

**PLANNING & DEVELOPMENT COMMITTEE**

**20 July 2023**

**REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

**PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1056/10 (GH)  
**APPLICANT:** Neath Port Talbot Council  
**DEVELOPMENT:** Construction of a small off-grid highly sustainable community building on forestry land, including classroom, welfare, access route, on-site energy generation (wind turbine and PV panels) and drainage to support delivery of the Lost Peatlands of South Wales partnership project. (Heritage Impact Assessment received 5th June 2023)  
**LOCATION:** FORESTRY LAND TO THE NORTH EAST OF HENDRE MYNYDD CAR PARK, OFF RHIGOS ROAD, TREHERBERT  
**DATE REGISTERED:** 05/06/2023  
**ELECTORAL DIVISION:** Treherbert

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**RECOMMENDATION:** GRANT SUBJECT TO THE CONDITIONS BELOW:

**REASONS:** The proposed development is part of a wider environmental scheme to restore and preserve a site of significant ecological value, whilst both providing a base for volunteers involved with the project and securing facilities for learning.

Whilst new buildings in the countryside are strictly controlled and are usually only permissible in specific or exceptional circumstances, the project has identified a clear need for the development.

Furthermore, in the wider context of national and local planning policy aims, to protect valuable habitats and reverse trends of a decline in biodiversity, it is considered that any concerns relating to the sustainability of the location are outweighed by its benefits.

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**REASON APPLICATION REPORTED TO COMMITTEE**

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

## **APPLICATION DETAILS**

Full planning consent is sought for the construction of a community building and associated infrastructure, at land to the north-east of Hendre Mynydd Car Park, Rhigos Road.

The scheme has been submitted on behalf of the Lost Peatlands of South Wales Project, which incorporates 6700 ha of land within the RCT and Neath Port Talbot Area. The purpose of the Project is for the restoration and management of peat resources, which have been depleted as a result of commercial forestry and land drainage.

Information submitted in support of the application identifies that recovery of the peat landscape would have a beneficial impact on climate change and increase biodiversity, since peat habitats in the area likely to store up to 350,000 tonnes of carbon.

The need for the classroom has been identified on the basis that it would provide a space for community and school groups to use whilst engaging directly with the habitats, wildlife and the positive practical works and as a base, particularly during inclement weather, for people either working or volunteering on behalf of the project.

The proposed single storey building comprises two parts, the first of which is a long section incorporating an indoor classroom and a sheltered outdoor classroom. This would be connected, via a glass lobby, to the second part, comprising a smaller welfare area, toilets and changing facilities, a small kitchen and externally accessible waste storage.

The external appearance of the building would belie its sustainable credentials, being timber clad and supported by a superstructure of larch columns and rafters. Most of the roof area would be green, except for the south-western facing plane which would have a metal covering to host a significant number of PV panels and act as a rainwater capturing system.

Whilst some heat to the classroom would be provided by a log burner, there would be low energy electric heat available. In addition to the PV panels a single wind turbine is proposed to be erected around 20-25m to the north-west of the building. It would have a height, to the tip, of 11.05m.

Other external features would include three rainwater butts, connected to the main roof, for supplying water to three peat growing areas. It is also noted that the forestry track leading to the site would be restored to a usable gravel surface and extended to the new building, although this would be gated and visitors would be expected to use the Hendre Mynydd car park.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Ecological Assessment
- Design and Access Statement
- Project Summary and Classroom Statement
- Topographical Survey
- Heritage Impact Assessment

## **SITE APPRAISAL**

The application site is a piece of undeveloped and unallocated land, located off the Rhigos Mountain Road and approximately 1.3 miles to the north of Blaenrhondda.

The property currently forms part of a larger land area consisting of forestry, under the control of Natural Resources Wales, and which is interspersed with the turbines, tracks and infrastructure of the Pen Y Cymoedd Wind Farm.

Access to the land is gained by an existing unmade track, which joins the public highway at a junction approximately 200m to the south-west. There is a public car park, known as Hendre Mynydd, just off this junction, which would serve the proposed community building.

There are no nearby dwellings given the remoteness and elevation of the site, and the nearest would either be at Blaenrhondda or Rhigos villages, both of which are some distance away.

