

PLANNING & DEVELOPMENT COMMITTEE

9 March 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1082/10 (KL)
APPLICANT: Conrad Energy (Developments) II Limited
DEVELOPMENT: Installation of a Synchronous Condenser Facility, associated ancillary infrastructure and buildings to house synchronous condensers, access and landscaping.
LOCATION: LAND AT POUND FARM, TON-TEG, PONTYPRIDD, CF38 1SU
DATE REGISTERED: 04/11/2022
ELECTORAL DIVISION: Ton-teg

RECOMMENDATION: Approve, subject to S106 agreement and conditions

REASONS: The proposed development would play an important role in the stabilisation and distribution of renewable energy and ensuring its reliability and efficiency when it would otherwise be unstable or intermittent. It would therefore support the decarbonisation of the UK power system and contribute significantly to meeting national and international targets and agreements through stabilising the electricity network.

In addition, the proposal is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the amenity of surrounding neighbouring properties and its impact upon highway safety in the vicinity of the site.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the installation of a synchronous condenser with ancillary infrastructure and associated works, including access and landscaping on a parcel of land which currently forms part of Pound Farm on the outskirts of Tonteg.

The proposed synchronous condensers would be situated towards the most south-eastern end of the application site. The main components of the infrastructure are as follows:

- Two Synchronous Condensers, the primary components of which are a generator coupled with a flywheel.
- Relay rooms
- Transformers
- Circuit breakers
- Cable sealing end
- Disconnecter with two earth switches
- Ventilation equipment
- Internal switchgear

The synchronous infrastructure would comprise of two identical units located side by side with each installation measuring approximately 140m long and 32 metres wide (combined width of 70m). Due to the topography of the site, the two installations would be sited at different levels with the site being reprofiled and retaining walls being installed where necessary, in order to ensure a flat platform for each installation.

The synchronous condensers would be housed within two flat-roofed structures that would measure approximately 30 metres in width by 20 metres in depth with a flat roof design measuring approximately 12 metres in height. The buildings would be constructed using an insulated steel composite cladding system to the walls and roof and finished in metal profile sheet cladding externally, which would be painted dark holly green. They would both incorporate a perforated inner liner to minimise noise internally. Access to each of the buildings would be via roller shutter doors within their north-eastern and south-western elevations.

The proposed relay rooms would be sited immediately adjacent to the synchronous condenser units (to the north-west).

The proposed compound would be secured by a 2.4m high green palisade security fence with access being via a green double leaf security gate.

It is proposed that the development would connect to the Upper Boat National Grid Substation, which is situated approximately 100m to the north-east of the site. This substation has been identified as offering the potential to deliver the stability services required. The synchronous condensers would connect to the substation via underground cabling. The cable route does not form part of this application as it is considered to be permitted development under Schedule 3, Class G of the Town and Country Planning (General Permitted Development) Order 1995.

The development would be fully automated and would not require any operators to be permanently on site.

In addition to the standard plans and application forms, the application is accompanied by the following supporting documents:

- Pre-application Consultation Report
- Planning Statement
- Design and Access Statement
- Arboricultural Impact Assessment
- Phase 1 Geo-Environmental Assessment
- Landscape and Visual Impact Assessment
- Bat Survey Addendum Report
- Construction Traffic Management Plan
- Historic Impact Assessment
- Noise Impact Assessment
- Flood Consequences Assessment & Surface Water Drainage Strategy
- Ecological Impact Assessment
- Agricultural Land Classification

NEED FOR DEVELOPMENT

Details submitted with the application indicate that synchronous condenser technology is electrical transmission infrastructure which provides stability to the grid network in order to maintain voltages within desired limits.

Whilst the proposed facility would be defined as plant in itself, it would not generate any emissions or energy with the role of the synchronous condenser being more closely related to that of substations and grid infrastructure.

The proposed development is proposed in response to the National Grid Stability Pathfinder programme which seeks to deliver technology offering the most cost-effective means to address the stability issues faced across the grid network.

SITE APPRAISAL

The application site relates to an irregular shaped parcel of land which is located to the east of the existing farmhouse associated with Pound Farm, on the outskirts of Tonteg. It measures approximately 2.3 hectares in area and comprises of an agricultural field which is bound by numerous hedgerows and trees. Due to the sloping topography of the area, the site falls away from Pound Farm Lane (at the southern boundary) towards the train line which sits beyond the northern boundary.

Whilst the site and surrounding area appear to be open countryside, Treforest Industrial Estate lies approximately 65m to the north of the site. The main farmhouse and associated farm buildings are located to the west of the site whilst the nearest neighbouring residential property is located approximately 80 metres to the east (Bryn Glas House and Lower Incline House). Further residential properties are located

around 300 metres to the south (Cheriton Lodge) and 400 metres to the west (Cheriton Grove, Tonteg).

