

PLANNING & DEVELOPMENT COMMITTEE

9 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 23/0945/08 (GH)
APPLICANT: Rhondda Cynon Taf County Borough Council
DEVELOPMENT: Rhondda Fach Active Travel Route - Phase 2
LOCATION: FORMER MINERAL RAILWAY LINE FROM STATION ROAD, MAERDY, TO GRID REF. SS 98809 97765
DATE REGISTERED: 17/08/2023
ELECTORAL DIVISION: Ferndale and Maerdy

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:

REASONS: The proposed development would result in a substantial upgrading of the track for existing and new users. In addition to the improved surface and introduction of positive drainage measures, which will make the route safer and easier to use, it will also make all-year use more practicable and contribute to community health and wellbeing.

REASON APPLICATION REPORTED TO COMMITTEE

The application has been submitted by, or on behalf of the Council or involving land owned by the Council, where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning consent is sought for the construction of the second phase of the Rhondda Fach Active Travel Route.

The scheme covers a distance of around 7km and will eventually connect the site of the former Maerdy Colliery with Pontygwaith to the south-east, most of which will follow the alignment of the former mineral railway. The route will include links to communities, as well as schools and leisure facilities.

Phase 1 has already been completed and phase 2 will run from the southern side of Station Road, Maerdy, as far as grid reference SS 98809 97765; the latter being a point approximately 340m to the north of the A4233 at Ffaldau Terrace.

The phase 2 section is currently an unsurfaced footpath which is used by walkers and cyclists. This will be upgraded to a 3m wide route with a metalled surface and any surface water drained to the nearby river.

Whilst the majority of the route has a flat surface, it is noted that small areas of cut and fill will be necessary to maintain a constant running width and also for the repair of eroded areas.

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

- Ecological Impact Assessment
- Ground Investigation Report
- Preliminary Sources Study Report
- Arboricultural Statement
- Drainage Strategy

SITE APPRAISAL

The application site comprises an unmade or gravelled footpath between Station Road, Maerdy (opposite its junction with Institute Street) and an area to the north of Highfield Industrial Estate, Ferndale.

The path is a section of former railway line which connected Maerdy Colliery to its junction, at Porth, with the line from the Rhondda Fawr valley.

The surface area of the path to which the application relates is 0.89 hectares and has a length, as the crow flies, of approximately 1.5km.

All of the footpath is outside of the settlement boundary and passes close to or crosses over, the Rhondda Fach River. This section of the route includes two railway bridges.

The path is also within a Site of Importance for Nature Conservation (SINC) and a Registered Landscape of Outstanding Historic Interest in Wales.

PLANNING HISTORY

There are no recent or relevant applications on record with this site.

PUBLICITY

The application has been advertised by direct notification to eighty-two neighbouring properties and notices were displayed on site in eight locations.

No letters of objection or representation have been received.

CONSULTATION

Highways and Transportation

No highway objection is raised nor conditions suggested.

Flood Risk Management

The Applicant has outlined that surface water will be disposed of via SuDS and has provided a relevant surface water drainage strategy, which demonstrates surface water will be appropriately managed and disposed of on site. The Applicant has outlined discharge rates for the proposed layout and identified that the watercourse can cope with an increase in flows.

Public Health and Protection

An adequate desk top study and site investigation has been undertaken which demonstrates there are no unacceptable risks to potential receptors from contamination. Therefore, only conditions relating to contamination found during development and importation of soils are required.

Natural Resources Wales

Conditions are recommended to be attached to any planning permission to require a Precautionary Working Method Statement, Construction Environmental Management Plan and Habitat Management Plan.

Dwr Cymru Welsh Water

DCWW has provided sewer and water plans for the benefit of the developer, together with recommended informative notes.

Countryside Section – Ecologist

No objection, subject to a condition to secure ecological mitigation and enhancement measures.

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 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 CS2 - The policy emphasis in the Northern Strategy Area (NSA) includes the promotion of accessibility via investment in walking and cycling infrastructure.

Policy AW2 - 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 - 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 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 stability, noise, air pollution, or any other identifiable health risk.

Policy NSA23 - Identifies that the application site is part of an existing network of cycle paths and community routes that will be extended, improved and enhanced.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- 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 1 – Where Wales will grow – Employment / Housing / Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability / Placemaking

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 16: Sport Recreation and Open Space;
PPW Technical Advice Note 18: Transport;

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

In this case, the principle of the development does not relate to a change of use of the land since the former railway line has long been established as a community route and the improvements are required to enhance and preserve its long-term usage.

Nevertheless, the route from Maerdy to Pontygwaith, of which this application is part, has long been identified by LDP Policy NSA 23 as one of those to be developed and extended as part of the cycle network within the Northern Strategy Area.

PPW11 is also very supportive of active travel schemes that provide opportunities for non-car travel or recreational purposes and which fit in with wider sustainable development aims such as wellbeing and placemaking.

Therefore, subject to the other material matters considered below, the development is considered acceptable in principle.

