

PLANNING & DEVELOPMENT COMMITTEE

23 November 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/0823/10 (GRD)
APPLICANT: Cornerstone
DEVELOPMENT: Installation of a 35m lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 1 no. equipment cabinet, 1 no. meter cabinet and ancillary development thereto, including a generator and associated fuel tank, a fenced compound for the Shared Rural Network project on behalf of Cornerstone (Amended plans received 25/05/2023 and Ecological Assessment Received 05/10/2023)
LOCATION: LAND AT RHIGOS FORESTRY, RHIGOS ROAD, RHIGOS, ABERDARE
DATE REGISTERED: 13/07/2022
ELECTORAL DIVISION: Hirwaun, Penderyn and Rhigos

RECOMMENDATION: Approve, Subject to conditions

REASONS: Whilst it is acknowledged that the new lattice tower and equipment would form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough. Due to the design and siting of the proposal, it is not considered that the development would harm the character of the area or the qualities of the local landscape.

The proposal would also not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. No objections were received from the Council's Ecologists or Natural Resources Wales following consultation and as such, the proposal is considered compliant with Policy AW8 of the Local Development Plan.

It is also noted that the development would conform with ICNIRP (International Commission on Non-Ionizing Radiation Protection) and would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

REASON APPLICATION REPORTED TO COMMITTEE

- This application is reported to Committee as it is a full application for a telecommunications mast and associated apparatus.

APPLICATION DETAILS

Full planning permission is sought for the installation of a telecommunications mast, associated apparatus and palisade fencing on a small parcel of land at Rhigos Forestry. The works would comprise of the following:

- 1 no. 35m high lattice tower mast on a concrete foundation. The lattice tower mast would be painted olive drab colour and would accommodate 3no. antennas, 2no. transmission dishes;
- 1 no. equipment cabinet and 1no. meter cabinet to house the necessary associated equipment;
- 2.4m high palisade fencing painted fir green, including an access gate along the northern boundary.

The applicant has detailed that the radio base station and associated equipment is required to improve service provision for Vodafone Limited and Telefonica UK Limited, ensuring that the latest 4G service provision is provided in this area. The proposal is also part of the UK Government backed scheme called Shared Rural Network (SRN), which is a collaboration between the Mobile Network Operators (MNO) Vodafone and Telefonica, and the UK Government to improve 4G coverage for people living, working and travelling in poorly served rural areas.

The applicant further notes that as part of Cornerstone's continued network improvement programme, and the UK Government's aspiration to broaden geographic coverage to 95% of the UK by the end of 2025, there is a specific requirement for a new installation at this location to provide 4G coverage and capacity, ensuring this area of Rhigos and its rural surroundings have access to good, reliable advanced telecommunications.

The applicant has included details of six alternative sites considered prior to selecting the proposed site and design and concluded that the application site was considered the best option and represents the least environmentally intrusive, technically suitable, available option.

It is also noted that a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines has been submitted with the application stating that the proposed installation would be operated in full

compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

Amended plans were provided on 25/05/2023 with a slight amendment to the design of the telecommunications mast. Furthermore, an ecological assessment was provided for the Local Planning Authority's consideration on 05/10/2023.

SITE APPRAISAL

The application site forms a small parcel of land located at Rhigos forestry. The site is in a relatively isolated position located approx. 300m to the south of Llyn Fawr and located approx. 2.4km to the south of the village of Rhigos. The site would be accessed via an unnamed track which joins Rhigos Road (A4061).

The application site is set back approx. 160m from the top of an escarpment and lies in marshy grassland surrounded by pockets of coniferous plantation. To the northeast of the site, approx. 350m away, lies part of the Zip World Tourist Attraction.

The application site lies outside settlement boundary limits and within an identified Site of Importance for Nature Conservation (SINC), specifically the Mynydd Blaenrhondda and Mynydd Ty-isaf SINC.

PLANNING HISTORY

09/1311/04: APPROXIMATELY 47 KM² OF LAND SOUTH OF THE HEADS OF THE VALLEYS ROAD (A465) BETWEEN NEATH & ABERDARE, TO THE NORTH OF MAERDY, TREORCHY, & GLYNCORRWG AND TO THE EAST OF TONMAWR. *'Application under S36 of the Electricity Act. Construction/operation of a 299MW wind turbine generating station (84 turbines, 4 anemometry masts and associated infrastructure.'* Granted, 07/10/2011

16/0238/38: APPROXIMATELY 47 KM² OF LAND SOUTH OF THE HEADS OF THE VALLEYS ROAD (A465) BETWEEN NEATH & ABERDARE, TO THE NORTH OF MAERDY, TREORCHY, & GLYNCORRWG AND TO THE EAST OF TONMAWR: *'Discharge of Condition 16 (Traffic Management Plan) for planning application 09/1311/04'*. Withdrawn, 04/04/2016

16/0803/38: PEN Y CYMOEDD WIND FARM. *'Discharge of Conditions 47 and 48 (Habitat Management Programme ("HMP")) of planning permission 09/1311'*. Granted, 24/05/2017

PUBLICITY

The application has been advertised by means of site notices. No third-party representations or objections have been received.

