

## **PLANNING & DEVELOPMENT COMMITTEE**

**05 DECEMBER 2024**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 24/1049/GREG (CHJ)  
**APPLICANT:** Rhondda Cynon Taf County Borough Council  
**DEVELOPMENT:** Construction of a cycle pump track with associated drainage, signage and landscaping plus use of remainder of site for landscaping/natural regeneration, and habitat/ecological mitigation measures.  
**LOCATION:** Station Road Ferndale  
**DATE REGISTERED:** 17 October 2024  
**ELECTORAL DIVISION:** Ferndale And Maerdy

---

**RECOMMENDATION: Approve**

**REASONS:** The development will provide a valuable community facility utilizing (most of) the material from Site RS-A1 used in the storage of slipped material from the land slide event following Storm Dennis in February 2020. As well as providing a community facility and negating the need for such a large volume of material to be transported off site through the local streets and wider highway network, the development will provide ecological enhancements for the benefit of the local ecosystems as well as permanently blending the slipped/tipped material into the landform.

---

#### **REASON APPLICATION IS REPORTED TO COMMITTEE**

The nature of the development, given its history of determination by Committee is of a nature that would again benefit from Committee's consideration.

#### **BACKGROUND**

On Sunday 16<sup>th</sup> February 2020, Storm Dennis caused the Llanwonno Upper Tip to fail above the village of Tylorstown resulting in a large landslip followed by a smaller secondary event.

The result was that approximately 30,000 cubic metres of slipped colliery tip material filled the valley bottom from the toe of the slope outwards in an extremely low angled and widely distributed debris envelope, filling the Afon Rhondda Fach's channel and diverting its course to the western side of the valley bottom.

The diverted river started to erode the western bank creating a 5-metre vertical and unstable face which threatened to undermine the Rhondda Fach Leisure Centre overflow car park (adjacent to the top of the bank).

The slipped material seriously damaged and breached a main sewer beneath the leisure centre, felled numerous trees in its wake and covered a water main below a former railway line used as a non-motorised leisure route.

Urgent work had to be undertaken to move the slipped material to prevent further damage and three parcels of land, conveniently located close to the slip were identified as capable of safely accommodating the large amount of material that was required to be stockpiled. These included the application site that forms this application (RS-A1) and two other sites that were designated as Receptor Sites (RS) A2 and B.

Members may recall that two Planning applications were submitted (partially in retrospect) for the temporary deposit of the slipped material covering the three sites. These applications were approved by Committee in January 2021 (applications 20/1312 & 20/1313 refer). Both applications were subject of the same conditions which required the submission of further details pertaining to a finished landform and any proposed after-use. The condition (2) read:

*Within 2 years from the date of consent, a scheme for the removal/reprofiling of the tipped material (including restoration and environmental mitigation and enhancement measures) shall be submitted to, and approved in writing by, the Local Planning Authority. The material shall be removed / reprofiled in accordance with the scheme as may be approved before the expiry of 3 years from the date of this consent and the environmental mitigation and enhancement measures carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority).*

**Reason:** *To clarify the duration of the consent and to ensure that the site is returned to its original condition, or the Local Planning Authority has the opportunity to formally consider an alternative proposal in the interests of Ecology and Visual Amenity in accordance with Policies AW5, AW8 & AW10 of the Rhondda Cynon Taf Local Development Plan.*

This application effectively represents a formal submission (as a detailed application) of the details that would have been required by the condition.

## **APPLICATION DETAILS & SITE APPRAISAL**

The application has been accompanied with the following documents:

- Design & Access Statement
- Community Infrastructure Levy Declaration
- Outline Drainage Statement

- Transport Statement
- Flood Consequence Assessment and
- Coal Mining Risk Assessment

The site area measures 9625 sq.m. and incorporates the full extent of RS-A! as shown in the aforementioned applications. It does, however, extend the original boundary slightly to the south-east corner to include a section of previously cleared valley side, and further westward in order to include a section between the site and the nearby footpath/cycleway which is being upgraded to Active Travel Route status.

A section of the site (approximately a quarter) will be used to create a pump track which is primarily for use by BMX-style bikes as well as balance bikes and scooters. The track will be able to be used by riders of varying abilities.

Committee is advised that the essential difference between a “pump” and “BMX” track is that the former is designed so it can also be used without the need for the user to pedal or push – the momentum of the rider being generated by the inclines, undulations and their skill levels.