Impact on the character and appearance of the area

The former railway alignment and the retained structures associated with it are already evident both from within the site and from some areas of adjacent land; hence the development is unlikely to result in a significant change in appearance.

It is appreciated that the use of a permanent surfacing material, such as tarmacadam, will create a more formal arrangement to what is currently an unmade surface of stone, dust and mud.

However, experience of other active travel routes indicates that where similar works have taken place it is a relatively short time before the immediate impact is softened by weathering and natural regrowth around its periphery. In addition, much of the route is already well-screened by the trees and scrub which cover large parts of the valley floor.

In light of the above, it is considered that the development would not be harmful to the context of the site or have an unacceptable landscape impact.

Impact on neighbouring occupiers

Unlike many former railway lines, much of this active travel route is located well away from neighbouring properties, e.g., in excess of 60m, with the exception of the north-eastern start point close to Station Terrace.

That said, the proposed development would not introduce a new land use, only formalise an existing one, and therefore its continued use for those purposes would not be considered to be of a kind which would conflict with the amenity of residents or other property owners.

Furthermore, for most of its length the route is well below that of Oxford Street and the A4233 and is well screened by mature vegetation. Both that and the absence of large above-ground structures means that the development would be very unlikely to cause an impact to third-party amenity.

Access and highway safety

The Council's Highways and Transportation Section has noted that the 3m wide route will primarily follow the direction of the former mineral line but will also include links to local communities and facilities such as schools and leisure centres.

Phase 2 of the Route begins to the south of Station Road, Maerdy and continues along the former mineral line as far as grid reference SS 98809 97765. The existing recreational route will be upgraded to a 3m wide shared use route.

The development will be managed by the Council's Strategic Projects Team and will, therefore, be constructed in accordance with standard detail drawings, which is acceptable.

Ecology

The Council's Ecologist has reviewed the Wildwood Ecology Phase I and II Ecological Impact Assessment and has undertaken a site visit/walkover with Wildwood Ecology, which provided a good context for assessment of the impacts of this application.

The Rhondda Fach Corridor includes a lot of SINC designated habitat, although the largely linear nature of the community route involves a relatively small footprint. The site supports a rich mosaic of habitats with woodland, scrub, grasslands, heath, wetland and river corridor. The Ecology Assessment has included an appropriate level of habitat and species assessment. The Assessment sets out key habitat/species impacts and Table 9 of Section 5 sets out the ecological mitigation and enhancement proposals.

The impacts on habitats are relatively minor and peripheral, and with careful and controlled construction methods, water pollution prevention and management mitigation or enhancement of adjacent habitat areas, the Ecologist is confident that

habitat impacts can be mitigated, and effective biodiversity enhancement is achievable.

An appropriate suite and range of species surveys have been undertaken. There are potential species impacts but given the relatively small direct impacts of the scheme, plus the avoidance of lighting and the implementation of precautionary mitigation measures, those impacts are mitigable.

A key component of the scheme will be the delivery of effective biodiversity mitigation and enhancement in the form of a habitat management plan for the community route and surrounds, primarily in the form of wildflower/heath management and small scale scrub/woodland management.

Therefore, the application has been supported by appropriate ecology assessment work, and that effective mitigation and enhancement is available. Consequently, any planning permission will need to be subject to a condition to secure all ecological mitigation and enhancement measures identified, together with an additional habitat management plan requirement.

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 principle of the surfacing of the community route and associated engineering works would comply with LDP Policy NSA23 which establishes that the site is part of a wider network strategy.

The development would help to improve accessibility in line with Policy AW2 and would align well with national planning policy, in the form of PPW11, TAN16 and the National Sustainable Placemaking Outcomes which seek to support the health and wellbeing of communities and improve sustainable travel opportunities.

Furthermore, the location of the site and the nature of its use means that it would not have a detrimental landscape impact and would not physically affect the amenity of the nearest neighbouring properties.

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:
 - P187-S2-71-01 P00
 - P187-S2-71-02 P00
 - P187-S2-71-03 P00
 - P187-S2-71-04 P00
 - P187-S2-71-05 P00

and details and documents received on 17th August 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 take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) A scheme for the delivery of all biodiversity mitigation and enhancement measures set out within Table 9, Section 5 of the Ecological Impact Assessment (Wildwood Ecology, dated 19th July 2023).
 - (ii) A Habitat Management Plan

Development shall be carried out in accordance with the approved details.

Reason: In the interests of ecology and to deliver a biodiversity net gain in accordance with PPW11 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Precautionary Working Method Statement has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved statement.

Reason: To ensure protected species are adequately protected during the construction phase in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by

the Local Planning Authority. The CEMP shall include the following measures:

- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Daily visual inspection of the Rhondda Fach to ensure pollution prevention.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

Development shall be carried out in accordance with the approved plan.

Reason: To ensure necessary management measures are agreed and implemented for the protection of the environment during construction in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. 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 suitably qualified independent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a suitably qualified independent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.