosaic of habitats and will provide conditions for a wide range of invertebrates; bracken will provide shelter for reptiles, amphibians and will become suitable for breeding sites for Local Biodiversity Action Plan bird species such as stonechat.

The original scheme to deposit the slip material was designed to avoid any potential conflict with nearby areas of ancient woodland. The closest ancient woodland boundary is to the east of the site.

All the works providing the changes to the landform or additional features in the current application are sufficiently far enough from the ancient woodland or secondary woodland areas not to have any potential impact on them. In addition, there are no trees proposed to be felled as part of the proposals. As the works are sufficiently far enough from the existing trees on the hillside that additional measures to protect them are considered unnecessary.

In total across all three receptor sites (RS-A1, RS-A2 and RS-B), a total of 441 trees were removed at that time. Of these 275 were either non-native species (e.g. conifers self-seeded from nearby plantations) or Ash. Only 3 mature trees were removed that were of native species and the majority of all trees removed were either immature or semi-mature (See table in appendix of accompanying Ecological Mitigation and Enhancement Report for full details).

The proposed new landscaping consists of planting predominately trees but also shrubs that will develop into trees and climbers. The tree planting provides an opportunity to compensate for the loss of pre-existing trees, provide a mix of species that will avoid Ash species susceptible to disease (die-back has been observed in the area), provide for a native species mix of trees and maximise the potential biodiversity benefits of the site.

The proposed tree planting mix focusses on Birch, Oak, Rowan (Mountain Ash) and Hawthorn. This will consist of 70% of the planting across the whole site.

The proposed planting consists of:

- Trees – Birch, Oak, Rowan, Hawthorn = 285
- Shrubs/trees – Hazel = 101
- Honeysuckle = 21

The accompanying Ecological Mitigation and Enhancement Report outlines the anticipated benefits of the approach and also details the ongoing management and monitoring of the site. This will be long term, in line with the overall habitat management plan. There will also be interim arrangements during the normal 'establishment' period which will last 5 years from the planting date. This will provide for replacement and replanting of any failed trees; there will be no thinning out, thus ensuring the number of trees planted will be maintained. The proposed planting methodology is also described in the report which involves incorporating more topsoil into the planting holes than would normally be the case for virgin ground, recognising of the nature of the local substrate.

There is a long-standing problem in the local area from damage caused to the landscape and nuisance to residents and businesses by the unauthorised use 'scrambler' motor bikes.

There are indications that this site is also being used by scramblers, albeit to a less extent than other areas. However, the proposed uses of the site for a new footpath and habitat regeneration are both extremely sensitive to this potential unauthorised activity.

The applicant is therefore proposing to implement physical measures to deter unauthorised vehicular access to the site. Scramblers are most likely to pass the site

via the existing footpath/cycle route and therefore measures are proposed along the most vulnerable sections of the site boundary with this route. They consist of additional linear bunds adjacent to the existing drainage features along the length of the landform plus higher bunds at either end where the existing slopes are shallower.

The two larger bunds, in order to achieve the required gradient to deter scramblers, are proposed to be retained by proprietary Deltalok bags (black/dark grey geotextile fabric bags designed to be filled with a granular soil mix).

The material excavated to create the new footpath will be used to fill the bags and the area behind them at the eastern and western extents of the site. Use of the Deltalock system will also allow revegetation through and between individual bags containing the won material from the path creation works. The Deltalock system will also provide suitable conditions for wildflowers, shrubs and trees to naturally colonise the steep slopes.

Microtopography will be created via the use of the Deltalock system, providing a range of conditions (e.g., temperature, humidity, moisture levels) to encourage a wide range of invertebrate species to colonise.

However, whilst the above measures can address the vulnerable parts of this particular site, it is accepted that the causes and solutions of the 'scrambler' problem are unlikely to be solved by these measures alone; hence, the applicant is engaged in a wider approach involving liaison with landowners and occupiers who are experiencing the same, or worse problems, and the police.

The Geo-environmental Interpretative Report submitted with the application provides the results of site investigations, testing and monitoring of both the original cleared ground and the deposited material/landform and its potential impact on the environment.

It confirms that the investigations found that the original ground platform was '*uncontaminated*' when compared to standard 'open space' health criteria. The examination of the deposited material show it to be uncontaminated and to display mainly low levels of leaching.

Sampling of upstream and downstream surface water was also undertaken which did find some 'exceedance' levels of copper and zinc. However, neither were found to be attributable to the deposited material.

The report in part concludes that "*Given the land quality of the site then no remediation of the site is warranted. Rather it is considered that the 'treatment' phase is complete in that drying of fill prior to placement and the high compaction applied to the material during placement has delivered a landform which does not pose significant land quality risks to the environment.*"

The Geo-environmental Interpretative Report concludes that the landform is well compacted which was a key consideration of the original deposit methodology as it would allow the landform to remain undisturbed, should it be required to be the permanent site solution.

The stockpiled material was placed with a slope gradient not exceeding 1:2 (equivalent to 50% or 26.57 degrees) and was tracked/compacted with a bulldozer in thin layers, and left to dry, allowing any excessive pore pressures within the material to dissipate.

Evidence from the Llanwonno Tips Reclamation Scheme Stability Report determined the colliery spoil had a fines content of <20%, an effective angle of shearing resistance (in its undisturbed state) of 33.5 degrees and a residual angle of shearing resistance (following disturbance) of 26.5 degrees.

Geotechnical testing of the landslip material showed similar results with on average <15% fines allowing the material to be classified as 'Class 1B – Uniformly graded granular material'. This indicates that an engineered 1:2 slope is sufficiently conservative gradient for long term stability, provided adequate drainage is installed.

The maximum design height of RS-B was 8m which was not exceeded, with the actual finished height being no more than 6.4m.

The additional earthworks to create the route for the new footpath will not compromise the established stability of the landform. None of the new slopes will be steeper than the existing and the feature, as it is now and following the footpath work, is considered, will be both safe and stable in the long term.

Risk of flooding from all sources has been considered in the submitted Flood Consequence Assessment. This is the same assessment as used in the original application to create the stockpile as it has been reviewed and found to be still appropriate.

The assessment finds that the site lies partly in Flood Zone 1/DAM Zone A, at low risk of flooding, and partly in Flood Zone 2 and DAM Zone C2, at medium risk of flooding.

The majority of the site is at very low risk of flooding from surface water and small watercourses, with isolated areas of higher risk. A drainage strategy has been developed to manage surface water and is also included in the application – this ensures that the risk of surface water flooding is not increased as a result of the stockpiling.

Risk of flooding from artificial and residual sources has been assessed and is considered to be low.

Using the TAN.15 classifications this type of development is classed as Less Vulnerable land use and is appropriate in Flood Zone 1/DAM Zone A, and the area of

the site in Flood Zone 2/DAM Zone C2, subject to the application of justification test, including acceptability of consequences.

In the report the Justification Test has been applied and passed; it includes noting, as set out in TAN.15, that the development is part of a Local Authority regeneration initiative, the site is previously developed land, and that the potential consequences of a flooding event of the proposed development have been considered and found to be acceptable.

A surface water drainage strategy was developed as part of the original temporary application to deal with the runoff using sustainable drainage systems (SuDS). The eventual deposit of less material than anticipated and at a lower height meant that the actual implemented design did not need as much capacity as approved and therefore slightly less intrusive features were implemented.

An updated Drainage Strategy Statement to reflect these minor changes accompanies the application.

In simple terms, the proposed design contains the following elements:

- A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the landform and directing it around the landform.
- A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;
- A central swale between the two main elements of the landform directing flow down to the level of the toe swale; and
- A culvert connection that collects flow from the above features and directs it to the point of discharge.

The following is a summary of the proposed changes to the existing arrangements.

Originally proposed 3m wide central brick channel and cascade replaced with a 1m wide and 250mm deep lined swale;

- The originally proposed drainage to the eastern side of the landform (1m wide brick and concrete channel with a stepped cascade), directing flows into the pond – was not implemented. Rather, the same sized feature was constructed from gravel-filled geocell units and without the cascade. Over time the gravel fill within the geocells has been observed to be washed away and it is now proposed that this be refilled with topsoil and turves removed from the footpath construction and covered with geotextile to prevent erosion and encourage the establishment of vegetation. To dissipate the energy from the flows and in lieu of the cascade large rocks were installed in the pond;
- The proposed pond has been reduced in size from the original and rather than act as an attenuation feature its main function is to slow down flows as the site

has not increased in impermeable area, but overland flows across the site have been altered by the deposited material;

- The originally proposed alteration to the existing stream alignment to the east of the site is no longer proposed;
- The 1m wide swale to the northern edge of the landform was repositioned slightly due to lower volumes of discharge; and
- The lower actual flows also allowed a smaller pipe to be installed to link the pond to the existing river outfall.

The strategy confirms the design is compliant with current SuDS and other Government guidance and that the proposed changes to the landform will not result in any necessary changes to the drainage scheme implemented. It will form the basis of a subsequent SAB application.

The existing footpath/cycle route along the former railway line is part of the Sustrans National Cycle Network featuring as Route 881 and is a well-used local route. It will remain open at all times during construction works with this requirement being managed by the appointed contractor.

Completion of the permanent works to the application site and RS-A1/2 (RS-A1 when submitted) will remove one of the obstacles preventing the proposed upgrading of the railway footpath/cycle route. The route is planned to be upgraded to become an extension, from Tylorstown to Maerdy, of an existing Active Travel Route along sections of the Rhondda Fach. The finished surface specification of the proposed new path will match that proposed for the upgrading and improvement of the existing footpath/cycle route along the former railway.

There is no direct or formal vehicular access to the site although access can be gained from Station Road into a small informal car park close to RS-A1. There is no proposed change to this arrangement once the works are completed.

The existing footpath/cycle track is proposed to be used as a temporary construction access, an arrangement that will be managed by the appointed contractor using banksmen, to ensure the route remains open. No changes to the surface or width of the track are necessary to facilitate this.

The site is served by and entered immediately off Station Road. Although this single carriageway road is a bus route it is quiet during the majority of the day. The majority of traffic, both staff and deliveries to the site are likely to arrive from the west having travelled on the main A4233. This routing requires all vehicles to pass through the centre of Ferndale from whichever direction they travel along the single carriageway - A4233 (i.e. north or south). The centre of Ferndale, given the number of commercial premises, can be a busy and at times congested section of the A-road.

The normal available lane width is sufficient for the largest delivery vehicles to negotiate without disrupting other road users. A potential pinch point is the junction

with Station Road which sits on the outside of a curve and this junction needs to be negotiated with care.

The construction traffic generated during the construction period for the development will principally be connected to the activities required to build the new footpath and associated structures including the two bridges; plus, additional earth-moving activity generated by the creation of the bunds required to deter scramblers. This activity will involve general construction, earth-moving and track-laying.

However, the quantities of material involved in these activities are such that they will only have minimal impact on the local road network. The number of movements are estimated below.

In terms of the cut and fill balance there will be no material that needs to be removed from the site. Therefore, the construction of the footpath and installation of the bridges will be the main source of material movements.

For the footpath construction the following movements are anticipated.

- Sub-base = 76 m³ equivalent to 6-9 loads dependant on size of vehicle
- Surface course = 1 bulk delivery
- Binder course = 1 bulk delivery
- Footpath Total = between 6-8 deliveries

To install the bridges one delivery per bridge is anticipated.

In addition to these movements heavy earthmoving equipment will be required on site which will be a maximum of 3 one-off deliveries. Also, there will be the regular twice daily movements of the workforce, although these will be minimal, for a small scheme like this, and in any event will not use any vehicle larger than 'transit' van size.

To summarise, the anticipated impacts of traffic generated from the work activity are expected to be minimal. No conflicts with other road users or pedestrians, complaints of disturbance to residents or accidents were recorded during the much larger scheme to deposit the slip material on the application site in 2020/21 and the anticipated traffic impacts are considered well within the capacity of the existing network. Also, there will be no residual impacts beyond the completion of the work.

CONSULTATION

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – no objection

Transportation Section – no objection

Public Rights of Way Section – no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

The Coal Authority – no objection

POLICY CONTEXT

Committee is advised that there has been no significant change in Policy since this development was previously considered.

National Planning Policy

- Planning Policy Wales
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

Core Policies:

Policy CS 1 (Development in the North) - Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote “*accessibility by securing investment in ...walking and cycling*” and “*new forms of employment in the leisure and tourism sectors*”.

Area Wide Policies

Policy AW 5 – This policy 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 - This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

Policy AW 10 - developments proposed must overcome any harm to public health, the environment or local amenity,

Strategy Area Policies:

Policy NSA 20 (Major Road Schemes) -This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network.

Policy NSA 23 (Cycle Network Improvements) – Promotes the extension, improvements and enhancement of the existing networks of cycle paths.

REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)

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 to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

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

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

Committee is advised that the application basically seeks to retain the landforms created to deal with the aftermath of the landslide that occurred as a result of Storm Dennis (in respect of Receptor Sites A2 and B)

Committee will also note from the previous report that while there were technical considerations which dictated the appearance of the stockpiled material, thought was given to the overall impact of the material on the landscape since it was likely to remain there for a considerable time.

The applicant has considered removing the material from the site altogether however there would be significant consequences of this involving thousands of lorry movements through neighbouring villages. There would also be a significant cost associated with this which, while not necessarily being a material Planning consideration, would have to be weighed against the consequences of moving it and the ability of the landform in which it currently sits to accept the material in such a way that (a) it would not appear out of character and (b) that it would afford the local community an opportunity to benefit from enhanced leisure features that the landform could provide.

In addition, the landform has begun to regenerate, and while it is proposed to further enhance the landscaping, removing or disturbing the material in-situ is considered to be the least environmentally friendly approach.

Since the material was first moved the applicant has been in discussions with the LPA and various consultees to help shape the proposal before Committee such that many of the topic areas that would normally comprise this section of the report have already been incorporated and have been set out in the APPLICATION DETAILS section.

In light of the above comments, it is RECOMMENDED that the application be approved subject to the following conditions:

RECOMMENDATION: Approve

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 shall be carried out in accordance with the plans and documents listed within the Design & Access Statement submitted as part of this application unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence until such time as a site wide 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):

- Construction methods: details of materials, how waste generated will be managed;
- 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.
- Biodiversity Management: species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including details of dust control measures.
- 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

- 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.
www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk
- 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.

Reason: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

21 JANUARY 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined below:

APPLICATION NO: 20/1312/08 & 20/1313/08 (CHJ)
APPLICANT: Cyngor Rhondda Cynon Taf Council

20/1312/08

DEVELOPMENT: Temporary deposit and storage of approximately 8,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective)

LOCATION: STATION ROAD, FERNDALE

20/1313/08

DEVELOPMENT: Temporary deposit and storage of approximately 22,000m³ of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective)

LOCATION: LAND ACROSS FROM OAKLANDS BUSINESS PARK, FERNDALE

DATE REGISTERED: 19/11/2020

ELECTORAL DIVISION: Ferndale

RECOMMENDATION: Approval subject to the conditions below.

REASONS: The development, while largely retrospective, has been necessary to remediate the landslip that occurred earlier this year. Fortunately, nobody was injured as a result of this incident, but it was clear that action to remove the material from the river was urgently necessary.

The proposal represents the most efficient and environmentally sustainable of the (limited) options available. While the stockpiling of this material will have some negative visual impact, it is necessary (for safety reasons) to dry out the material before it can be worked and will only be for a temporary period before

being removed / remodelled. This will be the subject of a separate planning application (to be made at a future date)

REASON APPLICATION REPORTED TO COMMITTEE: The nature of the application, while potentially capable of being considered under the Council's Scheme of Delegation, is such that a Committee determination is considered more appropriate.

BACKGROUND INFORMATION

On 16th February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslide followed by a smaller, secondary event.

The consequence was that approximately 30,000 cubic metres of colliery tip material slid down the slope and filled the valley bottom from the "toe" of the slope outwards in an extremely low angled and widely distributed debris envelope. This subsequently filled the River/Afon Rhondda Fach diverting its course to the western side of the valley bottom. The diverted river began eroding the western bank of the river creating a vertically unstable face of approximately 5 metres which threatened to undermine the Rhondda Fach Leisure Centre car park adjacent to the top of the bank.

The slipped material also seriously damaged and breached a main sewer beneath the Leisure Centre downstream of the landslide "toe" and felled numerous trees in its wake and covered a water main below the former railway line which is used as a (non-motorised) leisure route.

APPLICATION DETAILS

The development which is the subject of this application is partially (largely) retrospective and was started without the benefit of planning consent due to the threat to the local buildings and infrastructure caused by the landslide and extensive scouring from the diverted river. Committee is reassured that, while the work may be retrospective, the applicants (the Council) sought early advice from both the Countryside, Landscape & Ecology Section and the Development Control (Planning) Section (as well as other in-house technical experts) before any work had commenced.

Committee is advised that there have been two applications submitted, one for each respective receptor site although the access to these sites are the same (essentially a haul road). Members may also note that the two reports are, largely, identical in content and considerations and while the scheme as a whole can be debated together, two separate determinations are required.