The track is proposed to occupy part of the sloped valley side below the tree line and a section of flatter ground to the west. It will consist of straights, banked turns, cambered turns and bumps. The undulations and embankments will be built up by the addition of imported material – this will negate the need to cut into the existing profile of the valley side and, potentially, affect its stability. The final design (of the undulating surfaces) is not yet complete however it is not considered to be the role of the planning process to deliberate over the technical (“sporting”) aspects of a facility such as this however, if Committee is minded to approve the application, a condition is included to the effect that the final details are submitted as a record of what the finished track will comprise.

The track will be surfaced with asphalt, whilst the infield and battered slopes either side of it will be covered with imported topsoil and landscaped for ecological benefit. A short link will be provided directly to the alignment of the nearby footpath/cycleway allowing users to access the track easily. This section will be surfaced in crushed stone.

Drainage of the track has become a key component of the project, and the final design complies with the SuDS principles (for which a separate consenting regime will need to be sought).

The majority of the application site will not be affected by the pump track and will be left to regenerate naturally. Signs of this “return to nature” can currently be seen on site and is progressing satisfactorily. Areas between asphalt sections will involve the deposition of topsoil and will be seeded with mixes intended to replicate the species taking hold naturally, elsewhere on the site.

Small areas around the periphery of the site to create habitat refuges for reptiles will be provided away from the pump track activity.

A small part of the application site falls within the Blaenllechau Woodland Site of Interest for Nature Conservation (SINC). This area will not be affected by the pump track, or any other changes being proposed.

In terms of its history, the site is known to have been former colliery railway sidings. Any mining beneath the application site is known to be at a significant depth. Shafts 1 & 5 are well documented and are to the west of the application site. Therefore, no specific mitigation for any coal mining hazards are required.

Vehicular access (to a parking area) is achievable to a small area immediately off Station Road in Ferndale. No change in this arrangement is made as part of the proposal and the track and leisure route is not available to vehicular traffic (other than construction and maintenance vehicles).

The construction period is due to take approximately 8 weeks.

## **PLANNING HISTORY**

The only record of any planning applications registered to the site within the last 10 years is the temporary application approved to deposit landslip material.

### **20/1312/08**

Temporary deposit and storage of approximately 8,000m<sup>3</sup> of material from Tylorstown landslip consisting of the formation of stockpiles, material consolidation, drainage, habitat/ecological mitigation measures and associated works. (Part Retrospective)  
Station Road, Ferndale  
Approved January 2021

A related application associated with the landslip event is:

### **22/1477/08**

Permanent retention of approximately 740m<sup>3</sup> of material from Tylorstown landslip, landscaping and habitat/ecological mitigation measures and associated works.  
Land to the South of Station Road, Ferndale.  
Approved

## **PUBLICITY**

As part of the application notices were placed on site in addition to direct notification of those properties adjacent to the site. As a result, **NO** letters (or other correspondence) was received.

It is also understood that the applicant also carried out their own consultation exercise as part of the project.

## **CONSULTATION**

Highways & Transportation – no objection

Countryside – no objection

Drainage – no objection (subject to separate SuDS consenting)

The Coal Authority – no objection

Public Health & Protection – no objection

## **POLICY CONTEXT**

### National Planning Policy

In the determination of planning applications regard must 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 (PPW) Edition 12 was issued on 7<sup>th</sup> February 2024. It incorporates the objectives of the Wellbeing of Future Generations (Wales) Act into Town & Country Planning and sets out the Welsh Government's current policy position on planning issues relevant to the determination of all applications.

Future Wales: The National Plan 2040 sets out the National Development Framework for Wales (NDF) - this is WG's current position on planning policy at a regional and national level, although it should form the basis of all decisions.

The thrust and general context of each of the above policy documents are aimed at sustainable development.

PPW is supplemented by a series of Technical Advice Notes (TANs) and Welsh Government Circulars. Together these documents provide the framework for the development and operation of local planning policy and development management.

The following documents are therefore considered to be material considerations that must be taken into account:

- TAN 5: Nature Conservation and Planning (Welsh Government, 2009)
- TAN 15: Development and Flood Risk (Welsh Government, 2004)
- Circular 22/87 - Development of Contaminated Land (Welsh Office, 1987)

### Local Planning Policy

Included in the LDP list of objectives is that seeking to deliver a better quality of life by encouraging *“a healthy and safe lifestyle and promotes well-being through improvement in access to green space in the north, ...and the protection of recreational space throughout the County Borough.”*

- **Core Policies:**

### **Policy CS 1 – Development in the North**

Ferndale is identified as a key settlement within the Northern Strategy Area and this policy seeks to promote “*accessibility by securing investment in ...walking and cycling*” and “*new forms of employment in the leisure and tourism sectors*.”

