

PLANNING & DEVELOPMENT COMMITTEE

10 MARCH 2022

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

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

RECOMMENDATION: Approval subject to Conditions

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

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

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

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

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

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

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

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

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

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

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

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

PREFACE

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

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

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

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

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

APPLICATION DETAILS and SITE APPRAISAL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There are no bridleways affected within the proposed scheme area.

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

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

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

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

Sites of Special Scientific Interest (SSSI) - Nationally important

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

Sites of Importance for Nature Conservation (SINCs)

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

Ancient Woodland/ Tree Preservation Orders

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

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

The study area is **not** located within

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

Scheduled Ancient Monuments

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

Listed Buildings

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

Archaeological Assets

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

PLANNING HISTORY

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

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

PUBLICITY

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

Objection / Concern

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

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

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

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

Support

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

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

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

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

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

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

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

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

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

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

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

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

CONSULTATION

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

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

RCT Internal

Highways & Transportation – no objection

Land Reclamation & Drainage – no objection

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

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

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

External

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

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

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

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

Merthyr Tydfil County Borough Council – no objection

Brecon Beacons National Park Authority – no response received

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

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

Rhigos Community Council – no response

South Wales Police – no reply received

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

Transport for Wales (TfW) – no objection in principle

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

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

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

POLICY CONTEXT

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

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

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

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

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

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

RCT Local Development Plan 2006-2021

Policy CS 8 - Transportation

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

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

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

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

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

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

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

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

- A465 Abergavenny / Hirwaun Dualling.

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

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

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

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

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

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

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

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

Policy NSA 7 - Land at Robertstown/Abernant, Aberdare

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

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

Robertstown:

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

Aberdare Hospital

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

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

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

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

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

Evidence Base Document – Strategic Transport Assessment (Oct 2007)

Site 4 – Robertstown / Abernant – Aberdare

6.4.3 - Local Highway Improvement Schemes

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

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

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

6.4.7 Proposed Site Access

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

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

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

7.2 - Cumulative Development Impact

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

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

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

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

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

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

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

LDP Manual (Edition 3)

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

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

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

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

5.5 Development Plans Should Contain:

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

5.62 New Housing Allocations

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

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

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

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

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

Table 25: Core Inputs: Site Appraisals

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

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

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

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

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

Infrastructure Plan

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

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

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

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

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

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

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

National Development Framework: Future Wales 2040

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

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

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

Policy 5 – Supporting the rural economy

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

Policy 11 – National Connectivity

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

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

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

Policy 12 – Regional Connectivity

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

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

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

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

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

Policy 19 – Strategic Policies for Regional Planning

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

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

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

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

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

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

Planning Policy Wales – Edition 11

Supporting Infrastructure

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

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

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

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

Housing Delivery

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

Economic infrastructure

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

Transport Infrastructure

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

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

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

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

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

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

Strategic Road Network

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

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

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

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

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

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

Welsh Government Technical Advice Notes (TAN)

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

PLANNING CONSIDERATIONS (REASONS FOR REACHING THE RECOMMENDATION)

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

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

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

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

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

The Need for the Road

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

The proposed scheme objectives are stated as follows:

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

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

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

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

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

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

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

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

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

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

The Impact on the BBNP & Landscape

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ecology

Habitats and Nature Conservation

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

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

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

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

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

The scheme will directly impact the following protected species:

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

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

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

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

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

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

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

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

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

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

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

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

Species

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary (RCT Ecology)

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

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

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

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

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

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

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

They go on to state:

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

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

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

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

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

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

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

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

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

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

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

Historic Environment

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

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

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

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

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

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

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

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

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

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

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

The Water Environment & Flood Risk

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

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

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

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

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

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

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

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

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

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

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

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

Impact on Residential Amenity

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

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

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

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

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

Other Issues

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant has advised the following:

Woodland/ Trees to be removed

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

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

Proposed Woodland Planting

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

Total proposed woodland = 23,712.43m²

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Approval subject to Conditions

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

CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

including detailed planting information associated with the features.

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

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

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

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

The scheme shall be implemented as agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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