Both sites (referred to as **A & B**) are being used simultaneously for the stockpiling of material. Receptor Site A (RSA) is further away (approximately 1km) from the slip

material and Receptor Site B (**RSB**) is approximately 600 metres away from the slipped material.

Both sites are long linear strips of land the width of which has been dictated by the landform with a steep embankment to the north and the river to the south. **RSA** is actually divided into two parcels. The presence of two mine shafts have prevented this from being one area. **RSB** is wider than **RSA** but **RSA** is considerably longer. The majority of the material will be stored on **RSB** which is closest to the land slip area.

Work to deposit the material on the receptor sites began in July 2020 and is expected to continue until February 2021.

RSA (1 & 2) is proposed to accommodate approximately 8000 cubic metres with a maximum height of 5.5 metres however, the applicant has subsequently advised that **A1** has only 800 cubic metres and **A2** has nothing at all. **RSB** can accommodate 22,000 cubic metres with a maximum height of 8 metres. Committee is advised that the maximum heights are largely dictated by safety considerations although **RSA** is unlikely to be receiving the amounts of material envisaged (largely due to the good compaction rate of the material excavated so far).

The track (haul road) has had to undergo some strengthening in places and the addition of passing bays however these will be removed following completion of the work and the track returned to its original condition.

The application proposes temporary storage of this material for a period not exceeding 3 years. This allows sufficient time for consultation / monitoring prior to the submission of a planning application for the permanent scheme and it allows sufficient time following the Planning process to programme the work to ensure that it is undertaken during the most advantageous season to reduce any risks in respect of access, management of the material and ecological mitigation.

The applicant will not be precluded from removing the stockpiles before the end of this period subject to obtaining the necessary consents.

The documentation included with the application comprises:

- A Design & Access Statement (incorporating a Planning Statement)
- A Community Infrastructure Levy Declaration
- An EIA Screening Opinion & Response
- Extended Phase 1 Habitat Survey
- Ecological Rationale
- Ecological Method Statement
- Flood Consequences Assessment

- Coal Mining Risk assessment
- Chemical Stability Assessment
- Preliminary Sources Study Report
- Surface Water Drainage Design
- Transport Statement.

SITE APPRAISAL

The land in question (the deposition sites) is in the ownership of the Council.

The application sites largely comprises a linear strip of land which was formerly the line of the mineral railway. It is predominantly flat in its linearity and bounded on one side by the river and on the other an embankment by self-seeded landscaping by trees and shrubs. At one end of the site is the access from the public highway and has a relatively small informal car park for use by visitors who use the track for recreation purposes. Other than for the purpose of removing the slip material and general maintenance of WW/DC apparatus and the riverbank, access by motor vehicles is prohibited. The track is popular with both cyclists and walkers.

The applicants have advised that the site(s) were chosen as they were conveniently located close to the slip and the capacity was considered to be capable of safely accommodating the amount of material required to be stockpiled temporarily.

The closeness of the sites to the landslip also allows the material to be moved in an efficient and timely manner which was also a key consideration given the continuing damage being caused by the diverted river. The alternative was to remove this material in lorries through the narrow and congested streets of the surrounding villages which would cause significant disruption for a considerable period of time.

Four Sites of Interest for Nature Conservation (SINC) were identified within the survey area, which may be impacted. Of these the most relevant are Blaenllechau Woodland (SINC 61) and Old Smokey Slopes (SINC 65).

The majority of the area of **RSA** is located within Blaenllechau Woodland (only a small area at the north-west of the receptor site extends beyond the SINC boundary).

The majority of **RSB** is also located in Blaenllechau Woodland with the exception of a small area at the south-eastern end of the site which falls within Old Smokey Slopes SINC.

A parcel of ancient woodland was found to be located between **RSA** and **RSB** plus a linear parcel of ancient woodland located approximately 20m to the west and

another linear Ancient woodland parcel located approximately 110m to the south from the RSB.

PLANNING HISTORY

The land being used is the line of the former mineral railway. There is no recent planning history identifiable pertinent to the consideration of this proposal.

PUBLICITY

The application was publicised by site notices being displayed both on and in areas surrounding the application site. As a result of this exercise, one (6 page) letter of objection has been received from an adjoining landowner (Welsh Poultry). Due to the somewhat unusual nature of the application, a copy of this letter has been included as APPENDIX 1.

The points raised can be summarised as follows:

- The use of retrospective planning is criticized, and concern is expressed over the environmental consequences of tipping on RSB and that the submitted application is too general and applies to the whole project rather than individual aspects.
- There is criticism about the comprehensiveness of some of the ecological surveys and the limited ecological safeguards included within them.
- There is criticism of the ecological mitigation that is proposed and an absence of a comprehensive environmental compensation strategy.
- There will be an adverse impact on ancient woodland and the work done is one dimensional in its approach.
- The proposals will have an impact on low chemical input farming and RCT as a landowner are “notoriously negligent” in allowing invasive species to both flourish and spread to neighbouring lands. Approval should not be given whilst the applicant continues to work in isolation. A collaborative, comprehensive and detailed mitigation and restoration plan should be requested.
- There is concern about the chemical stability of the material and groundwater contamination.
- Concern is expressed about the consequences of the development flooding downstream by the reduction in the flood plain.
- There are concerns about the use by scramblers (motorcycles) on Council land and a lack of “policing” of activities on it.

Discussions have been held with the objector and it would seem that most of the cause for concern stems from the Council’s decision to transport the tipped material to RSA

& RSB without consultation with the neighbouring landowners and the disappointment of not considering other alternatives (even in combination). Subsequently, the concern is in respect of the environmental damage that has been caused to prepare RSA & RSB for receiving the material and the fact that what has been lost cannot be restored or mitigated.

Committee is advised that these issues will be addressed in the PLANNING CONSIDERATIONS section of this report.

CONSULTATION

As part of the application process the following were consulted. A brief precis of responses has been included for Committee's information:

NRW – have “significant concerns” over aspects of the development and advise on a need for appropriate licenses to be obtained.

Transportation Section – no objection

Public Rights of Way Section – no reply received (therefore no objection)

Countryside, Landscape & Ecology Section – no objection

RCT Drainage Section – no objection

POLICY CONTEXT

National Planning Policy

- Planning Policy Wales - Edition 10 (Welsh Government, December 2018)
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009)
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, August 1987)

Local Planning Policy

Core Policies:

Policy CS 1 (Development in the North) - Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote “*accessibility by securing investment in ...walking and cycling*” and “*new forms of employment in the leisure and tourism sectors*”.

Area Wide Policies

Policy AW 5 – This policy 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 - This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

Policy AW 10 - developments proposed must overcome any harm to public health, the environment or local amenity,

Strategy Area Policies:

Policy NSA 20 (Major Road Schemes) -This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network.

Policy NSA 23 (Cycle Network Improvements) – Promotes the extension, improvements and enhancement of the existing networks of cycle paths.

REASONS FOR REACHING THE RECOMMENDATION (PLANNING CONSIDERATIONS)

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 to be made under the Planning Acts, the determination must be made in accordance with the plan unless material planning considerations indicate otherwise.

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

It is considered that the principal issues in the consideration of this application are Ecology, Landscape Impact, Public Accessibility, the Water Environment and Transportation Considerations (in no particular order of importance).

Ecology

In terms of species the sites had varying degrees of potential to support protected species, as follows:

- Low suitability for dormouse, roosting bats and badger;
- High suitability for commuting and foraging bats, otter, breeding birds, common amphibians, hedgehogs, reptiles and invertebrates.

The report submitted contains a series of recommendations to deal with the consequences of the development and suggests where any further surveys etc. should be undertaken and impacts on, for example, ancient woodland should be avoided. The draft design and extent of the receptor sites was subsequently amended to completely avoid any impact on the ancient woodland.

It recognised that tree clearance was required on both receptor sites and specifies the basis on which this was to be undertaken (i.e. in accordance with BS5837: Trees

in relation to design, demolition and construction). It also considers briefly what enhancements could be achieved following the deposit of the material.

In addition, and subsequent to the survey, an Ecological Rationale document (included in the application pack), detailing the approach to the ecological management of the works, was produced following consultation with the RCT's Ecologist and Natural Resources Wales (NRW).

Following the Phase 1 Habitat Survey and agreed rationale, the Ecology Consultants sought to develop a methodology detailing (within the context of, and accepting the emergency nature of the works) how the impact on the habitats and species could be minimised and what mitigation measures were required. The draft document was developed and resulted some changes to their proposals for the receptor sites (for example, by excluding the areas identified as ancient woodland from the proposed work areas thereby avoiding any impact on these areas).

The applicant's approach was designed to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement was included as part of the contractor's works information required to be followed during the carrying out all aspects of the remedial works to ensure that the risk of significant negative impacts on habitats and protected species is minimised and that works are compliant with current wildlife legislation.

The Method Statement is considered to identify all the protected habitats and species potentially impacted and sets out the necessary mitigation, working practices or other measures required to minimise the development's impact on each of them.

The applicant has also employed an Ecological Clerk of Works who has been on-site during the development and ensuring that it is carried out in accordance with the Ecological Method Statement.

The Ecological Method Statement describes, in detail, all the measures undertaken to protect and prevent damage to SINCs, ancient woodland, trees and other priority habitats, protected and priority species and measures to control invasive plant species.

It will be a requirement of a future application that seeks to remove or remodel the stockpiled material will need to include a full set of mitigation and enhancement measures to compensate for the loss of habitat that has been necessary to facilitate this development. Committee is advised that there is little meaningful mitigation and enhancement that can be carried out in respect of the existing situation (but still requires it to be addressed through the imposition of a condition) and it will be important for the applicant to consider how best to avoid the colonisation of the

tipped material by species that could, have an impact on future plans to remove the material (such as Great Crested Newts).

As part of the application, both the Council's Ecologist and NRW were consulted.

While having "significant concerns" NRW have requested the inclusion of a condition that seeks to improve and enhance the habitat for otters (which are a European Protected Species). Committee is advised that Condition 3 is considered to address this concern. Upon submission of the details required, both RCT's Ecologist and NRW will be consulted to consider any proposals.

RCTs Ecologist has advised:

In the late spring, a series of meetings were held (which included NRW) in order to progress emergency tip removal works at Tylorstown Tip. At that stage the emergency nature of the works was not subject to a planning application requirement. However, protected species issues and minimisation of impacts to SINC habitat were identified as priority environmental considerations in undertaking the emergency works. As such Redstart undertook preliminary ecological assessment in May 2020 which identified the following key ecological issues:

- SINC habitat impacts,
- nesting bird,
- reptile,
- otter,
- fish spawning and
- river pollution.

As a result, a series of precautionary measures to ensure adherence with wildlife law and minimisation of ecological impact were identified and implemented in the clearance and setting up of the receptor sites and in implementing associated works involved in moving spoil from the river and adjacent hillside.

These recommendations included ecological supervision for clearance works and tip removal / re-deposition, species mitigation (in particular nesting bird, otter and reptile), avoidance of adjacent key habitats, and adherence with NRW requirements in terms of river working, pollution controls and avoidance of fish spawning impacts.

The ecological measures identified for the emergency works were appropriate to the situation and circumstances and were ecologically supervised by Ecologists from Redstart.

Therefore, in terms of the current planning application for the two receptor sites, the ecological impacts of the receptor site clearance and much of the impacts of spoil removal has already been completed. In addition, any on-going works to complete this emergency phase are subject to the same attached method statement. As such, I would suggest that perhaps we could condition the continued implementation of the attached ecological rationale for any completion works required through this planning application.

As the ecological rationale identifies, mitigation and compensatory ecological measures in the form of an ecological restoration of the receptor sites, formed an important part of the ecological mitigation of the emergency works. SINC habitat has been affected by the landslip and emergency works. As such Policy AW8 of the LDP is relevant and ecological mitigation in terms of habitat restoration is an important consideration. Fortunately, there is considerable potential to engineer the final landforms of the receptor sites, and to re-use colliery spoil, to create conditions for species rich colliery spoil habitats to recolonise the receptor areas, and to implement simple /effective aftercare management. Colliery spoil grassland based on the local seedbank is a diverse, and species rich habitat, of particular value for a range of invertebrate species (including many pollinators). There is also potential to 'design in' the river bank restoration enhancement measures for species such as otter. So therefore, this application does have the ability to deliver effective ecological mitigation (and potential enhancement) in line with LDP policy AW8.

In light of the above comments, it is considered that the proposal is in accord with Policy AW5, AW8 and AW10 of the Local Development Plan.

Landscape Impact,

The site, while being on the valley floor, is publicly visible from a number of directions including public highways, the Sports Centre car park, residential properties and users of the leisure route that is the former mineral railway line.

The applicant, since the original submission, has subsequently advised that RSA (1&2) will now receive significantly less material than originally envisaged, which accordingly lessens any impact. However, there will still be a very visible, very large, mound of earth type material within a countryside location that was previously a well vegetated landscape and, as such forms a very alien feature within the landscape.

The applicant has not made any proposals to landscape the mound(s) due to the temporary nature of its siting. Some limited works are proposed but are predominantly designed in the interest of ecological mitigation.

In reaching a decision, Committee will need to be satisfied that any impact is acceptable, at least for a period of up to 3 years. The residential properties along Station Road and George Street are located closest to the receptor sites and some impact is very evident however, these properties are at a much higher level than the

application site where most views are directly across the valley rather than looking directly at the stockpiled material. It is therefore considered that, while a negative impact is acknowledged, it will not cause significant impact to local residents such as to warrant the refusal of the application. In addition, the outlook is not considered to be any worse than the devastation caused by the landslip which would have had a similar negative impact which, if it hadn't caused so much damage to the river and sewer could have been left in situ much longer than through the Council's intervention.

Accordingly, it is considered that the proposal complies with Policies AW5, AW8 & AW10 of the Local Development Plan.

Public Accessibility

The sites under consideration form part of an attractive walking and cycling route along the line of the former railway. It is part of the Sustrans National Cycle Network (Route 881). Due to the activity of construction traffic, this route has had to be temporarily closed, with the land slip effectively doing the same job when the incident occurred in February, albeit to a lesser extent.

Once work is complete and the necessary safety inspections have taken place, the route will again be open to the public. While any closure of a recreation facility is regrettable, especially in these difficult times, it is considered both reasonable and necessary under the circumstances the applicant was faced with.

The Water Environment

As part of the application, the applicant submitted a Flood Consequence Assessment. Amongst other considerations, one of its main aims was to establish what, if any, implications the creation of large earth mounds next to the river would have on land and properties downstream.

The application proposes "less vulnerable" development as defined by TAN15. NRW's Flood Risk Maps confirmed that part of the site is within Zone C2. In their consultation response, NRW have advised "*Given that only a small proportion of the material is located within the flood zones and Section 5.1 of the submitted FCA.....states that the material will be consolidated and the risk of any movement is minor, we have no objection on flood risk ground to the applications as submitted*".

In respect of the potential for land contamination and controlled waters, NRW have "welcomed" the applicant's proposal for further site investigations as outlined in the Receptor Site B Preliminary Sources (Desk) Study Report prepared by Redstart. Recommendations have been made by NRW and subsequently passed on to the applicant.

NRW have expressed "significant concerns" in respect of this development but discussions with them have identified that such concern lies largely outside of the Planning system. They have stated the need (prescribed by TAN15) for the LPA to

consider whether the “less vulnerable” development but within a C2 Flood Zone meets the relevant tests set out in the TAN. The tests are:

“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied recognising, however that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- *Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or local authority strategy required to sustain an existing settlement; **or***
- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*

and

- *It concurs with the aims of PPW and meets the needs of previously developed land and,*
- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 found to be acceptable.”*

Members will be familiar with these tests which have been reported in such recent applications as the Industrial Unit development at Robertstown and the new Surgery in Mountain Ash.

Members are advised that Planning policies (both national and local) are written so as to require certain information to be carried out prior to the submission of any application where any impacts can first be identified and mitigated. Policies rarely (if at all) allow for the possibility of emergency works to take place nor offer any exemptions in such circumstances. Clearly policies need to be robust enough so as to deter applicants from undertaking developments without first applying for Planning permission however, there are rare occasions, where this simply isn't possible. This is one such case. Failure to carry out the work will have certainly had an adverse effect on the existing settlements in that area and the blocking of the river channel would have had significant consequences if left in situ. Appropriate advice was taken prior to any works taking place and, in the submission of the application, was fully justified in the proposals put forward. The principal (and principle) aim of TAN15 is to avoid flooding, protect the lives of people in such areas and, in undertaking the development, to prevent the possibility of properties downstream of the development to be at a

greater risk of flooding. The applicant has submitted a Flood Consequence Assessment which demonstrates this and NRW have not objected to the information submitted. In light of this, while the development is out of accordance with the tests in TAN15, the consequences of flooding have been appropriately managed and are found to be acceptable.