The site and immediate area are subject to a number of national and local designations including its status as a Registered Landscape of Outstanding Historic Interest, a Site of Importance for Nature Conservation; whilst there are two Scheduled Ancient Monuments within 250m of the site boundary.

## **PLANNING HISTORY**

The most recent or relevant applications on record associated with this site are:

**09/1311/04:** Application under S36 of the Electricity Act. Construction/operation of a 299MW wind turbine generating station (84 turbines, 4 anemometry masts and associated infrastructure. Decision: 07/10/2011, Raise No Objection

## **PUBLICITY**

The application has been advertised by the display of notices on site.

No letters of objection or representation have been received.

## **CONSULTATION**

### Cadw

No objection.

### Council for British Archaeology

Supports the principles of the project but raises concerns that there could be an impact on landscape and archaeology, albeit that GGAT may be able to draft appropriate conditions to control this matter.

### Glamorgan-Gwent Archaeological Trust (GGAT)

The proposal will require archaeological mitigation.

### Highways and Transportation

No objection subject to a condition for the submission of off-street parking details.

### Flood Risk Management

No objection is raised or recommendation for condition in relation to surface water flood risk since the surface water flood risk will be adequately managed by both the Building Regulations and Schedule 3 of the Flood and Water Management Act 2010.

### Public Health and Protection

No objection.

### Natural Resources Wales (NRW)

No objection.

### Dwr Cymru Welsh Water

DCWW has identified the site as falling within a drinking water catchment area, which is an area protected under the Water Framework Directive, with potential concerns about the impact of the development. Furthermore, the proposed access road would cross a trunk water main.

Nonetheless, as a result of correspondence between DCWW and the Applicant, DCWW confirmed to the Applicant that its Catchment Team were satisfied with the proposal.

With regard to identifying the position of the water main, DCWW has requested that the Applicant provides it with a Risk Assessment Method Statement, in relation to any plant machinery moving over the water main.

The potential for damage caused to third party property during the construction of a development, which has benefitted from planning permission, is not a material consideration. In this instance an informative note is considered to be appropriate, although the Applicant is clearly already aware of DCWW's concerns.

### Countryside, Landscape and Ecology – Ecologist

This application is a major biodiversity cross boundary project and the application has been supported by a very good quality ecological assessment undertaken by the Neath Port Talbot Biodiversity Team, and all relevant habitat and species have been covered.

So long as all mitigation and enhancement measures identified in Sections 5 and 6 of the Report are secured by a condition then the application will be acceptable from an ecological perspective.

No other consultation responses have been received within the statutory period.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and that it is in the process of being replaced. 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.

The application site lies within open countryside

**Policy CS1** - The policy emphasis in the Northern Strategy Area (NSA) is on building strong sustainable communities, which includes the protection of its historic built heritage and the natural environment.

**Policy AW2** - The policy provides for development in sustainable locations which are within the settlement boundary; would not unacceptably conflict with surrounding uses; and have good accessibility by a range of sustainable transport option.

**Policy AW5** – The policy identifies the appropriate amenity and accessibility criteria for new development proposals. It expressly states that the scale, form and design of the development should have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. In addition, the development would require safe access to the highway network and provide parking in accordance with the Council’s SPG.

**Policy AW6** - The policy supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Furthermore, proposals must be designed to protect and enhance landscape and biodiversity by providing measures for mitigation and enhancement, where appropriate.

**Policy AW7** - Supports development proposals that preserve or enhance sites of historic or archaeological importance.

**Policy AW8** - Seeks to protect and enhance the natural environment from inappropriate development.

**Policy AW10** - Development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding, contamination, land instability or any other identified public health risk.

### **Supplementary Planning Guidance**

- Design and Placemaking
- Access, Circulation and Parking Requirements
- The Historic Built Environment
- Nature Conservation

### **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), WG’s 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 9 – Resilient Ecological Networks – green infrastructure / ecology

SE Wales Policies

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

Other relevant national policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning

PPW Technical Advice Note 12: Design

PPW Technical Advice Note 24: The Historic Environment

Manual for Streets

## **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**

Both PPW11 and the LDP carry a strong policy presumption against development in the open countryside with the exception of, for example, those required for the purposes of agriculture, sustainable tourism or infrastructure projects.

