



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-180412-G5V4
Eich cyf/Your ref: 21/0273/08

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09/02/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED BYPASS

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

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

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

In our last response dated 13/12/2021 we advised on two outstanding concerns regarding land contamination and controlled waters and landscape. To address our concerns, meetings were held regarding each matter on the 24 and 25 January 2022. We are also in receipt of additional information regarding landscape/ecology submitted on 27/01/2022.

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

Landscape

We refer you to our previous responses dated 13/12/2021 and 24/05/2021 and our statutory pre-application response dated 25/11/2020.

We have reviewed the additional information submitted (namely an email from Gerwyn Davies dated 27 January 2022) and continue to have concerns regarding this proposal.

We consider that the proposal would have significant adverse effects on the landscape character of the National Park and its immediate setting adjacent to the boundary in the northern section of the proposal and in combination with the proposed A465 project which connects with the proposal and lies adjacent, within the park.

PPW11 6.3.5 notes that planning authorities have a statutory duty to have regard to the purposes of National Parks. This duty applies in relation to all activities affecting National Parks, whether those activities lie within, or in the setting of the designated area. The primary purpose of the National Park is to conserve and enhance natural beauty, wildlife and cultural heritage.

The Landscape and Visual Impact Assessment considers that the effects on the landscape character of the National Park would be moderate adverse and significant at Year 1, but would reduce to slight adverse and not significant at Year 15. It considers that landscape character effects on the adjacent setting would be large at Year 1, reducing to moderate at Year 15, therefore remaining significant in the long term.

We consider that residual significant adverse effects on the landscape character of the National Park and its immediate adjacent setting would remain after Year 15 and into the long term. These would result from the urbanising of the setting through increased traffic, lighting, loss of trees and woodland, the elevated road and embankments and substantial bridge across the Nant Hir at Cwm Ynysminton. The landscape character at the boundary of the park in this location flows across the boundary, comprising fields bounded by hedgerows and mature trees and substantial areas of woodland along the natural stream corridors.

We consider that significant adverse effects on landscape character in combination with the A465 dualling project, would remain after Year 15, at this location on the boundary of the park, particularly resulting from the combination of the Croesbychan junction of the A465 with this proposal.

We agree that the visual effects from Viewpoint 11 within the National Park are unlikely to be significant, due to the intervening landform and vegetation. However, there is the potential for some significant adverse visual effects along the minor road which forms the National Park boundary at the northern end of the scheme, in close proximity to the Nant Hir Bridge and embankments either side, as well as the Croesbychan roundabout of the A465 project.

We acknowledge and welcome the detailed justification provided within Gerwyn Davies's email dated 27 January 2022. From this, and a meeting with the applicant/project manager and Local Authority ecologist, attended by the LPA case officer on 25 January 2022, we note it is maintained there are no opportunities for further woodland planting within the road corridor (either within or outside the red line boundary) to further mitigate or minimise the effects on the landscape character of the National Park. This is due to the stated need to retain all existing grassland in the area as potential marsh fritillary habitat. As a

result, residual significant adverse effects on the landscape character of the National Park and its immediate adjacent setting would remain after Year 15 and into the long term.

Ultimately, there appears to be a conflict between providing woodland planting for landscape mitigation and the provision/continued provision of land for habitat/connectivity for the marsh fritillary butterfly. The relative importance of each of these matters (marsh fritillary butterfly and landscape character of the National Park and its setting) as material planning considerations is a matter for the Local Authority to determine in the consideration of the planning application.

Groundwater and Contamination

In our response dated 13/12/2021 we commented on our 'previous requirements' numbers 4, 5 and 6 regarding submission of baseline groundwater level monitoring information, baseline groundwater quality monitoring information and a groundwater monitoring report respectively. We advised requirements 4 and 5 could potentially be conditioned but requested further information regarding requirement 6.

To clarify our comments, a meeting to discuss these three requirements was held on 24 January 2022 with the applicant/project manager and consultants, attended by the LPA case officer. Dialogue regarding each of the three requirements confirmed that additional information did not need to be submitted prior to the determination of the planning application but could be provided via one single pre-commencement of works condition attached to any planning permission the LPA is minded to grant, with the wording of the condition to be drafted by the LPA and agreed by NRW. As such we advise that an appropriately worded condition (Condition 12) relating to submission of baseline groundwater level monitoring information, baseline groundwater quality monitoring information and a groundwater monitoring report to be submitted to the LPA for approval prior to commencement of development is included within any permission granted.

Other Advice

We refer you to our previous response dated 13/12/2021 in relation to our request for:

- Section 106 Agreement (or other appropriate mechanism) regarding Protected Sites and European Protected Species
- Conditions 1 - 2: Protected Sites
- Conditions 3 - 7: European Protected Species
- Conditions 8 – 11: Groundwater and Land Contamination

Please note, without the inclusion of the Section 106 Agreement (or other appropriate mechanism) and these conditions we would object to this planning application.

Other Matters

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

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

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

Yn gywir / Yours faithfully

Annabelle Evans

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