A Surface Water Drainage Strategy has been submitted to deal with the run-off using SuDS. A separate application has been made to the Council as the SuDS Approving Body (SAB) for approval of the proposed surface water design. Details of this have been submitted with the application. The applicant has stated:

“Whilst the individual stockpiles have been designed and shaped to reflect the local topographic constraints, they have each taken the form of a single batter with a variable height berm tying into the existing hillside. The surface water draining arrangements for all three receptor sites share the following common features:

- *A swale drain running along the rear of the as it interfaces with the existing hillside this collects the runoff from the berm face as well as intercepting runoff from the hillside above the berm that would otherwise drain towards the stockpile and directing it around the stockpile.*
- *A swale drain running along the toe of the batter as it meets the existing ground. This swale collects the runoff from the batter face;*
- *One or more cascade features that transfer flow from the rear swale down to the level of the toe swale; and*
- *A culvert connection that collects flow from the above features and directs it to the point of discharge.*

The cascade will consist of a steep brick lined channel with a stepped profile similar to another cascade in the area. The final detailed design and materials of this and other drainage features are still to be determined. These will follow the final approved SAB design, therefore the applicant is content for these to be subject to a suitably worded condition in any approval”.

No objections have been received from the Council’s Drainage Section although the issue of surface water drainage is considered (and regulated) outside of the Planning system.

In light of the above comments, it is considered that the development, in respect of the water environment, complies with the relevant policies (AW5, AW8 & AW10) in the LDP

Transportation Considerations.

The proposals represent a significant increase in the amount of vehicular (largely construction) traffic using this area. The majority of traffic will be active within the site and not using the surrounding public highway due to the proximity of the Receptor

Areas to the slipped material. Should an alternative receptor site have been proposed then there would be a considerable impact on the local highway network with a significant volume of material having no alternative other than to be carried throughout the roads and streets of the surrounding villages. While this could, potentially, be the subject of a future proposal (following the expiry of the temporary period sought), this application makes no such proposal and, accordingly the Council's Transportation Section has no objection to the current proposal.

In the LDP, Policy NSA20 (Major Road Schemes) includes the proposed route of the Upper Rhondda Fach Relief Road, the line of which follows the former railway line adjacent to the application site. A section of route from Port to Pontygwaith was opened in 2006/7 and there are currently no active plans to extend this route to Ferndale. Whilst the prospect of a scheme coming forward within the current plan period is unlikely, the stockpiling is not considered to affect such a proposal and is therefore not considered to be in conflict with this policy.

Accordingly, it is considered that any transport considerations are acceptable and comply with Policy AW5 of the Local Development Plan.

Objection letter

One letter of objection was received as part of this application. This has been summarised as part of the PUBLICITY section and copied for Committee's information as APPENDIX 1. A copy of this letter was also sent to the applicant who has responded to the comments on an issue-by-issue basis.

Members are advised that, while there may have been other options for the removal and storage of the slipped material, the applicant (the Council) has made an application to remove the material to the site identified and, as the Local Planning Authority, Committee must make a determination based on the strengths and weaknesses of the proposed development - rather than considering an alternative. The objector is correct that environmental damage has been done by the removal of trees and preparatory works in anticipation of receiving the tipped material however such work was carried out only after having received appropriate advice.. While this may be regrettable, neither the Council's Ecologist or NRW have offered any objection and it is considered that, upon removal or reprofiling of the material, it will be possible to both mitigate and enhance environmental / ecological.

A concern was also expressed that there was a lack of consultation (presumably by the applicant) with adjoining landowners to come up with an acceptable solution. While this is a matter for the applicant, the circumstances surrounding the need to remove the material from the river meant that this was, perhaps, not the most pressing issue. In terms of the Planning process, the application has been advertised in accordance with the Regulations and it is understood that this publicity served its purpose in enabling local residents to make any comments.

A concern was expressed about lack of surveys, ecological mitigation and impact on ancient woodland accompanying the application. Committee is advised that none of the respective consultees requested or required the submission of any additional surveys and the impact on the ancient woodland has been avoided. In light of this, the work submitted with the application is considered acceptable.

The objection letter refers to the insufficient justification for the choice of sites however, this is not a requirement and the application must be considered on its own merits.

The objector has raised an issue in respect of the presence and spread of invasive species. The applicant has prepared an Invasive Plant Species Method Statement to help prevent the spread of such species off site however, due to the nature of the land slip and the emergency works to clear the river channel, it was not possible to check whether the slip material contained any such species. The applicants have advised that the receptor sites will be monitored for the emergence of invasive plant species and a management / eradication regime will be carried out if required.

The objector is also concerned about the approach to groundwater pollution risks arising from the deposited material. Committee is referred to the response given by NRW earlier in this report.

Similarly, concerns in relation to flooding have been made. Again, Committee's attention is drawn to the consultation response from NRW.

Finally, comments are raised in respect of potential future uses, however Committee is advised that these are not a consideration of this application.

Other issues

As part of the application, the Council's Public Health & Protection Section was consulted. No objections were received but "standard" conditions were suggested in respect of noise, dust and other nuisances. While these comments have been noted, Committee is advised that the development is now largely complete. No adverse comments (complaints) have been received in respect of the works so far and, in the absence of a Planning consent, separate legislation exists (outside of the Planning system) to deal with such issues. Accordingly, Committee is advised that the imposition of conditions to this effect are not considered necessary but can be addressed directly (under Public Health legislation) should problems occur. In the final weeks of the operation.

The consultation response from NRW highlights the need for the applicant to have obtained various permits and licenses from NRW as part of this development. Committee is advised that it is not the role of the Planning system to consider issues other than material Planning considerations, which they are not. Accordingly, the report does not make any comments in this respect, but the applicant is aware of potential issues from ongoing discussions with NRW.

Conclusions

The application(s) is(are) relatively simple in what is proposed. It seeks the temporary storage / stockpiling of material resulting from the landslip which occurred in February of 2020. It is clear that the works that are under consideration are both proportionate and necessary given the circumstances of the situation.

The impacts (environmental and otherwise) of the works are not considered to be significant and the retention and completion of the earth movements are considered acceptable.

As the works are largely complete (scheduled to be completed in February) it is not considered that any many additional conditions are necessary other than to define the plans and documents that comprise the proposal (including mitigation) and the duration of the storage of the material (and its subsequent removal / reprofiling). While the works are largely retrospective (for the reasons given earlier in the report)

Committee is required to determine the application on its individual merits and the fact that the majority of the material has already been removed is not considered to be a material planning consideration. Should Committee decide to refuse the application(s) then it will be necessary to remove the material to an alternative location (which would likely require the submission of another planning application)

Committee is advised that there may be some unresolved issues in respect of the respective consenting regimes operated by NRW however these do not impact on the consideration of the planning application(s).

RECOMMENDATION: Grant

1. The development shall be carried out in accordance with the Plans & Documents contained within the Design, Access and Planning Statement dated November 2020 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.

2. Within 2 years from the date of the consent, a scheme for the removal / reprofiling of the tipped material (including restoration and environmental mitigation and enhancement measures) shall be submitted to, and approved in writing by, the Local Planning Authority. The material shall be removed / reprofiled in accordance with the scheme as may be approved before the expiry of 3 years from the date of this consent and the environmental mitigation and enhancement measures carried out in accordance with the

approved details (unless otherwise agreed in writing with the Local Planning Authority).

Reason: To clarify the duration of the consent and to ensure that the site is returned to its original condition or the Local Planning Authority has an opportunity to formally consider an alternative proposal in the interests of Ecology and Visual Amenity in accordance with Policies AW5, AW8 & AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Within 3 months of the date of this consent, a scheme shall be submitted to the Local Planning Authority detailing works to be carried out to the river environment for an improved and enhanced habitat for otters. The scheme shall identify an appropriate timescale for the works to be undertaken and a regime to monitor its effectiveness. The scheme shall be carried out in accordance with any approval.

Reason: The otter is a European Protected Species and it is a requirement where a proposal impacts on such a habitat that, following the development, the habitat is not only maintained but also enhanced, and in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to completion of the final (temporary) landform, details of an ecological mitigation and restoration for the receptor sites and riverbank (including timescales) will be submitted to the Local Planning Authority. The works shall be carried out in accordance with any approval and maintained for the duration of the development.

Reason: in the interests of Ecology in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0398/10 (GRD)
APPLICANT: Mason and Young Property Investments Limited.
DEVELOPMENT: Change of use from a HMO (C4 use) to a Children's Home and associated works. (Amended Site Location Plan received 08/06/2023)
LOCATION: 37 ELIZABETH STREET, ABERDARE, CF44 7LN
DATE REGISTERED: 08/06/2023
ELECTORAL DIVISION: Aberdare East

RECOMMENDATION: Approve, Subject to conditions

REASONS: The application site is located within a predominantly residential area and within the settlement boundary limits of Aberdare. The site is in a highly sustainable location with good access to public transport, facilities, and key services.

The site also relates to an existing residential property and, other than the presence of a small number of staff and an element of care provided, the proposed use would remain and continue to be residential in nature.

Additionally, no external alterations are proposed at the property, and the development would not impact upon the character and appearance of the application property or wider area. Furthermore, the development would not be considered to impact or upon the amenity and privacy of surrounding properties, nor would it have an adverse impact upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- A written request has been received from Councillors for the application to be reported to the Development Control Committee.

APPLICATION DETAILS

Full planning permission is sought for the conversion of an existing property, last used as a small HMO (C4) to a residential Children's Home (C2). The applicant has confirmed that the conversion would not result in any external changes with minimal internal changes required.

The proposed care home would contain a living room, kitchen and utility room to ground floor, with 2 no. bedrooms, a bathroom and W/C to first floor, with two further bedrooms and a living room to the second floor.

The application is supported by a planning statement which includes the following information in relation to the proposed care home for children:

The property would accommodate a maximum number of 2no. children and 2no. carers, who would sleep at the property overnight. Staff would work 48hour shifts. The statement also notes that children placed at the home would stay on a long-term basis which is likely to be more than 18 months with the care provider noting in their statement that the process of accepting children to the home would be via referrals from Social Services.

SITE APPRAISAL

The application site relates to a three-storey terraced property located near the junction of Elizabeth Street and Griffith Street in Aberdare.

The principal elevation of the property faces the adjacent highway at Griffith Street to the north of the site. The site is adjoined to the west and south by its neighbouring terraced properties and the site is bound to the east and north by adjacent public highways.

The application site itself relates to a three-storey property and a small rear garden is provided within the curtilage of the property. The surrounding area is predominantly residential with both Elizabeth Street and Griffith Street containing terraced properties.

PLANNING HISTORY

22/1221/09: 37 ELIZABETH STREET, ABERDARE CF44 7LN: '*Certificate of Lawfulness for the change of use from C4 to C3 use and the proposed use of the dwelling as a children's home*'. Withdrawn, 21/12/2022

16/5062/41: 37 ELIZABETH STREET, ABERDARE CF44 7LN: Pre-application query. Withdrawn, 16/11/2016

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 from neighbours were received.

The Local members for the ward, Cllr Bradwick and Cllr Dunn, have objected to the application. They have noted their concerns with the proposal and do not consider that this is a suitable location for a children's care home facility.

CONSULTATION:

Local Highway Authority

No Objection

Public Health & Protection

No Objection. Conditions and Advisory Notes recommended.

South Wales Police

No Objections, subject to condition. Advisory Notes recommended.

South Wales Fire and Rescue Service

No Comments received.

Community and Children's Services

Objects to the planning application

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 LDP 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 relates to an existing residential property, that is located within settlement boundary limits. The following policies are relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for achieving strong, sustainable communities in the Northern Strategy Area.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation
Planning Obligations
Access Circulation and Parking

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 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

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 change of use of an existing residential property and small house in multiple occupation (HMO) (C4 Use) to a residential Care home for up to 2no. children (Use Class C2).

The site is situated within the settlement boundary limits of Aberdare, in a predominantly residential area. The application site is located near Aberdare Town Centre and the identified Retail Centre of Aberdare and has good access to services and facilities. The application site is also within walking distance of local bus stops and Aberdare Train Station.

The application site is in a sustainable location and predominantly residential area and is also located within the settlement boundary limits of Aberdare. The principle of providing a children's care home at this location is therefore considered acceptable, subject to other normal planning considerations which are discussed in the following sections.

Impact on the character and appearance of the area

External alterations are not proposed at the property. As such, the character and appearance of the property and site would remain as existing. Furthermore, the provision of a children's care home in a predominantly residential area would not be considered to alter or harm the general character of the wider area.

Impact on residential amenity and privacy

No external alterations are proposed at the property, and as such, it is not considered that the proposed development would adversely impact upon the amenities or privacy of neighbouring occupiers.

The development would result in an element of care and presence of a small number of staff at the site. However, with a maximum number of 2 children and 2 carers at any one time, it is considered that the proposed use would be of a limited scale and would largely exhibit similar characteristics as that of a residential dwelling. As such, it is not considered that the use would result in harmful levels of noise and disturbance, and it is considered that any potential impact upon surrounding properties would be limited in this regard.

The application site is also considered of an appropriate scale to accommodate future occupants, with reasonable levels of outlook provided and a small outdoor amenity space also provided to the rear of the property. In terms of access to outdoor amenity space, there is also an accessible Council owned outdoor play area within walking distance of the application site. Consequently, it is considered that the development proposal would provide adequate space for people's living needs both inside and out.

Access and highway safety

The application has been assessed by the Local Highway Authority and no objection is raised in relation to the proposal. The comments received are summarised as follows:

Access

Primary access to the proposal is via Griffith Street, which is a one-way street with residents only parking on the opposite side of the road to the proposed Children's Home, with double yellow lines on the development side to maintain traffic flow.

Elizabeth Street fronting the development site has double yellow lines preventing on-street car parking on both sides.

Pedestrian access is gained via continuous footways which are acceptable for safe access to the proposal.

Parking: Access, Circulation and Parking Supplementary Planning Guidance (SPG)

Existing:

The existing use as a 5-bedroom residential HMO requires up-to a maximum of 5 spaces with none provided.

Proposed:

Residential children's homes / homes for elderly person's / nursing homes require 1 parking space per resident staff, 1 space per 3 non-resident staff, 1 space per 4 beds.

The proposed change of use to a children's care facility with up-to 2 residents and 2 staff members on site at any one time would require up-to a maximum of 3 off-street car parking spaces with none provided.

The off street-parking requirement of the proposed use would therefore equate to 3no. parking spaces, the same as what would be required of a normal residential property (Use Class C3) at the site. The Local Highway Authority also consider that the current use as an HMO requires 2 additional car parking spaces compared to the proposed use of the site. As such, the Local Highway Authority raise no objection to the proposal with regards to parking.

There is also a public car park near the application site that could be used by staff and visitors, with further car parks located within the town centre, which is a short walk from the application site.

Surrounding streets within the vicinity of the site are also controlled by a car parking permit Zone for residents only.

Sustainability:

As discussed previously, the proposed care home would also be located on the outskirts of Aberdare Town Centre, which offers a variety of local facilities and public transport options to promote less reliance on the private motor vehicle as the primary mode of transport.

Local Highway Authority Recommendation:

The Local Highway Authority consider that the proposed change of use to a children's home requires 2 less car parking spaces than the existing use as an HMO, in accordance with the Council's car parking standards. Therefore, due to the lesser car parking demand and the site's sustainable location, with existing controls in place to prevent indiscriminate car parking, no objections have been raised by the Local Highway Authority.

Community and Children's Services:

Consultation was undertaken with the Council's Community and Childcare Services Department, who have raised significant concerns and have objected to the planning application.

The Council's Community and Childcare Service Department have noted that the care home firm which seeks to operate the children's home is an experienced provider of residential care, and it is noted that this is a service that is in insufficient supply.

However, objections have been raised to the proposal on the basis that there are 2 other children's homes located in the area, where in the case of one of those homes, the Council has responded to community representations resulting in a negative impact to resident children and staff well-being. However, it should also be noted that these care homes are located at least 1km away from the application site; and as such, are not located in close proximity to the application site.

An objection has also been raised by the Council's Community and Childcare Services department as the care provider has been unable to share plans in relation to what will happen to the care home when a law changes on 01/04/2027, which will make it unlawful to operate a 'for profit' children's home. Children's services have also published its residential transformation strategy where they seek to ensure that there is a mix of services that are required by Rhondda Cynon Taf children across the Local Authority footprint. They have requested that developers do not consider this specific area for consideration for establishing a care home.

The Council's Community and Children's Services Department have also noted that all social care homes in Wales must comply with the Regulations and Inspection of Social Care Act (Wales) RISCA and must comply with these regulations to be registered with Care Inspectorate Wales (CIW) to provide residential care provision. As part of this process, applicants would need to provide a location assessment, Statement of Purpose, and Policies in relation to the provision of care and support, along with other relevant information. As advised by the Council's Community and Children's Services Department, this process applies to all homes seeking registration in Wales.

Whilst comments received by the Council's Children's Services department have been noted, it is considered that the nature of concerns and objections received would not be material planning considerations for the purposes of this application. Some of the issues raised could also be addressed through the process of complying with the Regulations and Inspection of Social Care Act (Wales) (RISCA) and through registering with Care Inspectorate Wales (CIW).

Consequently, the consultation response and comments received by the Council's Community and Childcare Services Department would be addressed under legislation, regulations and procedures relating to Social Care Provision in Wales, with processes and regulation undertaken by the Council's Community and Children's Services Department and Care Inspectorate Wales.