The wider area is identified as a Special Landscape Area (Efail Isaf, Garth & Nantgarw Western Slopes) whilst a Public Right of Way (DRE/45/1) runs through the adjacent field (connecting Pound Farm Lane with Gwaelod-y-Garth Road/Treforest Industrial Estate).

PLANNING HISTORY

There are no relevant planning applications on record for this site in the last 10 years.

PUBLICITY

The application has been advertised by means of direct neighbour notification as well as through the erection of site notices in the vicinity of the site and the publication of a notice in a local newspaper. No letters of objection have been received.

CONSULTATION

The following consultation responses have been received and are summarised as follows:

Coal Authority: No objection, conditions recommended.

Ecologist (RCT): No objection, conditions recommended.

Flood Risk Management: No objection, condition recommended.

Glamorgan-Gwent Archaeological Trust: There is unlikely to be an archaeological restraint and no objection is raised.

Highways and Transportation: No objection, conditions recommended.

Natural Resources Wales: No objection, conditions recommended.

South Wales Fire & Rescue: No objection

Welsh Water: No objection. The development would not connect to the public sewer network, nor would it require a water supply. A condition is recommended for a drainage strategy to be submitted and implemented.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site is located outside of the defined settlement boundary and within a Special Landscape Area. The following policies are considered to be relevant in the determination of this application:

Policy CS2 – Development in the South: emphasis on sustainable growth that benefits Rhondda Cynon Taf as a whole.

Policy AW2 – Sustainable Locations: promotes development in sustainable locations which includes sites that are within the defined settlement boundary that would not unacceptably conflict with surrounding uses, that have good accessibility by a range of sustainable transport options and have good access to key services and facilities.

Policy AW4 – Community Infrastructure & Planning Obligations: details the types of planning obligations that may be sought in order to make the proposal acceptable in land use planning terms and that Community Infrastructure Levy contributions might apply.

Policy AW5 – New Development: sets out criteria for appropriate amenity and accessibility on new development sites.

Policy AW6 – Design and Placemaking: encourages proposals which are of a high standard of design, and are appropriate in terms of siting, appearance, scale, height, etc.

Policy AW8 – Protection and Enhancement of the Natural Environment: seeks to preserve and enhance the distinctive natural heritage of Rhondda Cynon Taf by protecting it from inappropriate development.

Policy AW10 – Environmental Protection and Public Health: development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and/or local amenity because of land instability, flooding, contamination etc.

Policy AW12 – Renewable & Non-renewable Energy: encourages the provision of renewable and non-renewable energy where it can be demonstrated that there is no

unacceptable effect upon the interests of soil conversion, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

Policy AW14 – Safeguarding of Minerals: states that resources of coal will be safeguarded from development.

Policy SSA23 – Special Landscape Areas: identifies the Special Landscape Areas in the Southern Strategy Area including SSA23.8 Efail Isaf, Garth and Nantgarw Western Slopes. Development within SLA's will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Members will be aware that the current LDP's lifespan was 2011 to 2021 and that it is in the process of being reviewed. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

Supplementary Planning Guidance

Design and Placemaking
Nature Conservation
Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 11 (PPW) was issued on 24th February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 4 – Rural Communities – LDP
- Policy 5 – Supporting the Rural Economy – LDP
- Policy 9 – Resilient Ecological Networks – green infrastructure/ecology
- Policy 17 – Renewable and Low Carbon Energy & Infrastructure– all sorts of energy projects.
- Policy 18 – Renewable & Low Carbon Energy DNS

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;
PPW Technical Advice Note 8: Renewable Energy;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Main Issues:

Principle of the proposed development

The application site is located outside of the defined settlement boundary, within an area which is considered to be open countryside. Development in locations outside of the defined settlement boundaries would not ordinarily be supported however, there are some exceptions to this which include proposals for renewable energy.

Planning Policy Wales (11th Edition) recognises and establishes the importance of renewable energy and low carbon developments and therefore supports developments that would help to tackle the climate emergency. This is further set down in Future Wales: The National Plan 2040 (FW2040), which sets out the context and specific policies for renewable energy development. Policy 17 of FW2040 is particularly relevant and contains guidance relating to renewable and low carbon energy development. The policy gives clear direction to decision makers that significant weight must be attributed to the Welsh Government's target to meet 70% of electricity demand by renewable means by 2030.

