REDSTART

Tylorstown Landslip - Phase 4

Design, Access and Planning Statement

November 2021

Contents

1. Introduction and Contents

1.1 Purpose

1.1.1 This statement has been prepared by Redstart acting on behalf of Rhondda Cynon Taf Borough Council (RCT). It forms part of a planning application submitted for works to facilitate the removal of the majority of the remaining material from the Llanwonno Upper Tip to a new site adjacent to the east of the Old Smokey tip, the use of the remainder for the restoration of parts of the hillside profile and the reclamation through natural regeneration of both sites. The report incorporates the elements of both a design and access statement and a supporting statement.

1.2 Welsh Language

1.2.1 The following reports and plans forming part of this application are also available in Welsh:

- Design, Access and Planning Statement (this document);
- Environmental Statement Non-Technical Summary; and
- General Arrangement Plans.

1.3 Background and Project Rationale

Tylorstown Landslips

1.3.1 On Sunday 16th 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.

1.3.2 The result was that approximately 60,000m^3 of colliery tip material slipped down the hillside of which about half 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 began eroding the western bank of the river creating an approximately 5m vertical unstable face and threatened to undermine the Rhondda Fach Leisure Centre overflow car park adjacent to the top of the bank.

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

1.3.4 Emergency works were undertaken to address the threats and damage from the landslip and two planning applications for the temporary storage of the material, on two separate sites, were approved. These sites have now been established and complete Phases 1, 2 and 3 of the remediation process. A further application for the permanent profiling and use of these sites is under preparation, on the basis that the material deposited on these two sites will be retained there.

National Context

1.3.5 Shortly after the landslip at Tylorstown, the Welsh First Minister and the UK Government's Secretary of State for Wales met and agreed to establish a joint taskforce to assess, as a matter of priority and urgency, the status of coal tips in Wales and review the existing policy and legislative framework relating to disused coal tip management.

1.3.6 Subsequently the Coal Tip Safety Taskforce (CTST) was established to undertake this work in cooperation with key partners such as the Coal Authority, Local Authorities, the

Welsh Local Government Association (WLGA) and Natural Resources Wales (NRW).

1.3.7 At the time of writing, the CTST has organised an initial review of 2,456 disused coal tips in Wales, mostly in the South Wales valleys. In this first review the tips were assessed in terms of the possible impacts of a landslip, collapse or loss of structural integrity; therefore, they did not judge how dangerous or likely the tip is to collapse but rather the impacts if it did. Five 'risk' categorisations of tips were developed, with those in the highest two categories (C and D) being judged as having a 'higher potential risk'. The country has 327 tips in these higher categories with RCT alone containing 75 (23%) of them, with the largest number of any local authority in Wales of the highest category D tips.

1.3.8 Further inspections of the higher category tips have sought to identify their maintenance requirements and the timescales within which these works need to be completed. Local authorities have been asked to ensure that any necessary works identified from the inspections are carried out leading already to a number of programmes of work beginning.

1.3.9 The CTST also considered whether the current legislation is fit for purpose, in relation to inspection and maintenance regimes, particularly in the light of the increasing effects of climate change. The conclusion was that reform was required and The Law Commission were subsequently asked to undertake a review which is set to report early in 2022.

1.3.10 As part of the process The Law Commission published an initial outline of a potential new regime to manage the issue in a comprehensive way, which was consulted upon in their paper '*Regulating Coal Tip Safety in Wales - A Consultation Paper*' (The Law Commission, 9th June 2021). In the paper it considered the issue of alternative uses for the tips and quoted contributions from the WLGA who "*mentioned the national habitat creation programme which looks to mitigate the environmental loss caused by works done. Coal tips could be regarded as a bank of land for biodiversity. NRW said the same about the carbon capture and the biodiverse potential of coal tips. Coal recovery is no longer regarded as a good option.*" (para. 761)

1.3.11 The paper further discussed the reclamation projects for those tips having to be treated, this was in the context of sites having very little, if any, economic value if reclaimed. It stated in paragraph 10.136:

"*Sustainable development principles under the Well-being of Future Generations (Wales) Act 2015 and Environment (Wales) Act 2016 could guide policy choices around tips. These principles include the need to consider the long-term public good.*

…The sustainable development principles can work to re-shape concepts of economic value in the context of the climate crisis. As we discussed earlier in this paper, one option would be to use reclaimed tips for carbon capture or for the protection of biodiversity."

Biodiversity and Coal Tip Reclamation

1.3.12 The safety of people and property will be the principal concerns of any reclamation scheme, however, at the same time it is essential, where work is required, that the tips are put to the most beneficial use following any work required and that this use is considered in the design of any proposed works at an early stage. The wider sustainability agenda can provide a context for one such beneficial use.

1.3.13 It is therefore proposed that the work at Tylorstown will trial a natural regeneration approach that seeks to demonstrate that tips disturbed and/or relocated can be reclaimed in this way and provide positive benefits to both biodiversity and the community.