CONSULTATION:

Rhigos Community Council

No adverse comments received.

Local Highway Authority

No objections.

Flood Risk Management

No objections.

Public Health & Protection

No objections. Condition and advisory notes recommended.

Natural Resources Wales

No objections, subject to condition.

Wales & West Utilities

No adverse comments received.

Health and Safety Executive

No adverse comments received.

Rights of Way Officers

No adverse comments received.

Ecology

No objections, subject to conditions.

Ministry of Defence

No adverse comments received.

Civil Aviation Authority

No adverse comments received.

Cardiff Airport

No objections.

National Air Traffic Services

No objections.

Neath Port Talbot CBC

No objections.

Bannau Brycheiniog (Brecon Beacons) National Park Authority

No adverse comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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.

The application site relates to a parcel of land located outside settlement boundary limits and within an identified Site of Importance for Nature Conservation (SINC). The following policies are relevant in the determination of this application:

Policy CS1 (Development in the North): sets out criteria for achieving strong, sustainable communities in the Northern Strategy Area.

Policy AW2 (Sustainable Locations): advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 (New Development): sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 (Design and Placemaking): requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW8 (Protection and Enhancement of the Natural Environment): seeks to ensure that developments would not unacceptably impact upon features of importance to landscape or nature conservation.

Policy AW10 (Environmental Protection and Public Health): outlines that development proposals would not be permitted where they would cause or result in a risk of unacceptable harm to health and/ or local amenity.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Planning Obligations

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
- Policy 13 – Supporting Digital Communications
- Policy 14 – Planning in Mobile Action Zones

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 18: Transport;
PPW Technical Advice Note 19: Telecommunications;
PPW Technical Advice Note 23: Economic Development

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

This application seeks full planning permission for the installation of a telecommunications mast and associated ground-based equipment cabinets at Land at Rhigos Forestry.

It is acknowledged that the application site is located outside settlement boundary limits; however, due to the nature of the proposal and that the proposed telecommunications mast forms part of the UK Government backed scheme called Shared Rural Network (SRN) to improve 4G coverage for people living, working and travelling in poorly served rural areas, it is considered acceptable and appropriate to locate such apparatus in a more rural area.

Additionally, the scale and design of the proposed mast and associated cabinets are confined to what is operationally required to implement the latest 4G telecommunications network in the area.

Planning Policy Wales identifies that adequate and efficient telecommunications infrastructure is crucial for economic and social sustainability and that the availability and exchange of information afforded by telecommunications ensures people are connected to important services, their communities, and the wider world for long term prosperity. It is noted that the installation would improve telecommunications provisions within the surrounding area and would therefore support national planning policy aims.

The proposed development is therefore considered acceptable in principle, subject to an assessment of the criteria identified below.

Visual Impact

Given the nature of the proposed development, a 35m high lattice mast and associated cabinets and palisade fencing would inevitably form a visible feature. However, although tall, the mast would have little mass and its lattice construction would allow for some transparency which would enable it to blend into the hillside and against the skyline. The proposed structure and associated cabinets and fencing would undoubtedly introduce visual change to its immediate context; however, it is not considered that this would cause harm to the wider quality of the landscape.

The general design and appearance of the development would be considered acceptable and typical of the design of more modern telecommunications masts that are commonly found throughout the Borough. Additionally, the proposed mast would also be somewhat screened by trees to the north and south of the site, obscuring views of the proposed structure when viewed from further afield. It is also considered that the associated 2.4m high palisade fencing and cabinets are considered relatively low in height and would be unobtrusive in the wider landscape.

Furthermore, it should be noted that the Pen y Cymoedd Wind Farm lies to the south of the application site, where large wind turbines form a prominent addition within the

landscape. Within this context, the proposed lattice mast would not be considered to form an overly prominent addition within the landscape which would detriment the qualities of the local landscape.

Overall, the visual impact of the proposed mast is considered acceptable and would not be considered to harm the character of the site or qualities of the landscape at this location.

Impact on residential amenity and public health

The application site is in a rural location with no immediate neighbouring properties. Therefore, given the nature of the proposed development, it is not considered that the introduction of a mast at this location would impact upon the amenity or privacy standards of residents in the locality.

It is also noted that a declaration of conformity with ICNIRP (International Commission on Non-Ionizing Radiation Protection) Public Exposure Guidelines has been submitted with the application stating that the proposed installation would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

As such, it is not considered that the proposed apparatus would have an undue impact on the health and safety of residents within the wider locality. It is also noted that following consultation, no objections were received by the Council's Public Health and Protection Department.

