

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2022-2023:**

**PLANNING AND
DEVELOPMENT COMMITTEE
9th MARCH 2023
REPORT OF: DIRECTOR
PROSPERITY AND
DEVELOPMENT**

	Agenda Item No. 13
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<p>APPLICATION NO: 10/0845/34 - Comprehensive phased development comprising: residential development of up to 1,850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development (Amended plans and Supplementary Environmental Information (SEI) received 13 June 2011)(Further amended plans and updated DAS received 21 June 2011). LAND AT FORMER OPEN CAST COAL SITE AND LAND TO THE NORTH OF THE A473, LLANILID</p>	

1. PURPOSE OF THE REPORT

Members are asked to consider the proposed Deed of Variation (DoV) to the Section 106 agreement (S106) attached to the above planning permission.

2. RECOMMENDATION

That Members consider the report in respect of the DoV and approve the revision having regard to the advice given.

3. BACKGROUND

The above planning application was approved on 28th January 2016. It formed a 'hybrid' scheme that sought a combination of both outline and full planning permission for a large scale development at the former Llanilid Open Cast Coal Site together with land to the north of the A473, comprising the following:

1. Residential development of up to 1850 dwellings.
2. A new village/district centre to include:
 - i. new primary school
 - ii. class D1 medical/health centre (up to 800sqm)
 - iii. class D2 community uses (up to 800sqm)
 - iv. class A1 food store (up to 2,000sqm)
 - v. other class A1/A2/A3 retail units (up to 1,000sqm)
 - vi. pub/café
 - vii. residential flats/apartments on upper floors
 - viii. class B1 offices (up to 500sqm).
3. Strategic landscape areas.
4. Public open space.

All matters in respect of appearance, landscaping, layout, scale and access were submitted in outline for the entire site, with the exception of the full details that were provided for the access road required to facilitate the first phase of development.

Reserved matters approval has subsequently been gained for Phases 1, 2, 3 and 4 of the residential element. Applications for the reserved matters approval for Phases 5, 6, 7 and 8 of the residential element, the mixed use area and the new primary school phases have been submitted but are yet to be determined.

The original hybrid planning permission was subject to a S106 (the subject of this report) requiring the following:

1. Rail contribution.
2. Local road contribution.
3. 10% affordable housing provision.
4. Provision of on-site primary school.
5. Landscape and scheme maintenance, community facilities, local employment and village centre.
6. Dedicated habitat management land for nature conservation, recreation and public access, and 25 year maintenance of that land.
7. A community building and 2 sports pitches.
8. Local employment policy.
9. A village centre.

This report relates only and specifically to point 6 above and the Developer's proposal to amend that section of the S106 through a DoV.

4. PLANNING ASSESSMENT

Areas of habitat management land (HML) were allocated and agreed within the wider development site as part of the original hybrid planning permission. Each were proposed to link with one another and their

future maintenance/monitoring be controlled by the S106. The provision/method of ecology mitigation was assessed and considered acceptable by all parties at the time.

However, in recent discussions between the developer and Natural Resources Wales (NRW) in respect of the necessary, separate European Protected Species Licences (EPSL) required, NRW have raised concerns that they no longer consider the HML originally allocated is sufficient to mitigate against the loss of habitat in the area. These concerns relate primarily to dormouse habitat, but also ecology/biodiversity in the area in general.

NRW therefore consider additional HML is required and have refused to grant any further EPSL at the site until this is provided, essentially stopping any future phases coming forward.

In light of the above discussion has been held between the developer, NRW and the LPA in an attempt to overcome the concerns. This has resulted in the developer agreeing to allocate additional land outside of the approved red line boundary which is under their ownership for further HML (south of the main development site). The developer has also agreed to manage these additional areas of HML for a period of 25 years.

This proposal is in addition to the HML already agreed inside the approved red line boundary which would not alter in any way.

Both NRW and the Councils Ecologist consider the additional land and future maintenance scheme appropriate and sufficient to ensure suitable ecology/biodiversity mitigation and enhancement measures are included as part of this development going forward; but that these measures would need to be controlled through a legal agreement to ensure they are carried out / monitored.

The above would require the original S106 amended to include the additional HML and future maintenance program through a DoV. As a consequence the application is reported back to Committee for further consideration and Members are asked to authorise a DoV to the existing S106 in the terms described above.