South Wales Police:

Consultation has been undertaken with South Wales Police with regards to the planning application. No objections were received; however, South Wales Police have

requested a condition be attached to any grant of planning permission for the submission of a management plan to be submitted and approved prior to the premises opening. A condition ensuring a management plan be submitted prior to the use commencing is therefore recommended.

Other Issues:

The Council's Public Health Department have issued no objection to the proposal, with standard advice recommended in respect of hours of construction, noise, dust and waste.

No external or internal alterations are proposed, and as such, the development would not be considered to impact local ecological interests. However, a condition for biodiversity enhancement details is recommended.

Matters Raised by the Developer:

The developer, through their planning agent, has also included within their submission a statement outlining that the property was last used as a House in Multiple Occupation (HMO) (C4 Use) and that under permitted development rights could be used as a residential dwellinghouse (C3 Use). They have noted that the applicant could therefore operate the property under C3 use without planning permission and following a reasonable amount of time as an established residential property, could apply for a Certificate of Lawfulness to establish a Children's Care home at the site. The developer contends that case law exists which indicates that a small-scale children's care home operates so similarly to that of a residential dwellinghouse (C3 use) that no material change would occur and that a Certificate would likely be granted in such a situation.

Consequently, the developer states that they consider that based on the circumstances of this application, that they could operate the site as a residential dwelling (C3 use) under permitted development rights and in future could successfully apply for a Certificate of Lawfulness to establish a children's care home at the site. The developer has stated that they consider this a material fallback position. Furthermore, the developer notes that operating a normal residential dwelling at the site (C3 use) would exhibit similar characteristics to that of a small-scale care home for children with 2no. staff.

The Local Planning Authority acknowledge that the property last used as a small house in multiple occupation (HMO) (C4 Use) could be occupied as a residential dwelling (C3 Use) under permitted development rights. However, the developers have based their argument that they could successfully apply for a Certificate of Lawfulness to establish a children's care home at the site on an interim step which has not been implemented. It is also considered that any future application for a Certificate of Lawfulness at the site would need to be considered on its own merits and would be assessed on the evidence and supporting information provided as part of that application.

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 site is located within a predominantly residential area and within the settlement boundary limits of Aberdare. The site is in a highly sustainable location with good access to public transport, facilities, and key services.

The site also relates to an existing residential property and, other than the presence of a small number of staff and an element of care provided, the proposed use would remain and continue to be residential in nature.

Additionally, no external alterations are proposed at the property, and the development would not impact upon the character and appearance of the application property or wider area. Furthermore, the development would not be considered to impact or upon the amenity and privacy of surrounding properties, nor would it have an adverse impact upon highway safety.

RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Plan. Title Number: WA349205. Received by Local Planning Authority 08/06/2023
- Existing and Proposed Plans. Drawing No. PL 01

and documents received by the Local Planning Authority on 11/04/2023, 08/06/2023 and 09/07/2023 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 premises shall only be used as a regulated children's home and for no other purpose; including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and

re-enacting that Order. When the use hereby approved ceases, the premise shall revert back to its original Class C3 use.

Reason: In the interest of residential amenity and highway safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Within 2 months of the date of this decision, a scheme for biodiversity enhancement shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: Future Wales requires all development to maintain and enhance biodiversity.

5. The use hereby approved shall not commence until a management plan for the premises has been submitted to and approved in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed details for as long as the use is carried out at the property.

Reason: In order protect the amenities of neighbouring properties in accordance with Policies AW5, AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0433/10 (KL)
APPLICANT: EG Group Ltd
DEVELOPMENT: Coffee drive thru unit (Mixed A1/A3 Use) and associated works (Amended Description and Updated Use Class information rec. 09/06/23)
LOCATION: ASDA STORES LTD, FFORDD TIRWAUN, CWM-BACH, ABERDARE, CF44 0AH
DATE REGISTERED: 09/06/2023
ELECTORAL DIVISION: Cwmbach

RECOMMENDATION: Approve, subject to conditions

REASONS: The proposal is in keeping with the relevant policies of the Rhondda Cynon Taf Local Development Plan in that the proposed use would be compatible with the surrounding land uses and the development would not result in an adverse impact upon either the character of the site, the amenity of neighbouring occupiers or upon highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development
- Three or more letters of objection have been received;

APPLICATION DETAILS

Full planning permission is sought for the construction of a coffee shop drive-thru (mixed A1/A3 Use) and associated works on land which currently forms part of the car park associated with the existing Asda superstore at Ffordd Tirwaun, Cwmbach, Aberdare. It is understood that the drive-thru would be occupied and operated by Starbucks.

The proposed drive-thru unit would be constructed at the most south-eastern corner of the existing car park. The unit would have a broadly rectangular shaped footprint which would measure a total 21.9 metres in width by a maximum of 13.1 metre in depth (internal floor area of 172m² with an additional external yard area contained within the envelope of the building of 31m²). It would incorporate a flat/parapet roof which would measure a maximum of 3.9 metres in height from ground level with a feature cladded projection extending a further 2.9 metres in height, which would

provide provision for company signage (subject to a separate application for advertisement consent). External materials would consist of fibre cement panels, some of which would be finished with wood, with the roof being constructed from a Kingspan Topdek roof panel (mid grey) with aluminium parapet flashing. The windows and doors would be powder coated grey aluminium.

Internally, the unit would provide a kitchen and area serving the drive-thru takeaway window, a back of house area, an area of internal seating for customers and also customer toilet facilities. It is indicated that the use would primarily be for the sale of hot drinks and whilst this would typically fall within Use Class A1, the use is considered to be a mixed A1/A3 use due to the extent of the customer seating area proposed.

Vehicular access to the unit would be via the existing access to the existing Asda store, off the A4059 and via Ffordd Tirwaun. The drive-thru lane would be segregated from the car park circulation, extending around the north-eastern and south-eastern elevations of the building, with vehicles proposed to enter from the north-west.

The unit would be served by the remaining car park area for the Asda store (shared between the two units) however, the proposal includes the provision of 6 no. cycle parking spaces (Sheffield cycle stands) for staff and visitors along with the provision of 2 parking bays designed to mobility impaired standard adjacent to the new unit. An additional two bays are proposed to be served by a new EV charging point.

An external yard would be incorporated into the envelope of the proposed unit which would accommodate a bin storage and plant area.

As indicated above, the proposed use will primarily be for the sale of hot drinks. Details submitted with the application indicate that the unit would operate between the hours of 07:00 – 23:00 Monday to Sunday (including Bank Holidays) with a total of 8 full-time and 16 part-time members of staff being employed at the site (equivalent of 17 full-time members of staff).

In addition to the standard application forms and plans, the application is also accompanied by the following supporting documents:

- Covering Letter;
- Planning Statement, including Sequential Test;
- Flood Consequences Assessment and additional Flood Risk Information;
- Drainage Report;
- Transport Statement;
- Specification Details for EV Charging Point
- Mechanical Ventilation and Environmental Control Equipment Details.

SITE APPRAISAL

The application site relates to the car park of an existing Asda store which is situated on an established retail park in Cwmbach, Aberdare. The area upon which the proposed unit would be constructed is situated at the most south-eastern corner of the car park, close to the vehicular entrance to the Asda store, and is currently laid down

as an area of car parking (comprising of 63 spaces) and circulation. The area is also currently occupied by 2 trolley bays.

The existing Asda store is situated to the north-west of the car park with a residential housing estate being situated beyond. A new Lidl store is situated on the opposite side of Ffordd Tirwaun to the north-eastern boundary of the site whilst further retail units, including the Asda Petrol Filling Station, are situated to the south-east. The River Cynon runs along the western boundary of the car park with an area of trees, a playing field and the A4059 being situated beyond.

PLANNING HISTORY

The following planning applications are on record for the Asda site (last 10 years):

21/0329	Asda Stores, Ffordd Tirwaun, Cwmbach	Advertisement Consent – fascia signage for grocery collection pod	Granted 28/04/21
21/0275	Asda Stores, Ffordd Tirwaun, Cwmbach	Removal of existing grocery collections canopy, construction of new home shopping pod for ambient and chilled orders. Construction of home shopping van loading canopy and grocery collection canopy.	Granted 28/04/21
20/0535	Asda Stores, Ffordd Tirwaun, Cwmbach	Advertisement consent to promote the brand and services of a new retail pod	Granted 21/07/20
20/0534	Asda Stores, Ffordd Tirwaun, Cwmbach	Proposed retail pod	Granted 21/07/20
18/1371	Asda Stores, Ffordd Tirwaun, Cwmbach	Extension of low level warehouse lean-to structure	Granted 13/02/19
18/0037	Asda Stores, Ffordd Tirwaun, Cwmbach	The proposal is to replace existing ASDA advertisement signage. This includes; 1. Internally illuminated "24 hour cash box" sign. Refer to location "18" on the drawings. 2. Replacement vinyl, twin post and wall mounted signage. Refer to locations	Granted 20/02/18

		"07, 39, 59, 62, 63, and 64" on the drawings.	
14/0243	Asda Stores, Ffordd Tirwaun, Cwmbach	Roof top refrigeration units	Granted 09/06/14
13/0848	Asda Stores, Ffordd Tirwaun, Cwmbach	Drive Thru signs around the perimeter of the canopy 1 metre in height top hung at 4.2 metres, colour teal with white writing to Asda's corporate branding.	Granted 15/10/13
13/0847	Asda Stores, Ffordd Tirwaun, Cwmbach	Single storey canopy for use by ASDA customers using the Grocery Collection service.	Granted 10/10/13
12/1199	Asda Stores, Ffordd Tirwaun, Cwmbach	To erect a new vehicle loading canopy for 3 no. home shopping vans, within the existing service yard. There will also be some changes internally within the warehouse to create a new home shopping unit.	Granted 26/02/13
12/0304	Asda Stores, Ffordd Tirwaun, Cwmbach	Car park banner signage	Granted 16/05/12

PUBLICITY

The application has been advertised by means of direct neighbour notification letters and through the erection of a number of site notices in the vicinity of the site. This process was repeated upon an amendment to the application description to confirm the proposed mixed use of the proposed unit. A total of 3 letters of objection and 1 letter containing comments were received in response to the two consultation exercises carried out. These are summarised as follows:

Objections:

Highways

- There is only one route into the site and there are always issues.
- A new access road should be considered so that there is more than one road out.
- When Mountain Ash Road was closed, the back log of traffic hit the housing estate, never mind adding a drive-thru into the mix.

- How can the Council keep approving businesses to open in the small retail area with such poor traffic controls and only one way in and out, not just for the staff and customers of the shops but also for the residents of the houses behind Asda.
- Traffic is already dangerous since the opening of the new Lidl store where traffic does not think it need to look left when exiting the car park.
- Traffic is unbelievable for residents on the new estate.
- The traffic on the Asda petrol station roundabout is absolutely crazy and then the Brewster and KFC junctions need to be tackled, which should be left turns only. Then you come to the main roundabout which needs traffic lights or a redevelopment of a new road out of the estate.
- The traffic needs to be monitored for 7 days so that the Council can see how bad the traffic is.

Other Issues

- It seems that all this Council want to do is take money from wherever possible and give very little in return.
- Why do we need a second coffee shop within metres of a Costa coffee shop. Why can't the Council actually try to encourage something different to the area?

Comments:

- Whilst not against the application, traffic management, parking restrictions and safe crossing points should be considered before granting planning permission.
- The drive-thru will on a regular occurrence cause a backlog of traffic onto the exit and onto the roundabout on Ffordd Tirwaun.
- The roundabout is already overloaded on weekends, not just at peak times as described in the supporting documentation.
- The back log of traffic onto the main roundabout with the A4059 is not mentioned in the documentation but must be considered.
- The roundabout is usually severely backlogged and combine with the application in progress for the new Aldi store perhaps needs further consideration for a traffic management system.
- The comments query whether a left turn only can be introduced for the exit of the KFC/Costa and Brewster's exits to remove cars from stopping to allow exit backing up the roundabout further.
- There is no safe road crossing across Ffordd Tirwaun to the new proposed development.
- A zebra crossing is included in the plans internally but not to allow safe crossing to the existing pavement across the road, which is now a lot busier since the Lidl development has opened.
- The loss of the car parking space and the increase in traffic in and out of the single entry and exit point at Asda will lead to more people parking along Ffordd Tirwaun which, as a bus route, should be kept clear.
- The comments query whether double yellow lines could be considered along Ffordd Tirwaun.

CONSULTATION

The following consultation responses have been received and are summarised as follows:

Ecology: No objection, conditions recommended (discussed in *Ecology* section below).

Flood Risk Management: No objection or condition recommended (discussed in the *Drainage* section below).

Highways and Transportation: No objection, subject to conditions (discussed in the *Access and Highway Safety* section below).

National Grid: No objection, advises that a separate application will need to be made to National Grid should a new connection or service alteration be required.

Natural Resources Wales: Concerns are raised in respect of the proposal however, these concerns can be overcome by attaching a number of conditions to any planning permission granted (discussed in *Flood Risk* and *Land Contamination* sections below).

Public Health: No objection, conditions recommended in respect of opening hours and delivery hours. Further standard conditions are recommended in respect of hours of operation, noise, dust and waste during construction.

South Wales Police: No objection, observations and recommendations made in respect of designing out crime.

Welsh Water: No objection, conditions recommended in respect of surface water/land drainage and the submission of details for an adequate grease trap to be fitted.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located within the defined settlement boundary and is not allocated for any specific purpose. The following policies are considered to be relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for building strong, sustainable communities which will be achieved by promoting commercial development in locations which will support and reinforce the roles of principal towns and key settlements.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 (Environmental Protection and Public Health): development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, pollution etc.

Policy NSA12 (Development within and Adjacent to Settlement Boundaries): sets out the criteria for development within and adjacent to settlement boundaries in the Northern Strategy Area.

Policy NSA26 (Cynon Valley River Park): sets out criteria for development within Cynon Valley River Park.

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 LDP 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.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

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:

- 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 8 – Flooding – flooding/flood risk management
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;
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;
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 key considerations in the determination of this application are the compatibility of the proposed development within the established retail park, the impact of the development upon highway safety in the vicinity of the site, the impact of the development upon the character and appearance of the immediate area and also any potential impact upon surrounding residential properties. The impact of the proposal upon flood risk is a further consideration.

Principle of the proposed development

The proposal would introduce an additional retail use to an established retail park which is situated within a highly sustainable location. The site is located within the defined settlement boundary for Aberdare and within walking distance of sustainable modes of transport, including Cwmbach train station and high frequency bus services. Furthermore, the site is situated amongst a number of existing retail uses (both A1 and A3 uses) and it is not considered that the proposed use of the site for A1/A3 use would unacceptably conflict with surrounding uses. The proposal would therefore largely accord with the key sustainability objectives of Policy AW2 of the Rhondda Cynon Taf Local Development Plan.

Notwithstanding this, Planning Policy Wales (PPW) Ed. 11 supports a 'town centres first' policy in relation to the location of new retail and commercial centre development (Section 4.3.18). As such, the first preference is to locate new retail development within an existing retail centre, as defined in the retail hierarchy set down in the Local Development Plan. In this case, the retail park does not form part of the retail hierarchy of Policy NSA18 and, as such, PPW prescribes a sequential approach to new retail development on sites outside of the designated retail centres. Applications for such proposed developments must therefore be accompanied by a sequential test in order to demonstrate that town centre locations have been considered in the first instance but have been deemed unsuitable for the purposes of the proposed development.

The application is supported by an appropriate Sequential Test which sets out the specific requirements in site selection in order to reasonably accommodate the proposed development. The information considers potential sites in the nearest retail areas, Aberdare town centre and the retail centre of Aberaman, which are identified as a Principal Town and a Local and Neighbourhood Centre in Policy NSA18 respectively. The Sequential Test demonstrates that neither area offers any suitable sites for the proposed drive-thru, primarily owing to the nature of the proposed development and the constraints of the areas in terms of the small scale of the plots available and also their relationship with the surrounding area, i.e. relationship with existing residential properties (Aberaman), the pedestrianised nature of large areas of the town (Aberdare) and the capabilities of sites being able to serve passing traffic (Aberdare).

As indicated previously, the site is situated on an established retail park which, whilst not forming part of a retail centre, attracts a vast number of visitors on a daily basis. It is therefore considered that the proposed drive-thru unit would seek to appeal to existing customers of existing stores on the park and would offer the opportunity for linked trips as well as to serve passing traffic. It would not necessarily be a destination in its own right.

Overall, it is considered that the scheme is appropriate in terms of its location and the principle of the development is therefore considered to be acceptable, subject to an assessment of the criteria set out below.

Access and highway safety

It is noted that a number of objections and comments have been received from local residents which raise a number of concerns with regard to existing highways issues in

the area and the potential for these to be exacerbated as a result of the proposed development. Whilst these concerns are duly noted and acknowledged, the proposal has been assessed by the Council's Highways and Transportation section with the comments received raising no objection to the application (subject to conditions). The comments received are summarised as follows:

Access

Vehicular access to the proposed unit would be via Ffordd Tirwaun and then through the private Asda car park. Ffordd Tirwaun serves a number of other retail units, as well as residential properties to the north-west of the Asda store.