Access and highway safety

No objections have been received or conditions suggested from the Local Highway Authority following consultation. The Local Highway Authority consider that the mast would come in smaller lengths and would be assembled on site, reducing the size of delivery vehicles which are required. The Local Highway Authority therefore consider that the proposal relates to a relatively small scale of operation and the proposed mast would be accessed off an existing approved access track. Overall, the development does not raise highway safety concerns.

Ecology:

The application site is located approx. 50m from the Craig-y-Llyn Site of Special Scientific Interest (SSSI). The SSSI is noted for its high cliffs, ravines, and flushes, that support many montane species of plants on the cliffs and bryophytes on flat boulders on the plateau. In the waterbody known as Llyn Fach occurs a range of scarce and important plant species, some in their southernmost range and which are dependent upon good water quality. Bryophytes are known to be sensitive to air borne pollution.

Natural Resources Wales (NRW) consider that, due to the nature of the development, which includes an assumed range of construction techniques, use of concrete fuel and other potential air and water borne pollutants that have not been explained by the developer but implied through the information provided, there appears to be a variety of potential pollution sources and pathways that could impact on the designated features.

Consequently, given that there are potential pathways for pollution to the adjacent Craig y Llyn SSSI from the proposals, NRW have raised concerns about potential impacts during construction and from fuel storage post construction. As such, NRW have suggested that further information regarding the potential for pollution and mitigation techniques should be sought via a Construction Environmental Management Plan (CEMP) secured by an appropriately worded condition.

The site is also located within the Mynydd Blaenrhondda and Mynydd Ty-isaf Site of Importance for Nature Conservation (SINC). An Ecological Assessment has been submitted in support of the planning application. NRW have noted that the detail and recommendation put forward in relation to breeding birds as suitable. NRW have also agreed to recommendations set out in the report regarding heras fencing to minimise the extent of works and that turf removed to facilitate works would be stored separately and reused on completion of works.

Some concerns were raised by the Council's ecologists with regards to water voles possibly being present at the site; however, the Ecological Assessment confirmed the absence of water vole habitat on site, and NRW have confirmed that they are satisfied that the proposed development would not impact upon water voles at this location. As such, no objections were raised by the Council's ecologists in this respect. Additionally, following the submission of an Ecological Assessment, the Council's Ecologists have confirmed that they offer no objections to the proposal subject to conditions ensuring the delivery of biodiversity enhancement identified within the ecological assessment.

Overall, the proposal would not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. The development is therefore considered compliant with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Other Issues:

No objections were raised by the Council's Flood Risk Management section following consultation.

No objections have been received from the Council's Public Health and Protection division in respect of the application, they did however suggest several conditions be attached to any consent in relation to construction noise, waste, and dust. Whilst these

comments are appreciated, it is considered that construction noise, dust and waste matters can be more efficiently controlled by other legislation. Therefore, it is considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Following Consultation. No objections were received by Brecon Beacons National Park or Neath Port Talbot Local Planning Authorities.

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

Whilst it is acknowledged that the new lattice tower and equipment would form visible features in the immediate locality, the general design and appearance of the additions are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough. Due to the design and siting of the proposal, it is not considered that the development would harm the character of the area or the qualities of the local landscape.

The proposal would also not be considered to harm the features of the Site of Importance for Nature Conservation (SINC) and would have no unacceptable impact upon features of importance to landscape and nature conservation. No objections were received from the Council's Ecologists or Natural Resources Wales following consultation and as such, the proposal is considered compliant with Policy AW8 of the Local Development Plan.

It is also noted that the development would conform with ICNIRP (International Commission on Non-Ionizing Radiation Protection) and would be operated in full compliance with the requirements of the radio frequency (RF) public exposure limit of the ICNIRP and UK legislation.

In light of the above, the application is considered to comply with the relevant policies of the Local Development Plan and is recommended for approval.

RECOMMENDATION: Approve, subject to 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 unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Site Location Maps. Drawing Number 100. Rev B
- Proposed Site Plan. Drawing Number 200. Rev D
- Proposed Site Elevation. Drawing Number 300. Rev D

And documents received by the Local Planning Authority on 05/07/2022, 25/05/2023 and 05/10/2023 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 or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoils, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Control of Nuisances: details of dust control measures and measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Pollution Prevention: details to demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Landscape/ ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason: A CEMP ensures necessary management measures are agreed prior to commencement of development and are implemented for the protection of the environment during construction, in accordance with Policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the approved plans, development shall be carried out in accordance with the recommendations, mitigation and enhancements set out in Section '5. Assessment' of the Ecological Assessment (October 23) Issue 3, undertaken by the ecology Practice, dated 05/10/23.

Reason: In the interest of nature and ecological conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.