Furthermore, Policy AW12 of the Rhondda Cynon Taf Local Development Plan supports development proposals which promote the provision of renewable and non-renewable energy where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

The development would not create any form of renewable energy and there is concern that it would not benefit from the same renewable energy objectives set down in planning policy. However, it is accepted that the development would present a substantial benefit in promoting and enabling renewable forms of energy generation in that it would provide stability to the grid network, which would otherwise be unstable or intermittent. There can very often be a mismatch between the generation of demand for energy, the proposed development would maximise the contribution from renewable energy source and improve reliability and efficiency. Therefore, whilst the proposed development would not directly attribute to the Welsh Government's renewable energy targets, it would play an important role in the distribution of renewable energy and ensure its reliability and efficiency. Indeed, Planning Policy Wales Ed.11 specifically states that 'an effective electricity grid network is required to fulfil the Welsh Government's renewable and low carbon ambitions'. Subsequently, the proposed development would support the decarbonisation of the UK power system

and contribute significantly to meeting national and international targets and agreements through stabilising the electricity network.

In terms of the location of the site in planning terms, the development would inevitably conflict with Policies CS2 and AW2 of the Rhondda Cynon Taf Local Development Plan, which both seek to direct development within sustainable locations/inside defined settlement boundaries. In the case of this proposal, it is imperative that developments such as the one currently being considered are situated within relative proximity to the existing grid. The application site is located approximately 140 metres away from the Upper Boat National Grid Substation (to the north of the site), which has been identified as having the capacity to house the required connection, without the need for significant modifications which would contribute substantial time and cost to the project and further delay the transition to renewable energy generation and the Net Zero targets.

Whilst the site is located outside of the settlement boundary for Treforest Industrial Estate, it is accepted that there appears to be no suitable sites available on the estate that are within the vicinity the existing substation. Therefore, the position of the site almost immediately adjacent to it would be preferred over a site that is clearly detached from it. Furthermore, the site is not subject to any national or local designations, or any constraints, that would render the site completely unviable or unacceptable.

In terms of sustainability, the site is not located within easy reach of sustainable transport options and anyone accessing the site would therefore be entirely reliant on private transport. However, given that the development would not be associated with high volumes of traffic once it becomes operational, other than for infrequent maintenance purposes, and that the maintenance staff would likely travel to the site by van or car in any case, it is perhaps not as important that the development be accessible by a wide range of sustainable transport options. The location of the site outside of but adjacent to the settlement boundary in this case is therefore, on balance, considered to be acceptable.

The development would inevitably result in the loss of agricultural land, which is considered to be regrettable. However, information submitted with the application indicates that the agricultural quality of the land is poor (Grade 4). The proposed development would therefore enable the existing farm to diversify and provide a greater environmental and economic benefit. It would further facilitate renewable electricity within the grid and further enable National Grid to decrease dependence of traditional coal and gas generation, as well as reducing reliance upon overseas sources. Furthermore, it is stated within the application that the development would nationally save consumers up to £128 million over six years.

Members may recall that a separate application for a similar development (ref. 22/1222) was recently reported to the Planning and Development Committee where it was subsequently approved. The site is located to the south of the current application site, on the opposite side of Pound Farm Lane. It was advised during the course of

that application that the existing National Grid facility only has capacity for just one of the two developments to be connected. Therefore, it is advised that only one of the developments is likely to be commissioned.

Whilst there are inevitably some concerns in respect of the location of the site and the subsequent impact of the development upon the rural character of the site and surrounding area, the development is supported by the wider objectives of national and local planning policy in respect of the provision of renewable energy. It is therefore considered that the benefits to the proposed development, which would assist in the provision of renewable energy and a low carbon economy, would outweigh the concerns raised in respect of the location of the site and, on balance, the principle of the proposal is considered to be acceptable, subject to an assessment of the criteria set out below.

Impact on the character and appearance of the area and the Special Landscape Area

The application site is located within open countryside and on the northern edge of the Efail Isaf, Garth & Nantgarw Western Slopes Special Landscape Area (SLA), which is designated for its attractive farmland on rolling plateau with irregular fields mainly of improved grassland, large hedges, scattered farms and winding lanes. The site comprises of an agricultural field which is bound almost entirely by mature hedgerows and trees to the north, south and east and post and wire fencing to the west. Ground levels slope gradually upwards in a north to south direction.

The proposed development would introduce two new buildings to the site, along with associated equipment and electrical infrastructure with some changes being made to the ground levels in order to facilitate the development. The plans indicate that there would be some cut and fill works to lower the overall ground levels within the site and to create two level platforms, upon which the development would sit. However, the hedgerows and trees surrounding the site would be retained.