The area benefits from a good footpath network and the closest bus stop is situated adjacent to the northern boundary of the Asda store. The existing footpath network will provide direct access from the bus stop to the proposed unit.

The proposed vehicular and pedestrian access to the unit is considered to be acceptable however, there is slight concern that the drive-thru lane could potentially result in the headlights of vehicles using the lane impacting upon the traffic using Ffordd Tirwaun and the adjacent roundabout. A condition is therefore recommended for a scheme of landscaping/planting or for details of a physical barrier to block the glare from headlights using the drive-thru lane.

Anticipated Trips (based on a similar site in Blyth)

The application is accompanied by a Transport Statement which includes survey data for the anticipated number of trips, based on a similar drive-thru coffee shop site in the car park area of an Asda store in Blyth. The survey data indicates that the busiest hour (between 12:00 – 13:00) saw a total of 50 two-way trips which equates to just under one vehicle either arriving or departing the site each minute.

Surveyed Peak Vehicle Trips: Table 3.1 from Transport Survey:

Time Period	Arrivals	Departures	Total
08:00-09:00	22	21	43
12:00-13:00	24	26	50
16:00-17:00	20	19	39

Estimated trip generation (weekday) for a drive-thru of 185m² has also been provided (Table 3.3) which demonstrates that during the busiest peak hour (09:00-10:00), the drive-thru would result in around 59 additional two-way movements, which equates to just under one vehicle either arriving or departing the site each minute during the busiest hour. The proposed peak hour traffic is outside of the existing peak trips of the other land uses served off Ffordd Tirwaun.

Estimated Trip Generation – Weekday- Drive-thru Unit (185m²): Table 3.3 from Transport Survey:

Time Range	Arrivals	Departures	Total	Parking Accumulation
05:00-06:00	1	0	1	1
06:00-07:00	5	4	9	2
07:00-08:00	22	20	41	5
08:00-09:00	28	25	53	7
09:00-10:00	31	28	59	10
10:00-11:00	26	26	52	10
11:00-12:00	24	24	48	10
12:00-13:00	26	25	51	10
13:00-14:00	29	30	58	9
14:00-15:00	21	23	44	7
15:00-16:00	22	20	42	9
16:00-17:00	21	24	45	7
17:00-18:00	16	19	35	4
18:00-19:00	10	12	21	2
19:00-20:00	7	6	13	2
20:00-21:00	2	3	5	1
Daily Trip Rate	291	289	577	

The following table provides a comparison of the Survey Data and TRICS Data, (Table 3.4 of the Transport Survey):

Time Period	Survey Data			TRICS Database		
	Arrivals	Departures	Total	Arrivals	Departures	Total
08:00-09:00	22	21	43	28	25	53
12:00-13:00	24	26	50	26	25	51
16:00-17:00	20	19	39	21	24	45

In terms of the estimated trip generation for a Saturday (based on an drive-thru unit measuring 185m²), the survey shows that during the busiest peak hour (10:00-11:00), the drive-thru would result in around 91 additional two-way movements. This equates to just over three vehicles either arriving or departing the site every two minutes:

Estimated Trip Generation – Saturday – Drive-thru unit (185m²): Table 3.6 of the Transport Survey:

Time Range	Arrivals	Departures	Total	Parking Accumulation
05:00-06:00	2	2	5	1
06:00-07:00	4	4	8	1
07:00-08:00	23	18	41	5
08:00-09:00	31	32	63	4
09:00-10:00	39	34	73	9
10:00-11:00	47	44	91	13
11:00-12:00	45	45	91	13

12:00-13:00	41	41	81	13
13:00-14:00	34	37	72	9
14:00-15:00	35	36	71	8
15:00-16:00	32	31	63	9
16:00-17:00	30	30	60	9
17:00-18:00	20	21	41	9
18:00-19:00	16	20	37	5
19:00-20:00	11	13	24	2
20:00-21:00	9	11	20	1
Daily Trip Rate	426	428	853	

The proposed peak hour traffic is outside that of the existing peak trips of the other land uses served off Ffordd Tirwaun.

Pass-by Trips

It is anticipated that the majority of trips would be linked with the other retail uses along Ffordd Tirwaun and vehicles would therefore already be on the highway network. The following table demonstrates the trip distribution:

Trip Distribution – Survey Data (Table 3.7 of the Transport Survey):

Time Period	Asda Linked	Access Pass-by	Local Divert	Wider Divert	New Trips
AM Peak	11%	34%	37%	6%	11%
Middy Peak	37%	7%	26%	2%	28%
PM Peak	35%	15%	25%	0%	25%
Average	28%	19%	29%	3%	21%

The results demonstrate that the majority of trips will be linked, pass-by or divert, with an average of 21% new vehicle trips. As such, the percentage impact on the existing highway network at peak hour would be 19 new trips only, which results in 1 additional trip every 3 minutes.

Parking

The parking requirement for the existing Asda store is as shown in the table below:

Time Range	Arrivals	Departures	Total	Parking Accumulation
06:00-07:00	26	6	32	48
07:00-08:00	80	62	142	67
08:00-09:00	129	105	234	91
09:00-10:00	175	135	311	131
10:00-11:00	197	176	373	153
11:00-12:00	206	192	398	167
12:00-13:00	220	219	438	168

13:00-14:00	197	204	401	162
14:00-15:00	195	196	391	160
15:00-16:00	197	200	397	157
16:00-17:00	173	183	356	147
17:00-18:00	167	174	341	139
18:00-19:00	165	191	356	114
19:00-20:00	122	153	275	83
20:00-21:00	76	99	175	59
21:00-22:00	49	71	120	37
22:00-23:00	10	21	31	26
23:00-24:00	10	22	32	14
Daily Trip Rate	2393	2408	4801	

The data shows a peak parking accumulation of 263 vehicles between 11:00-12:00. Allowing for the net loss of 56 spaces and the additional parking demand associated with the proposed unit, spare capacity remains to serve the foodstore and the development.

The proposed development will have shared use of the Asda car park, along with two new disabled space, two new rapid charge EV charging spaces and six new cycle stands, which is acceptable.

Summary

A drone parking survey was undertaken in December 2022 to determine the maximum car park occupancy. The data demonstrated that the maximum occupancy achieved was 273 cars on Sunday 4 December which equates to 51% occupancy. The proposed development will lead to a net loss of 56 parking bays, reducing provision to 482 spaces.

The anticipated maximum parking accumulation of the new unit is 13 spaces which, when taken in conjunction with the maximum demand for the food store identified by the survey, leaves a surplus of some 196 bays following the development. The survey results are verified through the use of TRICS data, which demonstrates there still remains a surplus capacity of some 206 bays following the development.

Trip generation analysis is undertaken on the basis of a survey of a store of the same size in a similar location and also through the use of the TRICS database. It is anticipated that the majority of trips would be linked with existing uses in the area there would be few new trips generated by the development. Based on the survey of the similar store, an average of 21% of trips would be new trips.

Taking the above into consideration, the impact of the proposed development on the existing highway network would be minimal with space still available within the existing ASDA car park to service the store. On this basis no highway objection is raised and the application is therefore considered to comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan in this regard.

Character and Appearance

The proposed drive-thru unit is considered to be acceptable in terms of its impact upon the character and appearance of the site and the surrounding area. It would be of a limited scale in terms of its floor area and height and with the surrounding area being primarily characterised by numerous retail developments, including a KFC drive-thru, it is not considered that it would be out of keeping with the character of the area. Furthermore, the proposed finishing materials are considered to be appropriate and in-keeping with the surrounding area.

As such, the application would comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Residential Amenity and Privacy

The application site is situated approximately 200 metres away from the nearest residential properties, which are situated at the end of Ffordd Tirwaun/at the rear of the existing Asda store. It is therefore not considered that the proposed development would have any adverse impact upon the amenity or privacy of those properties.

Whilst the proposed hours of opening would extend from 07:00 – 23:00 Monday to Sunday (including Bank Holidays) and could have some potential impact upon residents in terms of noise disturbance during the later parts of the evening/night, the hours of opening are not significantly different to the hours of opening for the existing Asda store (07:00 – 22:00 Monday to Saturday and 10:00 – 16:00 on Sundays). Furthermore, the Council's Public Health Team have noted the proposed hours of opening and do not raise any objection in this regard however, conditions are recommended to ensure that the proposed hours of opening are adhered to and that no deliveries are made to the site between the hours of 20:00 - 07:00. Both of the recommended conditions are considered to be reasonable and necessary to protect the amenity of the nearest neighbouring properties.

It is noted that a number of objections have been received from local residents in respect of the proposal. The objections received primarily relate to the impact of the proposal on the highway network and whilst these concerns have been addressed in the previous *Access and Highway Safety* section, it is accepted that some elements of the concerns raised could impact upon the amenity of residents in terms of traffic etc. Notwithstanding this, the Transport Survey demonstrates that the volume of traffic using the highway network serving the retail park and the residential properties at the rear of the Asda store would not be significantly increased with the majority of trips being cross-linked with other uses on the retail park.

In light of the above considerations, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Flood Risk

The application has been assessed by Natural Resources Wales and the response received indicates that the application site is within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note 15: Development and Flood Risk (2004) (TAN15). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers and Recorded Flood Extents.

Section 6 of TAN 15 would only permit development in such locations if the development is considered to be justified in that location. The application is therefore required to be assessed against the justification tests set out in section 6.2. In this instance, the proposal would contribute to key employment objectives supported by the local authority with up to 20 full-time members of staff being employed at the site (6.2ii). The application site is also evidently situated within an established retail area and concurs with the main objectives of Planning Policy Wales and meets the definition of previously developed land (6.2iii).

In respect of 6.2iv, the application is supported by a Flood Consequences Assessment (FCA) and additional flooding information which advises that the application site will experience flooding in the 0.1% plus and allowance for climate change event, with flood depths up to 600mm externally and 200mm inside the building the building and due to the extent of the flood plain in the 0.1% event it will not be possible to compensate for loss of storage within the wider site boundary. The submitted information advises on measures to minimise loss of storage of flood waters and which focus on the proposed building being designed to allow flood waters to enter during the extreme event, thereby minimising loss of storage.

NRW advise that this form of mitigation is not normally considered to be appropriate as whilst a building may not be watertight, unless it is completely open sided, it cannot mimic the flood dynamics of the undeveloped site. It therefore cannot be confirmed that the suggested statement of negligible impact based on this mitigation. However, it can be accepted that the potential loss of flood storage volume is very small compared to the overall site and wider flood plain, meaning that any effect could be difficult to quantify and likely to be contained within the site. This, combined with the location of the proposed building partially within Flood Zone C2, and at the edge of the flood extent means that, despite the inability to precisely quantify its effect, it could be considered a reasonable assumption that any effect may be negligible and difficult to quantify further. On that basis, NRW have advised that no further assessment of flooding elsewhere would be required.

As such, in light of the above considerations, the proposed development is considered to be justified in this location and with no objection being raised by NRW in this regard, the application is considered to be acceptable in terms of flood risk.

Drainage

The proposal includes a development area that is greater than 100 square metres and, under Schedule 3 of the Flood and Water Management Act 2010, the applicant will be

required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The applicant will also be required to comply with Part H of the Building Regulations.

The application is accompanied by details which indicate that surface water will be disposed of via SuDs and information has been provided in respect of a relevant surface water drainage strategy, which has been assessed by the Council's Flood Risk Management team. The response received from the Flood Risk Management Officer advises that the information submitted demonstrates that surface water will be appropriately managed and disposed of on site. It is further advised that the applicant has outlined discharge rates for the proposed layout and ensures that the watercourse can cope with an increase in flows from the site. As such, the Flood Risk Management Officer is satisfied that surface water flood risk will be adequately managed by Schedule 3 of the Flood and Water Management Act 2010 and no objection is raised, nor is any condition recommended.

Ecology

The application has been assessed by the Council's Ecologist who notes that the development would only affect an existing car park which would have a very negligible ecological concern. However, two conditions are recommended to ensure that precautionary nesting bird measures are submitted should any existing landscape planting require removal and, also for details of any proposed landscaping scheme to be submitted to ensure that it avoid use of invasive or ecologically problematic species.

Land Contamination

The application site is situated on a historic landfill site and based on the information submitted to support the application, Natural Resources Wales have recommended that conditions be imposed upon any grant of planning permission in respect of contamination not previously identified and also for details of piling or any other foundation designs using penetrative methods to be submitted prior to development commencing in order to demonstrate that there is no unacceptable risk to groundwater.

Comments have also been received from the Council's Public Health and Protection team in this regard and whilst the comments recommend that the application shall not be determined until a scheme to deal with contamination has been submitted for consideration, this is not considered to be reasonable given that the issue has typically been dealt with by condition on other applications/developments in the vicinity of the site.

Other Issues Raised by Local Residents

Where the objections and concerns raised by residents have not been addressed in the sections above, the following responses are offered:

One letter of objection questions the need for a second coffee shop within the same area. It is beyond the remit of the Planning Department to determine market requirements and it has to be assumed that the developer has carried out suitable and

sufficient market research to identify a need with the area prior to going to the expense of formulating and submitting a planning application. Furthermore, the Council must consider and determine any scheme put forward in a planning application in accordance with national and local planning policy.

It is further suggested that traffic controls and parking restrictions be implemented along Ffordd Tirwaun. Whilst this is a valid suggestion, it is not something that can be delivered through the current scheme and there are other more appropriate avenues through which residents can take this up.

The objection further suggests that the Council takes money from wherever possible and gives very little in return. This has no bearing on the consideration of the planning merits of the case and does, in any event, not stand up to any sort of critical analysis of the facts.

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

Having taken account of all of the issue outlined above, the proposal is considered to be acceptable in principle and it would have no adverse impact upon the character and appearance of the area, amenity and privacy of the nearest neighbouring properties or upon highway safety in the vicinity of the site. As such, the application is recommended for approval, subject to the conditions specified below.

RECOMMENDATION: Approve, subject to 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 received by the Local Planning Authority on 18 April 2023 and 09 June 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 1b: Site Location Plan;
- Drawing No. 4d: Proposed Site Layout Plan;
- Drawing No. 5a: Drive-through Coffee Shop Plans and Elevations;
- Drawing No. 6: Proposed Site Elevations;
- Drawing No. 7a: Electric Meter Kiosk ET14 Type;
- EV Charger Specification;

- Mechanical Ventilation & Environmental Control Equipment

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

3. Notwithstanding the details shown on the approved plans, development shall not commence until details of the new footway tie in with Ffordd Tirwaun have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial occupation.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the submitted plans, development shall not commence until details of a scheme of planting or physical barrier to block headlight glare from vehicles using the drive thru lane have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use of the building and remain as such thereafter.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. 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 use 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.

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. If, during development, contamination not previously identified is found to be present at the site, then no further development 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.

Reason: To ensure that the risks associated with previously unsuspected contamination at the site are dealt with and to minimise risk to both future users of the land and neighbouring land, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No 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 ground water 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.

Reason: To ensure that there is no unacceptable risk to groundwater during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall commence until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be reviewed by a competent third party who shall be agreed 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:

1. 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.
2. 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 (1) above.
3. 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 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.

9. No member of the public shall be admitted to, allowed to remain on the premises or be served from the premises between the hours of 23:00 and 07:00 on any day.

Reason: In the interests of residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. There shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 20:00 and 07:00 on any day.

Reason: In the interests of residential amenity, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Should any existing landscape planting be required to be removed, a precautionary nesting bird method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of ecology and to afford protection to animal species in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

12. No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive and ecologically appropriate, in accordance with Policies AW5 & AW8 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. The use hereby approved shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The grease trap shall

be maintained thereafter so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and to ensure the free flow of sewage, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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PLANNING & DEVELOPMENT COMMITTEE

17 August 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0651/01 (LJT)
APPLICANT: The Coliseum Theatre
DEVELOPMENT: Replacement of the current backlit static advertising poster with an internally illuminated LED digital poster.
LOCATION: THE COLISEUM THEATRE, MOUNT PLEASANT STREET, TRECYNON, ABERDARE, CF44 8NG
DATE REGISTERED: 28/06/2023
ELECTORAL DIVISION: Aberdare West and Llwydcoed

RECOMMENDATION: APPROVE

REASONS: The proposed signage is considered to be visually acceptable, in context with the nature of the site, and have no adverse impact on highway safety.

REASON APPLICATION REPORTED TO COMMITTEE

- The application has been submitted by the Council, involving land owned by the Council.

APPLICATION DETAILS

Advertisement consent is sought for an internally illuminated LED digital poster at The Coliseum Theatre, Mount Pleasant Street, Trecynon, Aberdare, CF44 8NG. The proposed signage would replace an existing gloss poster and be sited on the principal elevation (west). The proposed LED digital poster would advertise current and upcoming events scheduled at The Coliseum Theatre.

The proposed LED digital poster would measure 1500 mm in height by 1000 mm in width, and 84 mm in depth.

