



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

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

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13/12/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED BYPASS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Condition 1

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

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

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

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

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

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

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

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

We advise the following condition:

Condition 2

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

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

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

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

Water Framework Directive Assessment

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

Marsh Fritillary Butterfly and Habitats Regulations Assessment (HRA)

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

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

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

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

We have previously reviewed documents including the following:

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

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

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

Previous advice on the application

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

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

In our previous response, we advised the following requirement:

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

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

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

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

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

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

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

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

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

Condition 3: Pre-felling bat survey

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

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

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

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

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

Condition 4: Mitigation and conservation strategy for dormouse.

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

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

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

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

Condition 4: Mitigation and conservation strategy for dormouse

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

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

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

Further Advice

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

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

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

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

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

The drawings shall be implemented as agreed.

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

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

Condition 6: Landscape and Ecological Management Plan – Protected Species

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

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

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

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

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

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

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

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

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

EPS Licence

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

Use of Culverts and Fish Migration

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

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

We have reviewed the documents prepared by Redstart Report titled:

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

Previous Requirement 3: Submission of a Detailed Groundwater Monitoring Plan

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

Previous Requirement 4: Submission of baseline groundwater level monitoring information.

The Applicant has responded:

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

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

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

Previous Requirement 5: Submission of baseline groundwater quality monitoring information

The Applicant has responded:

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

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

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

Previous Requirement 6: Submission of a groundwater monitoring report

The Applicant has responded:

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

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

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

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

On the other issues raised, these are clarified below:

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

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

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

Conditions 8-11

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

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

The Applicant has responded:

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

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

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

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

Condition 8

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

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

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

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

Condition 9

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

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

Condition 10

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

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

Condition 11

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

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

Requirement 7: Landscape

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

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

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

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

Flood Risk

We refer you to our response dated 24 May 2021.

Further Advice: Flood Risk Activity Permit and Waste

We refer you to our response dated 24 May 2021.

Other Matters

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

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

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

Yn gywir / Yours faithfully

Annabelle Evans

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