Whilst the development would inevitably change the character and appearance of the site and the surrounding area, the application is supported by a Landscape and Visual Impact Assessment (LVIA) which confirms that the site has medium susceptibility to change owing to a number of high voltage overhead lines that run across the site and through the surrounding area, the site's relationship and context with the existing Upper Boat Substation to the north and industrial and commercial development at Treforest Industrial Estate to the north and east, and existing mature woodland along the boundaries of the site and in the site's immediate context which screens the site and forms a backdrop. The LVIA confirms that the existing trees, hedgerows and vegetation at the site boundaries would be retained and managed with further opportunities for additional landscaping and visual mitigation, which would further help to reduce the overall visual impact of the development upon the landscape. This is further set out in a supporting Landscape Strategy, which details the provision of a new hedgerow through the centre of the field to enclose the new compound, the

provision of new woodland planting to the south-eastern boundary and various other areas of hedgerow and tree planting. It is considered that this additional planting, along with the management of the existing vegetation, would reinforce and enhance the existing green edges to the site which would provide additional screening.

It is indicated that the applicant has considered several configurations for the proposed development however, it was considered that the proposed approach, which involves the creation of platforms on different levels, minimises ground disturbance, allows for safe vehicular access into the site and also assists in reducing visibility of the development. At 12 metres in height, the most visible part of the development would be the two buildings that would house the synchronous condensers. However, they would be positioned on lower ground and would have a dark green finish to help them blend into the wider landscape. The electrical equipment would be seen in context with an existing pylon on site and would be backgrounded by the rising landform and mature woodland which would minimise its visibility.

The LVIA considers that the greatest opportunity for views of the development would be from the immediate area: the Public Right of Way (DRE/45/1), which is situated to the south eastern boundary of the site; from trains passing along the northern boundary; from Pound Farm Lane to the northern boundary, from the farmhouse at Pound Farm and also from the single property which lies to the south-east of the site (Bryn Glas House). Whilst the predicted effect is considered to be major in terms of the view from the PROW, this would reduce to moderate at year 15 onwards following the planting and establishment of the proposed new woodland planting along the boundary. The effects on all other receptors are described to be moderate or minor.

Furthermore, the site lies approximately 80 metres to the south-west of Treforest Industrial Estate and whilst it is separated by the trainline and a band of trees/hedgerow at the northern boundary of the site, when viewed from higher viewpoints to the north, north-east and south-east (from Flynnonbwla Road, Eglwyslian Road, Garth Hill) the development would almost be viewed in context with existing industrial/commercial buildings at this part of the estate.

Whilst there is some inevitable concern with regards to the visual impact of the proposal in terms of its industrial-style appearance, it is accepted that the development needs to be sited in close proximity to the existing National Grid substation and that there are no other suitable sites available within the industrial estate. Furthermore, the LVIA considers that the long-term overall effects on views from the local and wider area would be minor or negligible and that the development can be accommodated at the site without giving rise to any unacceptable effect upon the landscape. Therefore, on balance, the proposal is considered to be acceptable in terms of the impact it would have upon the character and appearance of the site and surrounding area and indeed the Special Landscape Area. As such, the application would comply with Policies AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity and privacy

The nearest residential properties to the site are considered to be the existing farmhouse at Pound Farm and Bryn Glas House, which are located approximately 200 metres to the west and approximately 100 metres to the south-east respectively. Given those separation distances, it is not considered that the development would have an adverse impact upon the amenity of these properties. Whilst the properties may have some views of the development, it would be sited a sufficient distance away to ensure no adverse overbearing or overlooking impact would occur. Furthermore, given the nature of the development and the fact that it would not be occupied by anyone other than maintenance staff on an infrequent basis, it would not give rise to any significant or detrimental levels of overlooking.

As indicated above, the application is accompanied by a Landscaping Strategy which includes new woodland planting at the south-eastern boundary which would increase the vegetative cover in this location and provide additional screening above that of the existing hedgerow at this boundary. A further new hedgerow is proposed across the centre of the wider field which would enclose the site compound. These elements would provide further screening for the residents of the existing farmhouse and Bryn Glas House.

Furthermore, the application is accompanied by a Noise Impact Assessment (NIA) which considers the potential impact of the development upon the nearest residential properties in respect of noise. It is indicated that the two synchronous condensers would be housed within buildings which would help to minimise the noise associated with the operation of the plant. The NIA confirms that the character of the noise would not be too dissimilar to that associated with the existing plant operating on the neighbouring industrial estate with the noise levels attributable to the operation of the plant remaining below the prevailing background noise levels both during the day and night-time periods.

In light of the above, it is not considered that the development would have an adverse impact upon the amenity and privacy of surrounding residential properties and the application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Access and highway safety

The proposal has been assessed by the Council's Highways and Transportation section in order to determine the potential impact of the proposal upon highway safety in the vicinity of the site. The response received indicates that no objection is raised to the proposal however, a number of conditions have been recommended. The response is summarised as follows:

Site Access

The site would be accessed via Pound Farm Lane, which is an unlit, single carriageway road accessed from the west via a roundabout junction with the A473. The road is subject to a 30mph speed limit. Sections of the road become narrow, which prevents two-way vehicle flow, however there are passing points provided.