SITE APPRAISAL

The Coliseum is a prominent Theatre building situated on Mount Pleasant Street, which is a side street off the B4275 Aberdare – Penywaun Road. The building is of an ‘art-deco’ design with a smooth render external finish. The building is elevated above street level with a slight gradient from pavement to the main entrance. The surrounding area is predominantly residential with the exception of Aberdare Park Primary School which is located approximately 27 metres to the west of the site and Harlequins Bowls Club, located immediately to the east.

The Coliseum is not a designated Listed Building nor is located within a conservation area.

PLANNING HISTORY

The most recent planning applications on record associated with this site are:

21/0799/10	The Coliseum Theatre, Mount Pleasant Street, Trecynon, Aberdare, CF44 8NG	Refurbishment and single storey extension to the existing WC facility	Granted 10/08/2021
08/1877/10	The Coliseum Theatre, Mount Pleasant Street, Trecynon, Aberdare, CF44 8NG	Installation of lighting design scheme to the front elevation of Coliseum Theatre, Aberdare which includes 4 narrow beam up/down lights, 2 colour changing up light system and 35 small LED crystal lights set under the entrance canopy	Granted 06/04/2009
05/0196/08	The Coliseum Theatre, Mount Pleasant Street, Trecynon, Aberdare, CF44 8NG	Alterations to main entrance forecourt	Granted 18/03/2005

PUBLICITY

The application was advertised by direct neighbour notifications and site notices. No letters of representation have been received in response to the publicity.

CONSULTATION

Highways and Transportation – No objection subject to condition

Public Health – No comments

Theatres Trust – In support

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. 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 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 Trecynon but is not allocated for any specific purpose.

Policy AW2 – supports development in sustainable locations

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 placemaking, including landscaping.

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity.

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 all planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is 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.

Planning Policy Wales

3.5 sets out the criteria for the control of outdoor advertisements.

3.5.2 The test in considering an advertisement's impact on amenity is whether it will adversely affect the appearance of the building, or of the immediate neighbourhood, where it is to be displayed. Local planning authorities should therefore consider the local characteristics of the neighbourhood, including its scenic, historic, architectural or cultural features. Because assessment of these factors may appear to involve some subjective judgement, authorities should be consistent in their assessment of visual impact in similar or comparable neighbourhoods or surroundings.

Technical Advice Note 7: Outdoor Advertisement Control - November 1996

Section 3. The control regime specified by the Secretary of State enables local planning authorities to control virtually all outdoor advertisements in the interests of amenity and public safety.

Section 5. Designers should be prepared to compromise on matters of corporate design where it is unsuitable in a particular area, but corporate designs should not be refused simply because a local planning authority dislikes the design.

Section 12. Development plan policies, controlling outdoor advertisements in areas or parts of areas where the display of poorly designed advertisements will be especially harmful, will be a material factor in considering an advertisement application... It will always be necessary to assess the specific amenity and public safety merits of the proposed advertisement display in relation to the particular application site.

REASONS FOR REACHING THE RECOMMENDATION

Part 1 4. (1) of the Town and Country Planning (Control of Advertisements) Regulations 1992 requires that in considering applications for the display of

advertisements, Local Planning Authorities shall exercise their powers only in the interests of amenity and public safety.

Therefore, in considering and determining applications of this nature, the primary considerations are the effect on the amenity of the area and on public safety including, the safety of any person travelling by road, rail, on any waterway, or by air.

Main Issues:

The key considerations in determining this application are the impact of the advertisement scheme on the visual amenity of the application site and building, in addition to the immediate area, and also the potential impact upon highway safety.

Amenity

In respect of the impact of the new signage on the visual amenity of the area, it is considered that the scale, appearance and proportions of the advertisements are appropriate to the context of the site.

With regards to the impact upon the amenity of nearby properties, it is considered that during hours of darkness the proposed illuminated sign could have an impact if unregulated. Therefore, a condition will be appended to the consent to restrict the illuminance levels to 300 candelas per m² during hours of darkness, which is the level of illuminance that is recommended by the Institute of Lighting Professionals. The application is therefore considered acceptable in this regard.

Consequently, both the principle of the proposed signage and its appearance are considered to be of an acceptable style and appropriate scale.

Public safety

In terms of the schemes impact on public safety, the application has been the subject of consultation with the Council's Highways and Public Health sections, neither of whom has raised any objections.

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

Having assessed the scheme, it is considered that the proposal complies with the relevant section of the Town and Country Planning (Control of Advertisements)

Regulations 1992 and the policies of the Local Development Plan in respect of its visual impact and effect on public safety.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. This consent shall expire five years from the date of this Notice.

Reason: Standard condition under the provisions of the above mentioned Regulations.

2. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

3. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.

Reason: Standard condition under the provisions of the above mentioned Regulations.

4. Where an advertisement is required under the above mentioned Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: Standard condition under the provisions of the above mentioned Regulations.

5. No advert is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission

Reason: Standard condition under the provisions of the above mentioned Regulations.

6. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

- Document: Existing Sign
- Document: Existing Sign Dimensions
- Document: Proposed Replacement Sign
- Document: Proposed Replacement Sign Dimensions
- Document: Proposed Replacement Sign Location

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

7. The intensity of the illumination of the sign permitted by this consent shall be no greater than 300cd/m² in the hours of darkness. During the daylight hours the luminance shall be controlled by sensors and/or timers to reflect ambient light conditions. At all times the display shall operate within that recommended by the Institution of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement guide).

Reason: In the interests of amenity and in order to retain effective planning control.

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RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022-2023:

PLANNING AND DEVELOPMENT COMMITTEE

17th AUGUST 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

Agenda Item No.

APPLICATION NO: 23/0506 - Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works, Land to the Rear of 15 & 16 Rhigos Road, Hirwaun, Aberdare, CF44 9PS

1. PURPOSE OF THE REPORT

Members are asked to consider the determination of the above planning application.

2. RECOMMENDATION

That Members consider the report in respect of the application and determine the application having regard to the advice given.

3. BACKGROUND

This application was reported to 20 July 2023 Planning and Development Committee meeting with an officer recommendation of approval. A copy of the original report is attached as **Appendix A**.

At the meeting and following consideration of the report, whilst being generally supportive of the proposal, Members expressed concerns regarding the overall design of the proposed building with specific reference being made to the scale of the windows. As such, Committee resolved to defer the application to a future meeting of the Planning and Development Committee in order to give the applicant the opportunity to revise the scheme to address these concerns.

Revised plans were subsequently submitted on 31 July 2023 which increased the scale of the windows and which altered the ratio of brick, render and cladding to the main elevations. The applicant further advised that due to the nature of the end user of the building, the scale of the windows could not be increased any further.

In addition to the amendments made to the elevations, the applicant requested that the wording of two of the previously recommended conditions be amended slightly to change the timing element of the condition in order to allow some works to commence on site before the required information is submitted for consideration.

The proposed amendments relate to conditions 11 and 15:

Condition 11:

No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

Condition 15:

No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

The proposed amendments would replace '*no development shall take place until*' with '***no building operations shall take place until***' on both conditions.

4. PLANNING ASSESSMENT

The scheme has been amended to reflect the concerns raised by Members with the windows being increased in size and the composition of the external materials being amended to provide a better visual aesthetic. As indicated above, the applicant has advised that the size of the windows cannot be increased any further and, as such, the proposed amendments strike an acceptable balance between the needs of the end user of the building and the overall impact of the development upon the character and appearance of the surrounding area. The alterations to the external materials further help to improve the overall visual aesthetic of the proposed building by differentiating

between the lower and upper floors whilst also creating a full-height cladding feature to link the two spaces where appropriate.

Whilst the windows have been increased in size, the change is not significant and it is not considered that the changes would have any greater impact upon the amenity and privacy of surrounding residential properties than that considered in the original report.

Additionally, there is no objection to the alteration of the wording of conditions 11 and 15. The conditions would still secure the relevant information required however, it would enable the developer to undertake site clearance and ground works etc. before the information is required to be submitted.

In addition to the amendments to condition 11 and 15, condition 2 will also need to be updated to reference the amended plans received (drawing nos. HD4852-AR-01-00-170: GA Elevations and HD4852-AR-01-00-120: GF Floor Plans).

5. RECOMMENDATION

In light of the above, it is considered that the amended scheme goes some way to addressing the concerns raised by Members in terms of the overall visual appearance of the development and there is no objection to the requested wording of conditions 11 and 15. It is therefore recommended that the application be approved, subject to the following 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 received by the Local Planning Authority on 05 May 2023 and 31 July 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:
 - Drawing No. 10.266.01A: Existing Site Location Plan and Existing Block Plan.
 - Drawing No. 10.266.03A: Proposed Site Location Plan and Proposed Block Plan.
 - Drawing No. 10.266.04F: Proposed Site Layout Plan
 - Drawing No. HD4852-AR-01-00-120: GF Floor Plans.
 - Drawing No. HD4852-AR-01-00-170: GA Elevations.
 - Drawing No. 10.266.08B: Proposed Site Sections.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than a residential care home, and activities linked to a residential care home) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and ensure no inappropriate uses be operated at the site to protect neighbouring amenities, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

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 and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Before the development is brought into use, the means of access, together with the turning and parking facilities, shall be laid out in accordance with Plan Drawing No, 10.266.04F and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure that vehicles are parked off the public highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans, development shall not commence until full engineering design and details of new junction layout, uncontrolled pedestrian crossing facilities including sections, street lighting details 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 and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence, 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 construction of 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.

8. Prior to any development commencing, other than site clearance, a works programme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Welsh Government (Transport). The works shall be carried out in accordance with the approved programme.

Reason: To ensure co-ordination and limit conflict between site works and the ongoing works to the A465 trunk road, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence, including any works of site clearance, until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- Details of all species and habitat mitigation;
 - Details of hedgerow and tree protection;
 - Details of long-term hedgerow and tree management;
 - Details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site, including re-use of the nutrient poor soils and existing

seedbank, appropriate grass mix seeding, short-term aftercare establishment and long-term cut and collect grassland management.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

10. No development shall commence, including any works of site clearance, until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- 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.
 - Biodiversity Management: details of tree and hedgerow protection; invasive species management, species and habitats protection, avoidance and mitigation measure.
 - Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - 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.
 - Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works, details of measures to minimize noise and vibration from piling activities, for example, acoustic barriers, details of dust control measures, measures to control light spill and the conservation of dark skies.
 - Resource Management: details of fuel and chemical storage and containment, details of wastewater.
 - Traffic Management: details of site deliveries, wheel washing 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.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phase of the development.

Reason: To ensure necessary management and implementation for the protection of the environment during construction, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. No building operations shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. The development shall be implemented in accordance with the mitigation measures set out within the Noise Impact Assessment, dated 02/05/23, by Hunter Acoustics.

Reason: To protect the amenity of future residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

15. No building operations shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

16. Prior to occupation of the building hereby approved, a potable water scheme to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity thereafter.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

20 July 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0506/10 (KL)
APPLICANT: SWP SPV2 Limited
DEVELOPMENT: Demolition of existing buildings and the construction of a 16 bed specialist residential care home (use class C2) with associated works
LOCATION: LAND TO THE REAR OF NO.15 & 16 RHIGOS ROAD, HIRWAUN, ABERDARE, CF44 9PS
DATE REGISTERED: 05/05/2023
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve

REASONS: The proposal would provide a much-needed specialist residential care home within an established residential area, which is situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the construction of a 16 no. bed specialist residential care home with associated works including landscaping and highways and drainage infrastructure. The works would also include the demolition of a number of small shed/outbuildings currently at the site.

The proposed care home would be constructed towards the most southern corner of the site with an 'L' shaped footprint that would extend along the south-eastern and south-western boundaries. Access would be provided to the northern boundary, between no. 16 Rhigos Road and Brodowel, with a new road extending into the site. A total of 28 no. off-street car parking spaces (2 no. disabled) and 4 no. transit parking spaces would be arranged around the road and turning area, along with a cycle shelter and a refuse/recycling area. The remainder of the site would be taken up by semi-improved grassland, a sensory garden and games park, a veg plot and 4 private garden areas of 4 of the ground floor units. An eco-trail would also extend around the perimeter of the site.

The proposed building would measure a maximum of 33.5m in width by a maximum of 46.8m in depth with various pitched and hipped roof designs that would measure a maximum of 9m in height to the ridge. Externally, the building would be finished with a mixture of face brickwork, cladding and render with grey roof tiles and grey windows and doors.

The proposed accommodation would be arranged over two floors which would each have a floor area of 793m². The building would accommodate the following:

- 16 no. residential apartments which would each include a bedroom, a small kitchenette, a private bathroom and a lounge area (8 units on each floor);
- Two communal lounges/dining areas;
- Two arts and crafts room;
- One Sensory bathroom;
- 3 no. ancillary offices and a meeting room;
- Staff facilities including a canteen, lockers, two sleep pods and a shower room;
- Other facilities including plant room, medication store, kitchen, laundry room, visiting room, shares W.C. facilities, cleaning rooms and stores.

Details submitted with the application indicate that the proposed care home would provide a home for up to 16 people over the age of 18 with complex needs, including autism, learning disabilities and other disabilities, who are unable to look after themselves. The home would encourage as much independence as possible whilst recognising the high care needs of the service users

In terms of staffing levels, up to 25 no. members of staff will be on shift at any one time with the shift pattern being 8:00 – 20:00 and 20:00 – 08:00. It is indicated that there will be limited ad hoc visits from third party agencies (social workers and healthcare providers etc.) however, these would typically take place off site in the relevant

healthcare setting. Family members may also visit service users with visiting times being between 09:00 - 20:00.

In addition to the standard application forms and plans, the application is accompanied by the following supporting documents:

- Design and Access Statement;
- Pre-application Consultation Report;
- Justification and Operational Statement;
- Preliminary Ecological Appraisal;
- Transport Statement;
- Tree Survey;
- Environmental Noise Assessment;

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is situated to the rear of nos. 15 & 16 Rhigos Road on the western edge of the village of Hirwaun. The site measures approximately 0.57 hectares and comprises of two field parcels which slope away from the southern boundary to the north, resulting in a difference of approximately 3 metres over the length of the site. It currently comprises mostly of grass, trees and scrub, although there are 4 existing buildings positioned sporadically across the site, including a garage, barn and two sheds which are all in poor condition. The boundaries of the site comprise of unmanaged hedgerows/trees, with a stream running along the western boundary of the site. A further willow hedge and a wet ditch runs almost centrally between the two fields.

The area immediately surrounding the site is predominantly residential in character although there are a number of commercial properties in the wider area, including industrial units on the Bryngelli Industrial Estate to the south-east. The nearest neighbouring residential properties are situated immediately to the northern and north-western boundaries at Rhigos Road and Meadow Lane. Members may also recall that permission has recently been granted for 35 no. residential properties on the site immediately to the south-east of the application site (currently subject to a S106 agreement).

PLANNING HISTORY

The following planning applications are on record for this application site:

20/1445	Land to the rear of 15 & 16 Rhigos Road, Hirwaun	Outline for development	residential	Granted (18 27/04/22)
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PUBLICITY

The application has been advertised by means of direct neighbour notification letters, the erection of a number of site notices in the vicinity of the site and also through the publishing of a press notice in a local newspaper.

No letters of objection or representation have been received from local residents however, one letter has been received from Hirwaun and Penderyn Community Council which is as follows:

- The building does not have a lift meaning that it is not accessible.

CONSULTATION

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: It is unlikely that significant archaeological remains would be encountered during the proposed development and no objection is raised.

Highways and Transportation: No objection, conditions recommended.

National Gas Transmission: Advises that the site is located outside the High Risk zone from National Gas Transmission plc's apparatus and no objection is raised.

National Grid: No objection.

Natural Resources Wales: Concerns raised in respect of pollution during construction however, these can be overcome by attaching a planning condition to secure a Construction Environmental Management Plan to any grant of planning consent.

Public Health and Protection: No objection, conditions recommended in relation to hours of operation, noise, dust and waste during construction.

South Wales Police: No objection, advice and recommendations provided.

Wales and West Utilities: Advise that WWU has no apparatus in the area of the application site.

Welsh Government (Transport): No objection, condition recommended.

Welsh Water: No objection, conditions recommended in respect of surface water drainage and for a grease trap to be installed prior to the use commencing. It is further advised that a Hydraulic Modelling Assessment (HMA) of the water supply will be required in order to assess the effect of the proposed development on the existing water supply network. The application can be determined however, the applicant will

need to be reminded of the need for the HMA to be commissioned and concluded prior to the submission of a New Water Connection application.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hirwaun and is allocated for residential development (Policy NSA9.1 – Land south of Rhigos Road, Hirwaun).

Policy CS1 – Development in the North: emphasis on building strong, sustainable communities by providing high-quality, affordable accommodation that promotes diversity in the residential market.

Policy AW1 – Supply of New Housing: sets out the criteria for the supply of new housing, including the development of unallocated land within defined settlement boundaries, the provision of affordable housing and the development of land at density levels which accord with Policy NSA10.

Policy AW2 – Sustainable Locations: promotes development in sustainable locations which includes sites that are within the defined settlement boundary that would not unacceptably conflict with surrounding uses, that have good accessibility by a range of sustainable transport options and have good access to key services and facilities.