- **Area Wide Policies:**

#### **Policy AW 5 - New Development**

This policy seeks to control the impact of proposals on local amenity and accessibility referring specifically to a number of tests to ensure they do not result in unacceptable harm. Policy AW 6 - Design and Placemaking is also considered to be relevant to these considerations. The most relevant tests and the applicant’s response to each are listed below.

#### **Policy AW 6 - Design and Placemaking**

This policy requires development to involve a high-quality design and to make a positive contribution to place-making.

#### **Policy AW 8 - Protection and Enhancement of the Natural Environment**

This policy seeks to protect the natural environment from non-sustainable development. It set out a number of tests against which development proposals will be judged.

#### **Policy AW 10 - Environmental Protection and Public Health**

This policy reinforces within the public health context.

- **Strategy Area Policies:**

#### **Policy NSA 20 - Major Road Schemes**

This policy requires that land will be safeguarded for the implementation of additions to the strategic highway network. It includes the proposed route of the Upper Rhondda Fach Relief Road the line of which follows the former railway line adjacent to the application site. A section of this route from Porth to Pontygwaith was opened in 2006/7 and there are currently no active plans to extend this route to Ferndale. Whilst the prospect of a scheme coming forward within the current plan period is unlikely the proposed development is not considered one that would prevent its implementation.

#### **Policy NSA 23 - Cycle Network Improvements**

This policy promotes the extension, improvement and enhancement of the existing network of cycle paths. It specifically highlights the route from Pontygwaith to Maerdy which would pass through Ferndale as being a priority.

### **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 an 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.

The application before Committee proposed, in simple terms, a retention of the material deposited after the landslide of 2020 and, on part of that area, the creation of a track for the use by bicycles and (non-motorised) scooters.

Many of the issues pertinent to the consideration of this application have already been considered and approved as part of the 20/1312 and 20/1313 applications. Had the timescales permitted, the details being proposed could have been considered under Condition 2 of that (those) consent(s) which were included simply to enable the Local Planning Authority to consider a permanent retention of the material and any implications of a proposed after-use where the main focus of those applications was to regulate the necessary storage of material following the landslip. As part of those applications, the landform being provided was considered appropriate and it was always likely that a preferred option would be to utilize the slipped material into an appropriate landform rather than the considerations of transporting the material off site for which a major consideration would be the significant vehicular activities associated with transporting this material off site through the narrow streets of that area (as well as the costs associated with it).

The material considerations in the determination of this application are highway safety, ecology and sustainability. There are peripheral considerations of anti-social behaviour and vandalism of the facility, but these sit largely outside of the Planning system.

The Council's Highway & Transportation Section are satisfied that any vehicular activity associated with the construction of the facility is relatively low and short-lived and have offered no objection. No additional vehicular traffic would be able to use the proposed facility, or the active travel route and no objection has been received.

In terms of ecology, both the retention of the material as originally deposited and the reprofiling of the existing material achieves not only ecological mitigation but also enhancements to the site and its surroundings. Rather than "artificial" landscaping simply to enhance the visual amenities of the site, areas will be allowed to regenerate naturally and where seeding and planting is proposed, it will be using methods to match the vegetation already found in the area and species friendly vegetation aimed at encouraging biodiversity-rich habitats. The Council's Ecologist has been involved during the preparation of this project/application and has offered no objection to the proposals.

In terms of sustainability, the development (other than in its construction phase) would not have any impact by increasing vehicular traffic to the site and the reuse and reprofiling in-situ of the slipped material has significant sustainability benefits over the

alternative of transporting the material off site. The provision of a bike facility adjacent to an existing (non-vehicle) track is also considered both sustainable and would also add a valuable facility to the wider community to the benefits of both health and wellbeing,

The development is considered to be policy compliant at both national and local levels however the proposal is of a relatively small scale that the policies can only be applied in a broad sense.

### **Community Infrastructure Levy**

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).

In light of the above comments, the following **RECOMMENDATION** is made:

#### **RECOMMENDATION:** Approval 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 following plans and documents:

- Design, Access & Planning Statement
- Community Infrastructure Levy Declaration
- Outline Drainage Statement
- Transport Statement
- Flood Consequence Assessment
- Coal Mining Risk Assessment
- Receptor Site A1 - Location Plan
- Receptor Site A1 - General Arrangement
- Receptor Site A1 - Site section
- Receptor Site A1 - Landscaping Plan

received by the Local Planning Authority unless other to be approved and superseded by details required by other conditions attached to this consent.

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



- 3 Notwithstanding the details submitted, prior to its first beneficial use, a copy of the final design for the pump track shall be submitted to the Local Planning Authority and construction shall have been completed in accordance with the plan.

Reason: To clearly define the scope of the consent.