Construction Vehicular Access

Access for construction vehicles would be provided from a new access off Pound Lane Farm. The access would form a continuation of Pound Farm Lane into the site, helping with the manoeuvres of vehicles accessing the site and also limiting the loss of hedgerow when constructing the access.

Visibility splays are considered to be acceptable in both directions for the 30mph road, in accordance with Manual for Streets.

Construction vehicles would travel to the site from the A473 roundabout only. A Swept Path Assessment (SPA) for a 16.5m Heavy Goods Vehicle (HGV) has been undertaken which demonstrates that such vehicles would be able to access and egress the site in a forward gear by using a turning area that would be provided within the construction compound. Banksmen may also be deployed at the site access to guide vehicles in and out, if required.

The access from Pound Farm Lane will be retained for use by maintenance vehicles once the site is operational. It is anticipated that maintenance vehicles will access the site on an ad-hoc basis, when required, but is forecast to be around one maintenance trip per month. It is indicated that maintenance trips will generally be made by 4x4 or a small van-type vehicle.

Once the contractor's compound has been removed following the completion of the development, space will be retained within the site for vehicles to turn and leave the site in forward gear.

Proposed HGV Delivery Mitigation

The arrival and departure of HGVs at the site will be strictly managed by the site manager. A delivery schedule will be strictly adhered to with delivery drivers being required to call ahead to ensure that any emerging HGVs can be held within the construction compound. No HGVs will be permitted to wait on the access track or on the public highway.

Vehicular Trip Rate

The applicant has confirmed that the construction period will take approximately 16 months to complete. Assuming that works would be carried out over a six-day working week, this would equate to an average of around four two-way movements per day. This is based on a robust assessment of HGV movements to the site however, this

appears to be low. It is anticipated that there will be considerably more vehicle movements during the first three months of the construction period compared to the average over 16 months. Movements towards the end of the construction period will be lower as the construction begins to wind down and as it closes in on completion. Therefore, given the limited construction period and given that the majority of vehicular movements would be within the first three months of construction, it is not anticipated that the proposal would have a significant impact on the surrounding highway network and it is therefore, on balance, considered to be acceptable.

Condition Survey

Details submitted with the application indicate that a walk-over condition survey on the local highway network will be conducted prior to commencement of development, in order to assess the baseline condition of Pound Farm Lane. It is further indicated that a condition survey will be conducted after construction to identify any damage that might have been caused so that any damage can be rectified.

In light of the comments received from the Council's Highways and Transportation section, the proposal is considered to be acceptable in terms of the impact it would have upon highway safety in the vicinity of the site. The application would therefore comply with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Drainage and Flooding

Surface Water Drainage

The application has been assessed by the Council's Flood Risk Management Team in order to assess the potential impact of the development upon surface water drainage. The response received indicates that the site measures 3.89 hectares with a total development area of over 100 square metres. As such, it is advised that the applicant will be required to submit an application to the Sustainable Drainage Systems (SuDs) Approval Body (SAB). The application will also be required to comply with Part H of the Building Regulations.

Natural Resources Wales' Surface Water Flood Risk maps have been used to review the site's surface water flood risk, which concludes that there are areas of no surface water flood risk identified within the site.

Details submitted with the application indicate that surface water will be disposed of using a soakaway however, the applicant has not provided any relevant surface water

drainage proposals for review. The Lead Local Flood Authority considers that further information is required to outline how surface water will be managed and disposed of at the site, including a general arrangement of the proposed drainage layout as well as details of the pre and post discharge rate, and a condition is therefore recommended in this regard. However, given that these matters would be dealt with via SuDs and Part H of the Building Regulations, it is not considered necessary to also secure these details via a separate planning condition.

NRW have further commented that in order to ensure appropriate measures are followed during construction to protect the water environment, further details will need to be provided, along with details of measures to control construction activities, in a Construction Environmental Management Plan (CEMP), which should be secured via a planning condition.

Foul Drainage

Welsh Water have noted that the proposed development would not connect to the public sewer network or require a water supply. It is recommended that a condition be added to any grant of planning consent to secure details of a drainage strategy to be implemented however, given the nature of the development, it is not considered necessary to implement such a condition.

Ecology

The application is supported by an Ecological Impact Assessment (EIA) and a Bat Survey Addendum Report which have both been assessed by both the Council's Ecologist and Natural Resources Wales (NRW).

Habitat

The Council's Ecologist indicates that the development would involve partially building on a large field which is assessed in the supporting documents as species poor semi-improved neutral grassland. The site is sheep grazed pasture which strongly suggests that the habitat assessment is correct.