Policy AW4 – Community Infrastructure & Planning Obligations: details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 – New Development: sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – Design and Placemaking: encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW8 – Protection and Enhancement of the Natural Environment: seeks to preserve and enhance the distinctive natural heritage of RCT by protecting it from inappropriate development.

Policy AW10 – Environmental Protection and Public Health: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy NSA3 – Development in the Key Settlement of Hirwaun: Supports proposals within Hirwaun which would be of a high standard of design and integrates positively with existing development.

Policy NSA12 – Housing development within and adjacent to Settlement Boundaries: requires housing development within the settlement boundary to be accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area. Contaminated land must also be adequately remediated.

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 LDP 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.

Supplementary Planning Guidance

Access Circulation and Parking
Design and Placemaking
Nature Conservation
Planning Obligations

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), WG's 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:

- Policy 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 15: Development and Flood Risk

PPW Technical Advice Note 18: Transport

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 site is located within the defined settlement boundary for Hirwaun and is within an established residential area which is well-connected to key local services and amenities and also to the local bus service which offers sustainable travel to the local and wider area. The area is also conducive to travel on foot and bicycle which further promotes the sustainability objectives of Planning Policy Wales and also the Rhondda Cynon Taf Local Development Plan.

It is noted that the site is allocated for housing under Policy NSA9.1 of the Rhondda Cynon Taf Local Development Plan and outline planning permission has previously been granted for 18 no. residential dwellings at the site (planning ref. 20/1445). Whilst a proposal for residential development (Use Class C3) would be preferred, no further full or reserved matters applications have been submitted for this site. Notwithstanding this, the proposed use (Use Class C2) is of a residential nature, albeit for specialist care, and it is therefore not considered that the proposal would conflict with the provisions of Policy NSA9.

Furthermore, the application is supported by a Justification and Operational Statement which indicates that there is a significant lack of specialist care facilities in Wales to cater for people with complex needs and that many service users have had to be moved to England and Scotland, away from their family, to receive the care that they require. This is resulting in service users losing the right to live within their communities and have meaningful relationships with family and friends. As such, there is a much-needed push for localised services that fit the needs of individuals with complex needs.

The Justification and Operational Statement refers to a key document, 'Improving Care, Improving Lives', which reviewed service users in care services and what improvements can be made to their care. The long-term proposals set a revised target to reduce inpatient provision (i.e., institutional care settings) for people with learning disabilities and/or autism by 50% (against 2015 levels) by 2023/24, which will require progress in relation to alternative care settings at twice the rate achieved to date. This type of reduction not only requires creative thinking around new care provision where people can be placed in the community, which is cost effective, but also needs to support the provision of new suitable care facilities, such as that proposed in this current application.

In terms of the specific need in RCT, the Statement indicates that a mean increase of 0.64% is predicted by 2025, which amounts to around 5,517 people who will be in need of care in the future. A percentage of these individuals will have needs that challenge traditional services, but do not require the hospital setting. It therefore concludes that to prevent institutionalising persons with care needs, community-based care facilities are desperately needed in RCT. The proposal would provide 16 no. residential care units and would therefore go some way in providing much-needed specialist care facilities in RCT.

As such, in light of the above, the principle of constructing a specialist care facility at the application site is considered to be acceptable, subject to further assessments in respect of the impact of the proposal upon the character and appearance of the surrounding area, the amenity and privacy of neighbouring properties and also the impact of the proposal upon highway safety in the vicinity of the site.

Character and Appearance

Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan primarily seek to ensure that developments do not have unacceptable effects on an area's character and appearance and this is to be achieved by ensuring that the scale, form and design of developments are appropriate and that they are of a high standard of design that reinforce attractive qualities and local distinctiveness and that they are appropriate to the local context in terms of siting, scale, height, massing, materials and detailing.

In the case of this application, the site is situated within a built-up area which is predominantly residential in character. There is a clear mix of house-types in the immediate vicinity with semi-detached and detached properties of both single storey and two-storey scales being visible adjacent to the boundaries of the site. Whilst the scale and design of the building would inevitably be different to the existing pattern of development in the area, this is primarily due to the proposed use of the building which, by its very nature, is required to be of a larger scale. Notwithstanding this, the site is physically large enough to accommodate the building and ample space would be retained around the building to facilitate off-street car parking, private and shared garden/amenity areas and also for a comprehensive landscaping scheme to be implemented. Furthermore, the building would be appropriately sited within the site and with a two-storey height and traditional design, it is not considered that the development would have an adverse impact upon the character and appearance the area. As such, it is not considered that the proposal would lead to site being overdeveloped and the opportunity for grass and planting areas would ensure that the development would have a pleasant appearance.

Whilst the building would primarily be of traditional design with a pitched/hipped roof design, it would incorporate some modern touches, including the use of modern materials. Details have been provided to demonstrate the overall finish of the building in general however, it is indicated that the exact material palette has not yet been confirmed. It is therefore considered necessary to impose a planning condition in this regard to ensure that the final finish of the building is appropriate and in context with the surrounding area.

Consequently, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and the application would therefore comply with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Amenity and Privacy

The proposed building would be situated towards the most southern end of the plot and away from the nearest neighbouring residential properties, which are situated at the northern and north-western boundaries. With separation distances of at least 35 metres, the development would not result in any adverse levels of overshadowing or loss of outlook and the level of privacy currently enjoyed by existing residents would be protected by the retention of the existing trees and hedgerows around the perimeter

of the site and also the introduction of further hedgerows to the northern boundary. It is also noted that the separation distances between habitable windows would be well in excess of the 21 metres usually sought.

Whilst the site immediately to the east is currently vacant, it must be noted that an application for residential development (35 no. dwellings), has been submitted to the Council and is currently waiting for the Section 106 Agreement to be completed before planning permission can be formally issued (planning ref. 21/1491). The relationship between the two developments is demonstrated in the Proposed Block/Layout Plan submitted for this application and it can be seen from this that a separation distance of 30 metres would be maintained between the habitable windows of the two proposed developments. This, along with the trees and hedgerows being retained along the common boundary would ensure that no unacceptable levels of overlooking would occur.

It is acknowledged that the site has been vacant for quite some time and residents will have become accustomed to very little or no activity at the site. The construction of a specialist care facility will therefore introduce some degree of noise and disturbance that residents will not have experienced previously, including vehicles accessing and exiting the site and also general use of the outdoor garden areas, veg patch and eco-trail etc.

In terms of vehicular use, it is not considered that the number of vehicles accessing/exiting the site would be significant with the majority of trips being likely to occur during daytime hours and around the shift patterns of the employees and family visiting hours. This is supported by the Transport Statement submitted with the application which indicates that the development has the potential to generate around 22 arrivals and 22 departures per day with 6 vehicular movements being generated during its busiest hour between 15:00 and 16:00 and 0 trips between the hours of 21:00 and 06:00.

Furthermore, given the residential nature of the use, the noise that existing residents might experience as a result of the use of the proposed outdoor areas is not likely to be significant or detrimental to the amenity of existing residential properties.

The site is situated immediately adjacent to the A465 and it is acknowledged that future residents of the facility may experience some road noise as a result of this. The application is supported by a Noise Impact Assessment which considers this issue and whilst it states that an accurate noise survey cannot currently be conducted due to the extensive road works that are currently underway in the vicinity, a review of publicly available documents has been carried out in order to establish potential impacts. The report indicates that this approach was discussed and agreed with the Council's Public Health department prior to the review being undertaken.

The Noise Impact Assessment indicates that an external building fabric assessment was carried out in order to control noise intrusion based on predicted façade levels

and recommendations have been made in relation to specifications for external walls, roof, ventilation and glazing. A further assessment was made of the external noise in gardens and whilst it is indicated that levels would marginally exceed the upper noise limit as stated in the British Standards, base on 2021 noise levels, this would be reduced upon the completion of the A465 road scheme (based on the Noise Change prediction set out in the Welsh Government Environmental Statement Volume 3: Figures, dated July 2017 for the dualling of the A465 between Dowlais and Hirwaun. The report therefore concludes that, subject to mitigation measures (double glazing, trickle ventilators, close board fencing), the proposals are acceptable from a noise perspective. No comments had been received from the Council's Public Health and Protection team on the submitted Noise Impact Assessment at the time of writing this report. Therefore, any comments received will be reported at the meeting of the Planning and Development Committee.

As such, the proposal is considered to be acceptable in terms of the impact it would have upon the amenity and privacy of existing residential properties surrounding the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Highway Safety

The application has been assessed by the Council's Highways and Transportation section and no objection has been raised in relation to the impact of the proposal upon highway safety in the vicinity of the site. The response is summarised as follows:

Access

The application site is accessed via Rhigos Road which is considered acceptable for safe vehicular and pedestrian movement.

An uncontrolled pedestrian crossing point would be required at the junction of the lane fronting numbers 15 & 16 Rhigos Road and the new site access, in accordance with Active Travel Wales Act 2013 and PPW 11th edition. The plans provide for satisfactory pedestrian access.

Site Layout

The Site Layout Plan illustrates the proposed access and the provision of 30 no. parking spaces for staff and visitors. A further 2 no. disabled parking spaces are proposed close to the principal entrance to the building. Full on-site turning facilities have been provided for both refuse lorries and a fire pump and cycle storage facilities would also be located in this area.

It is recommended that the proposed junction up to the land ownership boundary is designed and built to an adoptable standard and the applicant would be required to

enter into a Section 278 Highways Agreement to implement the works. The land within the site would remain private.

Commuted Sum

Commuted sum will apply to any highway asset that would require additional maintenance, as set out in the Council's Design Guide. If roads are to be offered for adoption and standard highway infrastructure has been constructed, then there will be no commuted sum. Only upon use of innovative materials or offering elements of the development to the Highway Authority that would require extra over maintenance liability, then a commuted sum would be required which will form part of the road agreement.

Parking

The Council's SPG: Access, Circulation and Parkin indicates that residential care homes require 1 space per resident staff, 1 space per non-resident staff and 1 space per 4 bed. The proposed care home would provide 16 beds which would require 4 off-street car parking spaces. It is also indicated within the application that the use would employ 25 members of staff which would require an additional 8 off-street car parking spaces (total of 12 spaces required).

The site layout plan indicates that a total of 32 off-street car parking spaces would be provided within the scheme which is considered acceptable.

Active Travel

Planning Policy Wales (Ed 11) and Active Travel (Wales) Act 2013 set out walking and cycling as well as public transport at the top of the hierarchy of sustainable modes of travel. The village of Hirwaun is well served by continuous pedestrian facilities and links to the National Cycle Route and the proposal is therefore acceptable in this regard.

Transport Statement

The TRICS data suggests that, based on typical trip rates for residential care homes, the proposed development has the potential to generate around 22 arrivals and 22 departures per day. The development is likely to be at its busiest during the early afternoon and the data suggests that 6 vehicles movements will be generated during its busiest hour (15:00-1600).

Of the total movements, it is anticipated that 16% of the total movements would walk or cycle, 1% would use public transport, 18% would be vehicle passengers and the remaining 65% would travel by private vehicle or taxi.

There are no issues regarding the impact of the proposal on the existing highway network, which is acceptable.

The comments further indicate that the development would generate less trips to the previously approved development at the site for 18 no. residential dwellings.

The application site lies immediately adjacent to the A465 trunk road and consultation has therefore also been undertaken with Welsh Government (Transport). The comments received raises no objection to the proposal however, a condition is recommended for a programme of works to be submitted and approved in order to ensure co-ordination and to help identify any potential conflict between the proposed works and those for section 5 and 6 of the nearby A465 scheme.

In light of the comments received from the Council's Highways Officer and the Welsh Government (Transport), the proposal is considered to be acceptable in terms of the impact it would have upon highway and pedestrian safety in the vicinity of the site and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage

The proposal has been reviewed by the Council's Flood Risk Management team and no objection is raised. The comments indicate that there are areas of high, medium and low surface water flood risk identified across the site, predominantly through the centre from south to north, which would potentially affect the proposed parking area, refuse lorry turning area, veg plot and the west wing of the proposed building. This is associated with a conveyance of surface water possibly originating from an unnamed ordinary watercourse on land to the south of the application site.

It is also advised that an unnamed watercourse runs along the western edge of the site which flows south to north towards the River Cynon. There is also a high risk of surface water flooding identified downstream of the site, along Railway Terrace.

Details submitted with the application indicate that surface water will be disposed of via SuDs however, no details have been provided with the application in this regard. The Flood Risk Management Team have advised that in order to ensure that surface water is appropriately managed, further information will be required to demonstrate how surface water will be managed and disposed of at the site, along with a site surface water drainage strategy outlining the pre and post discharge rates and a general arrangement of the proposed drainage layout. As such, a condition is

recommended in this regard. Whilst the recommended condition is noted, the development would have an area of over 100 square metres and the applicant would therefore be required to submit a separate application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB) under Schedule 3 of the Flood and Water Management Act 2010. The development will also be required to comply with Part H of the building regulations and obtain separate Ordinary Watercourse Consent under Section 23 of the Land Drainage Act 1991

As such, issues of drainage would be fully considered in the Sustainable Drainage Systems application, and it is not considered reasonable or necessary to also add a planning condition in this case.

Ecology

The application is accompanied by a Preliminary Ecological Appraisal which has been assessed by the Council's Ecologist and also Natural Resources Wales.

The comments received from the Council's Ecologist indicate that the site is previously short, grazed horse pastures with boundary hedges and/or tress. The PEA identifies negligible bat roost impacts due to the retention of boundary trees and also a medium to long term loss of foraging habitat. The hedgerow retention would also significantly reduce nesting bird impacts.

The PEA identifies low to moderate potential for reptiles and amphibians, although it is noted that until recently the site was heavily grazed, which would have significantly reduced any amphibian/reptile use. The report also notes that no devil's-bit scabious, foodplant of the marsh fritillary butterfly, is present, nor is there any evidence of badgers. The potential for dormouse is very small and potential otter use is also considered to be low.

The proposed layout shows areas of retained or recreated semi-improve neutral grassland and these appear to be in locations which can receive the necessary cut and collect management. The provision of these spaces is considered to be a significant improvement on the mitigation/enhancement offered in the previously approved housing scheme and this application therefore has a greater capacity to evidence effective mitigation and some enhancement potential.

As such, no objection is raised to the proposal, subject to the imposition of a planning condition to secure detail of all species and habitat mitigation, details of hedgerow and tree protection, details of long-term hedgerow management and details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site.

The comments received from Natural Resources Wales indicate that the site is located within a sensitive location due to a watercourse running through the site. The watercourse, being relatively minor in nature, has the potential to be affected by

pollution due to less dilution. It is advised that appropriate pollution prevention measures should be employed during both construction and demolition phases and, as such, a condition is recommended for a site wide Construction Environmental Management Plan to be submitted for consideration prior to development commencing on site.

It is further noted that the site is situated within 140m of the Blaen Cynon Special Area of Conservation (SAC) and Cors Bryn-y-Gaer Site of Special Scientific Interest (SSSI). NRW advise that the SSSI is of special interest for its lowland bog and for areas of soligenous flush, marshy grassland, dry neutral grassland and lowland acid grassland. These habitats occur in a complex with wet heath, swamp and semi-improved grassland. The site is also of special interest for the Marsh Fritillary butterfly *Eurodryas aurinia*, which is fully protected under the 1981 Wildlife Countryside Act.

It is commented that the closest record for the Marsh Fritillary is 220m away from the development site and NRW note that the submitted PEA states that Devil's-bit scabious is not present on site. Therefore, the site is unlikely to provide habitat for Marsh Fritillary caterpillars and the proposed development is unlikely to cause significant negative impacts to the SSSI or SAC due to the distance from the protected side and its separation by road and housing.

Impact on Trees

The application site currently comprises of a number of trees and hedgerows to the perimeter of and within the centre of the site. The plans indicate that whilst the trees and hedgerows to the site boundaries would be retained, a number of trees at the centre of the site would need to be felled in order to facilitate the proposed development. The Tree Survey that has been submitted to support the application indicates that the trees/hedgerows to be removed would include 1 small hedgerow and a total of 18 no. trees which includes hawthorn, sycamore and goat willow trees. Whilst the loss of these trees is regrettable, none of the trees are protected by a Tree Preservation Order and the Tree Survey indicates that mitigative planting would be provided as part of the site landscaping. The report advises that a minimum of 20 trees will be planted in mitigation of the removals and that there is sufficient space around the car parking area and within the proposed landscape buffer on the northern site boundary to accommodate this.

On this basis, the proposal is considered to be acceptable, subject to conditions for details of tree protection measures and also for a landscaping plan to be submitted for approval prior to the development commencing.

Comments received in objection to the proposal

It is noted that a single letter of objection has been received in relation to the proposal, which highlights that the scheme does not include a lift, which would make the

development inaccessible. Whilst these comments are noted, it would not be reason to refuse the application.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 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.