However, as the preceding section sets out, where material considerations justify the grant of planning permission, but might not be considered to accord with all aspects of the LDP, it would not be unreasonable for a Planning Authority to give greater weight to the wider benefits of a development.

In this case, the proposed building and associated works would not be located within, adjacent or near to the settlement boundary, but the reason for this is that they are required for a specific purpose and activity at this particular location.

The Welsh Government has clearly set out its position in relation to ecology and green networks and has emphasised the need for developments be able to demonstrate a biodiversity net gain. The most recent versions of PPW have included these matters as a key component of placemaking and wellbeing, as has Future Wales.

Alongside the national planning policy framework, the Welsh Government has launched a number of related initiatives, including the Biodiversity Deep Dive, which seeks to protect 30% of the land, freshwater and ocean in Wales by 2030, and the Nature Recovery Action Plan for Wales.

The proposed development is part of that work and as the Council's Ecologist notes, is a major cross-boundary project. Set against that wider context and taking into account the benefits of restoring and managing a valuable and ecologically diverse landscape, it is considered that any concerns relating to the sustainability of the location are well-outweighed in the planning balance.

Consequently, subject to the material matters set out below, the principle of the development is considered to be acceptable.

## **Design and Layout**

With the exception of the wind turbine and the frame supporting the roof mounted PV panels, most of the proposed development would be of a single storey height and would make use of sustainable natural materials, particularly the use of timber cladding. The ancillary works to improve an existing forestry track are also relatively minor and low level.

Nonetheless, since this upland landscape comprises very rough ground of thick grass, dense scrub and coniferous trees it is appreciated that there is bound to be a small, adverse impact to the appearance of the site, albeit that the approach to the design of the building is a sympathetic one, its mass has been minimised in order to be as visually unintrusive as possible and the timber would weather well over time.

It is further noted that the site is part of a Registered Landscape of Outstanding Historic Interest and thus any wider impact on the qualities of that landscape are key considerations.

However, notwithstanding the large turbines of the Pen Y Cymoedd Wind Farm to the east and west, the location of the site and siting of the development mean that it would neither be very visible from lower ground or the Rhigos Road. Similarly, there are large sections of the forestry plantation which provide significant sections of screening to limit long views from other land at a similar elevation.



In terms of the relevant LDP policies, Policy AW5 aims to ensure that the scale, form and design of the development would not have an unacceptable impact which, for the reasons set out above, would seem to be achievable. Likewise, the development meets several of the criteria of Policy AW6, relating to renewable energy, design, landscape and biodiversity.

Lastly, Policy AW7 notes that over the plan period, the Council will seek to implement enhancement and management schemes to improve the character, quality and appearance of recognised landscape features. The Lost Peatland Project is an important part of that.

Therefore, in terms of the impact of the development on the character and appearance of the area, the proposal is considered to be acceptable.

### **Historic Environment**

Cadw has advised that it has no objection in respect of the Scheduled Monuments identified as GM101 Blaenrhondda settlement GM118 Ffos Toncenglau cross ridge dyke.

As outlined further above a Heritage Impact Assessment, prepared by the Clwyd-Powys Archaeological Trust, has been submitted in support of this application. Cadw notes that the HIA provides appropriate information on the impact of the proposed development on the settings of the scheduled monuments.

The HIA concludes that the proposed development will have a slight effect on Ffos Toncenglau dyke due to the introduction of a new distracting modern structure with glazing and solar panels, which might have glint and glare at certain locations if viewing the dyke in context from its southern end, however, no change would be evident for the Blaenrhondda settlement.

Cadw agrees with this conclusion and considers that the proposed development would not have a unacceptably damaging effect upon the settings of scheduled monuments GM101 and GM118.

Although concerns have been raised by the Council for British Archaeology, GGAT has advised that archaeological mitigation measures can be secured by a condition to require a written scheme of historic environment mitigation, which has been included below as condition 3.

The reason for this is although the ground has already been disturbed from previous plantation and clearance activity on site and significant archaeological features are unlikely to be present, GGAT suggests that scattered and disturbed prehistoric finds, flints and tools, and also deposits potentially rich in palaeoenvironmental remains, may be encountered during the construction of the proposed works.