The EIA concludes that the loss of half of the grassland will have a negligible ecological impact however, the Council's Ecologist considers that the grassland may have a slightly higher ecological potential than the assessment details however, it is considered that the species composition identified is not one that would merit an ecological objection on the basis of grassland loss.

The mitigation recommended in the EIA suggests the provision of better grassland management of the remainder of the field in the form of a Landscape Ecology Management Plan (LEMP), and it is considered that, as part of habitat mitigation and enhancement, a long-term management plan for a minimum of 25 years would be required.

Hedgerows

The site has ancient species-rich hedgerows around the vast majority of the perimeter, except for a short section next to the farmyard. The ecological importance of these hedgerows is recognised within the EIA. The report and plans submitted with the application indicate that some small sections of hedgerow would need to be removed to facilitate the access off Pound Farm Lane, however it is indicated that the remainder would be protected and retained with managed buffer strips around the site and some replanting/infilling of 'gappy' areas of hedgerows. The balance of mitigation to loss is considered to be acceptable, providing that hedgerow loss is minimal, as indicated in the EIA. The proposed vision splays have been considered acceptable by the Council's Highways and Transportation section and so no further hedgerow removal would be required to provide the proposed access than that indicated in the proposed plans and supporting documentation. As such, the Council's Ecologist has not raised any objection in this regard.

The EIA identifies that hedgerow protection would need to be secured, as detailed, through a Construction and Environmental Management Plan (CEMP) condition and the details of the hedgerow management, hedgerow re-enforcement (which should only be of hazel planting and should not involve species rich mixes) and the objectives and management of the hedgerow buffer strip will all need to be subject to the LEMP and to long-term management commitment (minimum of 25 years).

Trees and Bats

The EIA identifies that the site has moderate potential for foraging bats and two trees have been identified as requiring felling (T11 and T18). The trees have been inspected with one (T18) being identified as having high bat roost potential whilst the other (T11) has been identified as having negligible potential. The Bat Activity Survey recorded one small soprano pipistrelle roost in T18 and a bat licence would therefore be required to fell Tree T18. However, it assesses the impacts of felling the tree as having only a very small conservation impact and it is advised that this can be mitigated for and compensatory measures implemented, including bat box provision.

The EIA further identifies the need for bat sensitive lighting to ensure retention of bat foraging use of the site, which is recommended to be secured via condition.

NRW have further assessed the proposal in respect of bats and advised that it is not considered that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The need for a bat sensitive lighting scheme condition is further recommended, as is an informative note advising of the need to obtain a bat licence is attached to any grant of planning permission.

Dormouse

The EIA recognises the potential that dormice may use the hedgerow networks of this part of RCT, and as such, the hedgerows surrounding this site may form part of that connectivity. However, the EIA concludes that as only minimal hedgerow removal is required, with improved hedgerow/hedgerow buffer management and aftercare being proposed, the impacts on any dormouse potential would not be significant.

The long-term LEMP provision for hedgerow and buffer strip management will offer potential for enhancement of potential dormouse use of those hedgerow corridors and positive dormouse habitat provisions will be a detail that will need to be sought through the LEMP.

Badger

The EIA found no evidence of badgers on site. There are, however, badgers in the local area. As such, it is considered that precautionary measures will need to be included in the CEMP that needs to be secured through a planning condition.

Nesting Birds

The hedgerows and wooded edges of the site are identified as supporting nesting bird habitat. Tree felling and any hedgerow removal will need to include nesting bird protection measures secured through the CEMP and positive management for nesting birds needs to be secured through the long-term provision of the LEMP.

Other Species

The EIA rules out water vole and otter potential within the site. Based on the habitat assessment, the CEMP will need to include consideration for the potential that otter may occasionally cross the site as a precaution. Further precautionary measures will need to be identified in the CEMP for hedgehog.

The EIA concludes low potential for invertebrates however, this will need to be secured through the LEMP, along with the positive enhancement for hedgerows/buffer/grassland.

In summary, the potential impact of the proposal on ecology is considered to be acceptable, subject to the imposition of a number of ecology-related conditions, including details of bat sensitive lighting and a CEMP. It is further recommended that a Landscape Ecology Management Plan with a minimum management commitment of 25 years be secured via a S106 Agreement.

Public Right of Way

The application site is not crossed by any Public Right of Way however, footpath DRE/45/1 crosses through the adjacent field to the south-east with the most western

point of the footpath joining with Pound Farm Lane at the most south-western corner of the application site. The development would not result in any physical change to the footpath however, it is accepted that there would be views of the development from the path. The Landscaping Strategy indicates that new woodland planting would be implemented adjacent to the existing hedgerow at the boundary, which in time would further screen the development from view. It is therefore not considered that the development would have an adverse impact upon the PROW.