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 positive placemaking merits of the scheme within the sections of the report above, the proposed development is considered to relate in particular to the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The development density is appropriate for the edge of settlement location and as an allocated housing site would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is located close to a bus route and is within a reasonable walking distance of the services and facilities located in the centre of Hirwaun. As the site is allocated and within the settlement boundary it is considered to be a sustainable location.
- **Maximising Environmental Protection:** The development would retain the boundary trees and hedgerows which would significantly reduce bat and nesting bird impacts. It would also provide large areas of retained or recreated semi-improved neutral grassland.
- **Growing Our Economy in a Sustainable Manner:** The development would have a positive effect in terms of construction jobs.

In respect of the other national outcomes the development would be considered to have a largely neutral impact.

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 proposal would provide a much-needed specialist residential care home within an established residential area, which is considered to be situated in a sustainable location.

The site is physically large enough to accommodate the proposed building and associated car parking and outdoor amenity spaces without resulting in a significant impact upon the character and appearance of the surrounding area or the amenity and privacy of surrounding residential properties. Furthermore, the proposal offers ample off-street car parking within the site to serve the proposed use and it is not considered that it would result in an adverse impact upon highway safety in the vicinity of the site.

Consequently, the application is considered to comply with the relevant local and national planning policies and it is recommended for approval, subject to a number of conditions.

RECOMMENDATION: Approve

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 received by the Local Planning Authority on 05 May 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. 10.266.01A: Existing Site Location Plan and Existing Block Plan.
- Drawing No. 10.266.03A: Proposed Site Location Plan and Proposed Block Plan.
- Drawing No. 10.266.04F: Proposed Site Layout Plan
- Drawing No. 10.266.05D: Proposed Ground Floor Plan.
- Drawing No. 10.266.06D: Proposed First Floor Plan.
- Drawing No. 10.266.07C: Proposed Elevation Plans.
- Drawing No. 10.266.08B: Proposed Site Sections.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting of that Order) no other use (other than a residential care home, and activities linked to a residential care home) shall be operated from the site without the prior express permission of the Local Planning Authority.

Reason: To define and limit the extent of the permission and ensure no inappropriate uses be operated at the site to protect neighbouring amenities, in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

4. Building operations shall not be commenced until details of the finishing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. The proposed dwelling shall be finished in accordance with the approved details.

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 and in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Before the development is brought into use, the means of access, together with the turning and parking facilities, shall be laid out in accordance with Plan Drawing No, 10.266.04F and approved by the Local Planning Authority. The car parking spaces shall be retained for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure that vehicles are parked off the public highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the approved plans, development shall not commence until full engineering design and details of new junction layout, uncontrolled pedestrian crossing facilities including sections, street lighting details 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 and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence, 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 construction of 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.

8. Prior to any development commencing, other than site clearance, a works programme shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Welsh Government (Transport). The works shall be carried out in accordance with the approved programme.

Reason: To ensure co-ordination and limit conflict between site works and the ongoing works to the A465 trunk road, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall commence, including any works of site clearance, until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Details of all species and habitat mitigation;
- Details of hedgerow and tree protection;
- Details of long-term hedgerow and tree management;
- Details of the provision of semi-improved neutral grassland mitigation within the green spaces of the site, including re-use of the nutrient poor soils and existing seedbank, appropriate grass mix seeding, short-term aftercare establishment and long-term cut and collect grassland management.

The development shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

- 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.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management, species and habitats protection, avoidance and mitigation measure.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- 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.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works, details of measures to minimize noise and vibration from piling activities, for example, acoustic barriers, details of dust control measures, measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment, details of wastewater.
- Traffic Management: details of site deliveries, wheel washing 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.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented in accordance with the approved details during the site preparation and construction phase of the development.

Reason: To ensure necessary management and implementation for the protection of the environment during construction, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place until a scheme of landscaping has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. The development shall be implemented in accordance with the mitigation measures set out within the Noise Impact Assessment, dated 02/05/23, by Hunter Acoustics.

Reason: To protect the amenity of future residents, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. The approved use shall not commence until an adequate grease trap has been fitted in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter the grease trap shall be maintained so as to prevent grease entering the public sewerage system.

Reason: To protect the integrity of the public sewage system and ensure the free flow of sewage.

15. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

16. Prior to occupation of the building hereby approved, a potable water scheme to serve the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. The agreed scheme shall be constructed in full and remain in perpetuity thereafter.

Reason: To ensure the site is served by a suitable potable water supply, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

PLANNING & DEVELOPMENT COMMITTEE

17 AUGUST 2023

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 24/07/2023 – 04/08/2023

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

17 AUGUST 2023

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: 22/1330
APPEAL REF: CAS-02610-W8Y0B7
APPLICANT: C Thraves
DEVELOPMENT: New dwelling
LOCATION: QUARRY, LAND TO THE REAR OF 139 - 140
TREBANOG ROAD, TREBANOG, PORTH, CF39 3DT
APPEAL RECEIVED: 10/03/2023
APPEAL START DATE: 25/07/2023

APPEAL DECISION RECEIVED

APPLICATION NO: 22/0265
APPEAL REF: CAS-02513-W3S5B5
APPLICANT: Mr Davies
DEVELOPMENT: Construction of a hard stand for the siting of a caravan & new detached garage retrospective.
LOCATION: 52 LLEWELLYN STREET, TRECYNON, ABERDARE, CF44 8HU
DECIDED: 09/11/2022
DECISION: Refused
APPEAL RECEIVED: 27/02/2023
APPEAL DECIDED: 01/08/2023
APPEAL DECISION: Allowed with Conditions

APPLICATION NO: 22/0510
APPEAL REF: CAS-02453-H7T1C5
APPLICANT: Castell Construction Ltd
DEVELOPMENT: The demolition of the existing warehouse building and the construction of a block of 16 affordable housing apartments with associated parking and amenity areas. (Revised plans incorporating solar panels to main roof received 19/05/22, Ownership Certificate 'C' received 04/08/22, revised elevation drawings, floor plans, site layout, lighting details and additional cross section received 08/08/22. Further revised elevation drawings and site sections received 21/09/22)
LOCATION: W R BISHOP AND CO FRUIT AND VEGETABLE WHOLESALE, PENRHIWFER ROAD, TONYREFAIL, PORTH, CF39 8EY
DECIDED: 11/10/2022
DECISION: Refused

APPEAL RECEIVED: 21/06/2023
APPEAL DECIDED: 02/08/2023
APPEAL DECISION: Withdrawn

APPLICATION NO: 22/0997
APPEAL REF: CAS-02413-S2F1C3
APPLICANT: Mr A Noor
DEVELOPMENT: Construction of extension to restaurant and increase carparking spaces.
LOCATION: BOMBAY BLUE, CARDIFF ROAD, TAFF'S WELL, CARDIFF, CF15 7SS
DECIDED: 27/10/2022
DECISION: Refused
APPEAL RECEIVED: 10/05/2023
APPEAL DECIDED: 31/07/2023
APPEAL DECISION: Dismissed

APPLICATION NO: 22/1024
APPEAL REF: CAS-02475-B8L1H1
APPLICANT: Mr M Steed
DEVELOPMENT: New dwelling and associated works.
LOCATION: 4 STATION ROAD, TONYREFAIL, PORTH, CF39 8ER
DECIDED: 21/12/2022
DECISION: Refused
APPEAL RECEIVED: 03/05/2023
APPEAL DECIDED: 24/07/2023
APPEAL DECISION: Dismissed

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

24/07/2023 and 04/08/2023

Abercynon

22/1337/10 Decision Date: 24/07/2023
Proposal: Residential proposals and shop extension to rear (Bat scoping survey received 02/03/2023) (Bat survey received 08/06/2023)
Location: 47-48 MARGARET STREET, ABERCYNON, MOUNTAIN ASH, CF45 4RB

23/0588/10 Decision Date: 03/08/2023
Proposal: Erect a roundhouse structure based on those of the iron age for visitors.
Location: CYNON VALLEY ORGANIC ADVENTURES, ABERCYNON

Aberdare East

23/0569/10 Decision Date: 25/07/2023
Proposal: Creation of door opening and window opening to rear and side elevations, renewal of all existing windows within side and rear elevations to white uPVC.
Location: 3 CANON STREET, ABERDARE, CF44 7AT

Church Village

22/1379/10 Decision Date: 28/07/2023
Proposal: Extend the existing decking, erect wooden log cabin.
Location: 1 NANT YR ARIAN COTTAGES, CHURCH ROAD, TON-TEG, PONTYPRIDD, CF38 1HF

Cwmbach

23/0616/15 Decision Date: 02/08/2023
Proposal: Variation condition 2 (approved plans) of application 18/0328/10 (Proposed 2 no. pairs of semi detached dwellings) in order to amend position of vehicular access.
Location: LAND AT PIT PLACE, CWMBACH, ABERDARE, CF44 0LR

Cymer

23/0661/10 Decision Date: 02/08/2023
Proposal: Proposed three storey extension.
Location: 65 HIGH STREET, CYMER, PORTH, CF39 9AR

Ferndale and Maerdy

23/0612/10 Decision Date: 28/07/2023
Proposal: Construction of Garage
Location: REAR OF 66 NORTH ROAD, FERNDAL, CF43 4RG

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

24/07/2023 and 04/08/2023

Ferndale and Maerdy

23/0613/10 Decision Date: 28/07/2023

Proposal: Construction of Garage

Location: REAR OF 78 NORTH ROAD, FERNDALE, CF43 4RG

Graig and Pontypridd West

23/0526/10 Decision Date: 01/08/2023

Proposal: Single storey extension and dormer roof extensions, incorporation of solar panels.

Location: TYBERW COTTAGE, HAFOD LANE, PANT-Y-GRAIG-WEN, PONTYPRIDD, CF37 2PF

Hirwaun, Penderyn and Rhigos

22/1175/10 Decision Date: 26/07/2023

Proposal: Conversion of garage to Granny flat (Amended plans received 24/10/2022).

Location: 1 CWM ISAAC, RHIGOS, ABERDARE, CF44 9AX

Llantrisant and Talbot Green

23/0555/10 Decision Date: 01/08/2023

Proposal: Change of use from Class A1 shop to Class D2 leisure

Location: UNIT 12 JD SPORTS, NEWPARK DISTRICT SHOPPING CENTRE, TALBOT GREEN, PONTYCLUN, CF72 8LW

23/0556/10 Decision Date: 26/07/2023

Proposal: Single storey side / rear extension

Location: 7 TALBOT CLOSE, LLANTRISANT, PONTYCLUN, CF72 8AS

23/0595/10 Decision Date: 03/08/2023

Proposal: First floor side extension and porch

Location: 38 SUMMERFIELD DRIVE, LLANTRISANT, PONTYCLUN, CF72 8QF

Llantwit Fardre

23/0592/10 Decision Date: 03/08/2023

Proposal: Addition of external stairs to the North facing side elevation to provide private and direct access to upstairs flat 1.

Location: 23 HEOL BRYNHYFRYD, LLANTWIT FARDRE, PONTYPRIDD, CF38 2RH

Llwyn-y-pia

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

24/07/2023 and 04/08/2023

Llwyn-y-pia

23/0643/10

Decision Date: 26/07/2023

Proposal:

Single storey side extension with first floor bedroom extension over and steps to rear.

Location:

137 PARTRIDGE ROAD, LLWYNYPIA, TONYPANDY, CF40 2SG

Mountain Ash

23/0535/10

Decision Date: 28/07/2023

Proposal:

New shopfronts, new roller shutters, 2 air conditioning condenser units, 1 extract vent, block up 2 rear doors and replace 1 door with a new security door.

Location:

22B - 23B OXFORD STREET, MOUNTAIN ASH, CF45 3PG

23/0536/01

Decision Date: 28/07/2023

Proposal:

Application for advertisement consent for the installation of 2 fascia signs and 1 projecting sign.

Location:

22B - 23B OXFORD STREET, MOUNTAIN ASH, CF45 3PG

Pentre

22/0912/10

Decision Date: 26/07/2023

Proposal:

Change of use from Chinese restaurant to residential property (Preliminary Roost Assessment Received 17/11/22)(Bat Survey Report Received 20/06/23)

Location:

TY GWEDDI (FORMERLY MATALA) LLEWELLYN STREET, PENTRE, CF41 7BY

Pontyclun West

23/0674/10

Decision Date: 02/08/2023

Proposal:

Loft conversion with front and rear dormer

Location:

32 MEADOW DRIVE, TYLA GARW, PONT-Y-CLUN, PONTYCLUN, CF72 9FR

Pontypridd Town

23/0646/10

Decision Date: 26/07/2023

Proposal:

Proposed two storey rear extension.

Location:

BELLHAMPTON, 63 TYFICA ROAD, PONTYPRIDD, CF37 2DB

Porth

23/0660/10

Decision Date: 02/08/2023

Proposal:

Rear extension to form kitchen and bedroom

Location:

24 PENMAIN STREET, PORTH, CF39 0DG

Tonyrefail East

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
Development Control : Delegated Decisions (Permissions) between:

Report for Development Control Planning Committee

24/07/2023 and 04/08/2023

Tonyrefail East

23/0598/10

Decision Date: 03/08/2023

Proposal: Two storey and single storey rear extension

Location: 3 TYLCHA FACH TERRACE, TONYREFAIL, PORTH, CF39 8BB

Trallwng

23/0634/10

Decision Date: 28/07/2023

Proposal: Proposed conversion and extension of existing garage into a granny flat.

Location: 1 DARREN VIEW COURT, COEDPENMAEN ROAD, PONTYPRIDD, CF37 4LR

Tylorstown and Ynyshir

23/0628/10

Decision Date: 26/07/2023

Proposal: Removal of the roof to an existing ground floor extension to add a new bedroom to the first floor with internal access on the first floor.

Location: 47 WOODLAND ROAD, TYLORSTOWN, FERNDAL, CF43 3ND

Upper Rhydfelen and Glyn-taf

23/0603/10

Decision Date: 04/08/2023

Proposal: Single storey extension

Location: 86 ELM STREET, RHYDYFELIN, PONTYPRIDD, CF37 5DH

Ystrad

23/0204/15

Decision Date: 03/08/2023

Proposal: Variation of condition 2 of 19/0732/08 (approved plans) to retain temporary piling platform to protect embankment and railway.

Location: BROOK STREET FOOT BRIDGE, YSTRAD RAILWAY STATION, YSTRAD, PENTRE, CF41 7RB

Total Number of Delegated decisions is 26

Aberaman

23/0563/10 Decision Date: 01/08/2023

Proposal: Retention of solar panels

Location: YARD ADJ TY DERI AT THE REAR OF GWAWR STREET, ABERAMAN, ABERDARE

Reason: 1 As a result of its siting and scale, it is considered that the development has resulted in a visually prominent and visually obtrusive feature, which has adversely affected the outlook and general levels of amenity that residents to the north on Gwawr Street previously enjoyed. The proposed development is therefore, considered to be contrary to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Abercynon

23/0550/10 Decision Date: 28/07/2023

Proposal: Retrospective application for decking

Location: 29 PARK VIEW, ABERCYNON, MOUNTAIN ASH, CF45 4TP

Reason: 1 The raised decking, by virtue of its scale, design and elevated height results in a significant detrimental impact upon the residential amenity of neighbouring occupiers by way of loss of privacy, an increase in overlooking and an unacceptable degree. The proposal is therefore both unneighbourly and excessive, contrary to the relevant policies of the Local Development Plan (AW5 and AW6) and Supplementary Planning Guidance A Design Guide for Householder Development.

Report for Development Control Planning Committee

Hirwaun, Penderyn and Rhigos

23/0564/10 Decision Date: 31/07/2023

Proposal: Conversion to self contained flat

Location: J B WILLIAMS AND SON NEWSAGENTS, 72 HIGH STREET, HIRWAUN, ABERDARE, CF44 9SW

Reason: 1 Habitable rooms at the proposed flat would lack a reasonable outlook and the proposal would fail to provide acceptable living conditions for future occupants. The proposal is therefore contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan, and contrary to relevant advice in the 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance.

Reason: 2 The proposed development would result in a lack of amenity space for future occupiers of the flat. As such, the application would be contrary to Policy AW5 of the Rhondda Cynon Taf Local Development Plan and contrary to relevant advice in the 'Development of Flats – Conversions and New Build' Supplementary Planning Guidance.

Reason: 3 Insufficient information has been submitted to enable a full assessment of the impact of the proposal on protected species to be undertaken. The proposal is therefore contrary to Policy AW 8 of the Rhondda Cynon Taf Local Development Plan

Pontyclun Central

23/0622/10 Decision Date: 04/08/2023

Proposal: Detached dwelling

Location: LAND ADJ TO 12 LON ELAI, PONTYCLUN

Reason: 1 By virtue of its location within a designated C2 Flood Zone, the proposed development is at risk of flooding and is considered to be contrary to Policies AW2 and AW10 of the Local Development Plan as well as Planning Policy Wales Technical Advice Note (TAN) 15: Development and Flood Risk and is therefore unacceptable in principle.

Reason: 2 In the absence of an ecological survey and by virtue of the location with the SINC, insufficient information has been submitted to demonstrate that any impact upon ecology at the application site can be adequately managed and that appropriate biodiversity enhancement can be provided, contrary to policy AW8 of the Local Development Plan.

Total Number of Delegated decisions is 4