## **Biodiversity and Ecology**

The consultation response received from NRW highlights that the development site is located approximately 200m from the Craig Y Llyn Site of Special Scientific Interest (SSSI), notified for its standing water supporting aquatic plants and plant communities associated with screes and upland cliff ledges.

The SSSI has other habitats that contribute to the special wildlife interest. These include areas of dry heath, marshy grassland, bracken, running water, acid grassland and wet flushes. These habitats support a wide range of species and contribute to the special interest of the site.

In respect of the proposed new building and ancillary works NRW has acknowledged that this would be located downhill from the SSSI with any flow pathways leading out of the site and away from it. NRW is therefore of the view that the development would not be likely to harm the features which characterise the SSSI.

Both NRW and the Council's Ecologist have recognised that the development would not affect any European Protected Species, with both requiring the proposed mitigation and enhancement measures outlined in the submitted Ecological Assessment, to be followed, hence the inclusion of condition 5, as recommended below.

## **Access and highway safety**

The Council's Highways and Transportation Section has provided the following observations:

### Access

The application site is served from the A4061 which is a strategic link road between the upper Rhondda Valley and the Cynon Valley. The A4061 carries a substantial amount of vehicular traffic.

There are no segregated pedestrian links leading to the site which means that the development would be being heavily reliant on the private motor vehicle to access it.

### Car Parking

The Design and Access statement indicates that remote parking will be used and people transported to the site via mini bus, although no information, for consideration, has been submitted with regard to the location of the remote parking.

There is concern that the proposed classroom facility could also be used as a community facility with no off-street car parking provision and it is also noted that the

nearby Hendre Mynydd car park, in the ownership of Natural Resources Wales, is well used and therefore cannot be guaranteed for use.

The Council's SPG for Access, Circulation & Parking sets out that a community facility requires 1 space per 10m<sup>2</sup> of floor space. Taking into account that the classroom facility would have a floor area of 56m<sup>2</sup> this indicates a need for 6 off-street car parking spaces, with none provided, which raises cause for concern. There is potential to provide the 6 spaces required and on this basis a condition has been recommended.

Although the details accompanying the application indicate the provision of secure cycle storage, to mitigate the impact of the proposal in terms of supporting sustainable modes of transport, due to the location of the site and topography it is likely that access by cycle would be achievable only by a seasoned cyclist.

### **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).

### **Conclusion**

The development would have a small adverse visual impact on the immediate environs of the site and the surrounding land. In addition, it would be located outside of settlement limits, in an unsustainable location and where such development would normally be resisted.

However, it is considered in the planning balance that the wider benefits of the application and the need for the building to be located in a convenient place, close to the land forming part of the project, are compelling reasons to recommend approval.

Furthermore, the Lost Peatlands Project Scheme aligns very well with national and local planning policy objectives to protect landscapes of high ecological value and promote biodiversity. Accordingly, the application is considered to comply with PPW11, Future Wales 2040 and LDP Policies AW5, AW6 and AW7.

### **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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 completed in accordance with the approved drawings and documents:

- 1937/000 - Site Location Plan
- 1937/S001 - Proposed Roof Block Plan
- 1937/S010 - Proposed Block Plan 2
- 1937/S100 - Proposed Ground Floor Plan
- 1937/S101 - Proposed Roof Plan
- 1937/S200 - Proposed North + South Elevation
- 1937/S201 - Proposed East + West Elevations
- 1937/S210 - Proposed North + South Long Elevations
- KWI-03-TW-09-201 - KW3 9m Tower system

and details and documents received on 1st October 2020 and 5th June 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall commence on site until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to any development commencing on site details of a scheme to provide off-street car parking for a minimum of 6 vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to beneficial use and remain for the parking of vehicles thereafter.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. The development shall be carried out in accordance with Sections 5 and 6 of the Ecological Assessment (Mike Shewring dated 27th September 2020). All enhancement measures outlined within Section 6 of the Assessment shall be installed prior to beneficial use of the development.

Reason: In the interests of biodiversity, European Protected Species and the natural environment in accordance with PPW11 and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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