Land Contamination

Comments received from the Council's Public Health and Protection team indicate that the site is located within 250 metres of Pound Farm Tip Landfill and Power Station Hill Landfill. It is therefore considered that there is potential for contamination to exist on site. As such, standard contaminated land conditions are recommended to be imposed on any grant of planning consent.

High Coal Risk Area

The application site partially falls within the defined Development High Risk Area and the application is therefore accompanied by a Coal Mining Risk Assessment. The application is further supported by a Phase I Geo-Environmental Assessment. Both documents have been assessed by the Coal Authority.

The comments received indicate that the site may have been subject to past coal mining activity and that the Coal Mining Risk Assessment and Geo-environmental Assessment recommends that intrusive site investigation works be undertaken to establish any necessary remedial measures.

As such, the Coal Authority recommends that a condition to secure a scheme of intrusive site investigations and details of any remediation works and/or mitigation measures required to ensure that the site is safe and stable for the development proposed.

Further to this, Natural Resources Wales notes that the Coal Mining Risk Assessment recommends that investigations are carried out to assess ground stability risks and it is therefore advised that there may be a requirement for remedial measures such as grouting. As such, to ensure that there is no impact upon controlled waters if grouting and/or ground stabilisation work are carried out, a condition is recommended for further information in this regard.

Impact on Trees

The application seeks to retain the vast majority of trees and hedgerows on site however, two trees that are located within the general area of development would need to be removed in order to facilitate the proposed development. The trees are identified as T11 and T18 which are described as category B1 (Moderate/Fair Quality but not

exceptional) and Category C1 (Low Quality – unremarkable or of very limited merit). It is therefore not considered that the loss of these trees would have a significant impact on the visual amenity of the area.

Whilst the loss of any tree is regrettable, the development would provide appropriate mitigation through the planting of additional hedgerows and woodland in and around the site.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables Local Planning Authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

The Welsh Government Development Management Manual and Welsh Office Circular 13/97 Planning Obligations provide procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

As indicated in the *Ecology* section above, a Landscape Ecological Management Plan (LEMP) for a period of 25 years is required in order to secure details of positive habitat and species management, mitigation, enhancement and monitoring (annual reporting) of ecological delivery.

Conclusion

Whilst there is some concern in respect of the location of the site in a countryside setting and the subsequent impact of the development upon the rural character of the site and surrounding Special Landscape Area, the development is supported by the wider objectives of national and local planning policy in respect of the provision of renewable energy. It is therefore considered that the benefits to the proposed development, which would assist in the provision of renewal energy and a low carbon economy, would outweigh the concerns raised in respect of the location of the site and, on balance, the principle of the proposal is considered to be acceptable. Furthermore, the overall scale, layout and design of the proposal is considered to be acceptable in respect of the impact it would have upon the character and appearance of the application site and surrounding area and upon the amenity and privacy of surrounding residential properties. Furthermore, no objection has been received from the Council's Highways and Transportation section in respect of the impact of the development upon highway safety.

RECOMMENDATION: Approve, subject to a S106 agreement and conditions

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. UPP-SYNCO-LP-002 Rev. B: Site Location Plan.
- Drawing No. P22-0919-01: Site Location Plan.
- Drawing No. UPP-SYNCO-PP-003 Rev. B: Proposed Plan.
- Drawing No. UPP-SYNCO-PP-004: Proposed Plan Buffer Zone (Hedgerow).
- Drawing No. UPP-SYNCO-SEL-005: proposed Sectional Elevations.
- Drawing No. P22-0919 SK/01: Swept Path Analysis.
- Drawing No. P22-0919-12: Landscape Strategy.
- Document Ref: Bat Survey Addendum Report by Tyler Grange, Dated 13th October 2022.

- Document Ref: Ecological Impact Assessment by Tyler Grange, Dated 30th August 2022.
- Document Ref: Noise Assessment by LF Acoustics, dated June 2022.

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

3. The approved Construction Traffic Management Plan October 2022 shall be adhered to throughout the development process.

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

4. Prior to the commencement of development, details of traffic management with mitigation measures to prevent on-coming vehicles meeting on Pound Farm Lane shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and maintained throughout the construction period.

Reason: in the interests of highway safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Prior to the commencement of the development, a report indicating a methodology for undertaking a conditions survey of local roads (that could be affected by the proposed development) shall be submitted to and approved in writing by the Local Planning Authority. The report should include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

6. Notwithstanding the details shown on the approved plans, development shall not commence until details of the site access off Pound Farm Lane surfaced in permanent material for the first 15m have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use.

Reason: In the interests of highway safety. To ensure debris is not dragged onto the public highway, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
 2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
 3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

8. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to above) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

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

9. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals, then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work

recommencing. Any revised contamination proposals shall be carried out by a competent person.

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

10. No development shall commence until:

- a) A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to the occupation of the development, or it being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This 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 risks of land instability are fully considered and remediated/mitigated, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to installation, full details of bat-sensitive 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.
- Details of the management of light spillage in key sensitive ecological areas.
- Details of lighting to be used both during construction and/or operation.
- Other management measures such restricted use.

The lighting shall be installed and retained as approved.

Reason: To ensure that any lighting installed at the site reduces any impact in the interest of protected species, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

13. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall commence, including any works of site clearance, until a site-wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Construction Methods: How waste generated will be managed.
- General Site Management: Details of the construction programme including timetable, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Ecological Management: Details of all precautionary species and pollution control measures, including details of mitigation for nesting bird potential and how this will be managed, details of how hedgerows will be protected (i.e. types of fencing, distances from hedgerows, when the fencing will be erected, how mitigation measures will be maintained and monitored during construction works), details of pre-commencement tool box talks with contractors and details of pre-checks for protected species and details of precautionary contingency measures to avoid impacts on protected species that may use the site during construction works.
- Details of how the CEMP delivery will be integrated with any protected species licencing requirements from NRW.

- Soil Management: Details of topsoil strip, storage and amelioration for re-use; silt management.
- CEMP Masterplan; Details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: Details of fuel and chemical storage and containment, details of waste generation and its management.
- Pollution prevention. Demonstrate how relevant Guidelines for Pollution Prevention and Best Practice will be implemented, including details of managing silt run-off, emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of regular construction period reporting (by email) to the Local Planning Authority identifying progress in CEMP delivery and any issues or emergency measures, with the offer (if necessary) of site visits for the Local Planning Authority to review CEMP delivery.

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

Reason: To protect water quality and to ensure protection of the natural environment during construction, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. Should any remedial measures, such as grouting and/or ground stabilisation works be required, the following information will be required to be submitted to and approved in writing by the Local Planning Authority:
1. Vulnerability Survey, to include:
 - Identify all surface and groundwater features and users in the vicinity of the site, including old or existing mine adits and mine-workings, drains and culverted feature. In addition, all relevant historic documents held should be used to identify any natural or man-made structures beneath or in the vicinity of the site.
 - A walkover survey to be carried out to validate the vulnerability survey and identify any features not included in the formal records, i.e. disused adits or mine-workings etc.

- To notify abstractors in case of grout break-out licensed surface water abstractions and private supplies downstream of the site need to be identified. For a main river, this would typically be a few kms (NRW can supply this information).

2. Procedure

- Location of the area to be grouted.
- Check area against vulnerability survey and historic land-use records.
- Nature of any structures to be grouted, cavities in the substrata, mine-workings etc.
- Is grouting to take place above or below the water table?
- Method of grout injection, i.e., as part of an inner/outer 'curtain' or individual injection boreholes etc.
- Type of grout to be used, i.e., ratio of cement, water, other material – this should take into consideration whether grouting is to take place above or below the water table.
- Thixotropy of the grout, i.e., how far will the grout extend into the cavity when injected. This should take into consideration whether the works are above or below the water table.
- Duration of grouting works.
- How much grout is to be injected into both individual points and as a total quantity.

3. Monitoring

- Identification of sites grouting material could emerge, i.e., adits/drains into watercourses etc.
- Proposals for monitoring such features during the work, i.e., which ones, frequency of monitoring.
- Confirm details of monitoring with Natural Resources Wales Local Environmental Protection Officer prior to the commencement of workings.
- Agree suitable mitigation measures with the Local Environmental Protection Officer should any impact on any feature occur during the workings.

4. Management. Keep daily records of the following:

- Review previous days grouting operations (where grouted, how much grout used etc.).
- Location of areas to be grouted.
- Boreholes used for grouting.
- Times of injection into each borehole.

- Quantities of grout to be injected into each borehole (both projected and actual).
- Records if quantity of grout 'lost' in borehole.
- Pressure used in grouting at a borehole.
- Type of grout used.
- Review of monitoring.
- Details of any breakouts of any grout.
- Details of any clean-up of grout at monitoring sites.
- Reporting of information needs to be agreed with NRW prior to the commencement of workings.
- In cases of an unpredicted loss of grout, emergency procedures should be agreed with NRW to include an increase in the frequency of monitoring of any identified surface water features.
- Notification of the Local Environmental Protection Officer should either any outbreak or an unpredicted loss of grout occur.
- Notification of identified downstream surface water abstractors in the event of an emergency.

Reason: To ensure that there is no impact on controlled waters as a result of any grouting and/or ground stabilisation works required, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16 Prior to the commencement of development, details of ecologically sensitive landscaping shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new development will be visually attractive in the interests of amenity and in the interests of the natural environment, in accordance with Policies AW5, AW6 & AW8 of the Rhondda Cynon Taf Local Development Plan.