1.3.14 The Llanwonno Upper Tip and Old Smokey are already within recognised sites of locally designated nature conservation importance, a scenario which will be typical of many tips requiring treatment throughout the country. The basis of the restoration proposals is the delivery of ecological mitigation, management and enhancement, together with the wider objective of improving drainage and informal public access and engagement. Both sites will be subject to natural regeneration proposals offering the potential to promote and conserve important and iconic Valley's habitats in a way that will maximise the ecological and social benefits. In addition, a new nature reserve is proposed at the Old Smokey site linked to the re-routing of a public footpath along its perimeter.

1.3.15 If successful, the project will not only provide a template for other similar tip reclamation projects but also contribute learning to other local and regional management initiatives.

Materials Management – The CL:AIRE Code of Practice

1.3.16 As part of the process of achieving the proposed beneficial re-use of the material, it is intended to follow the Definition of Waste: Code of Practice (DoWCoP). This provides a regulatory approved approach to the movement of excavated material developed by CL:AIRE, a respected organisation established to stimulate the regeneration of previously used land in the UK. This provides an auditable framework for the work through the development of a Materials Management Plan to demonstrate compliance with DoWCoP so that the material can be managed for a beneficial end-use and as such the material does not fall within the scope of the Waste Regulations.

Tylorstown Phase 4 - Proposed Works

1.3.17 The application, subject of this report, concerns the residue of the colliery material still remaining on the hillside - part of the Llanwonno Upper Tip. Together, this work is referred to as Phase 4 of the remediation process. It is considered, for safety reasons, that the majority of this material should not remain in its current location and needs to be moved to where there is no risk of a further landslip.

1.3.18 The main objective of Phase 4 is to prevent any future slips of material. This will involve moving colliery material from the Llanwonno Upper Tip (donor site) to a new receptor site adjacent to Tylorstown Tip, otherwise known as Old Smokey tip. It will also provide for stabilisation and remediation works to the Llanwonno Upper Tip site and remaining material.

1.3.19 The overall application site area totals 30Ha. and the main elements of the application contained within it are as follows:

- Removal of circa 195,000m^3 of material remaining within Llanwonno Upper Tip on the top of the hillside, amended drainage arrangements and landscaping of the area following the removal to stabilise the tip;
- Reprofiling of the upper tip is to be undertaken utilising approximately 35,000m^3 of the in-situ landscape material (i.e. smoothing out the current landslip "bowl" to the proposed levels, with no interim storage of material needed), plus associated drainage and landscaping works;
- Transport of approximately 160,000m^3 of the material along a disused tramway to be deposited on the nearby receptor site;
- Widening of the existing tramway in order to allow access for trucks and plant between the donor and receptor sites; and
- Profiling, drainage and landscaping of the receptor site.

1.4 Environmental Impact Assessment Screening and Scoping

1.4.1 Prior to the submission of this application an Environmental Impact Assessment (EIA) screening opinion was submitted to RCT as the local planning authority (LPA) which considered whether the works set out above would potentially have sufficiently large impacts on the environment to fall within the scope of the Environmental Impact Assessment regulations and require the submission of an Environmental Statement (ES).

1.4.2 The submission's conclusion was that, whilst the proposed scheme is not located within a 'sensitive area' as defined by the EIA Regulations[1], it does exceed the size threshold for a 'Schedule 2' development and the nature of the proposal has the potential to have significant negative effects on multiple receptor groups. Therefore, it was considered that a full ES, as prescribed in the EIA Regulations, is required to properly addresses any visual, landscape, geotechnical and ecological issues that the development may generate.

1.4.3 The LPA considered and formally concurred with this conclusion.

1.4.4 Following the EIA process a Scoping Opinion was then submitted to the LPA which considered and proposed the most appropriate subjects or 'Chapters' to be covered by the ES. The LPA responded with further advice confirming the Chapters to be covered.

1.4.5 The Chapters covered the following:

- Air Quality,
- Cultural Heritage and Archaeology,
- Landscape and Visual Effects,
- Biodiversity and Nature Conservation,
- Geology, Soils and Waste,
- Noise,
- Water Environment and Flood Risk,
- Major Accidents and Disasters,
- Pedestrians, Cyclists and Equestrians and
- Cumulative Effects.

1.4.6 Full details of the screening and scoping process are included and described in the accompanying ES.

1.5 Land Ownership

1.5.1 The applicant owns all the land subject of the application within the red line boundary. They also own land immediately north and south of the central section of the haul road. They own the site of, and land immediately around, Old Smokey. Where the site reaches the bottom of the valley the land immediately to the west of the site boundary is owned by Railway Paths Ltd. that being the line of the former railway.

1.6 Programme

1.6.1 Subject to all the necessary consents being obtained the anticipated start on site of the development is Spring 2022 and the substantive works are expected to last for

[1] Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

approximately 6 months.

1.7 Structure and Contents of Application

1.7.1 The application seeks full planning permission for the development; the application form is supported by the following list of documents and drawings.

- Design, Access and Planning Statement (this document);
- Community Infrastructure Levy Declaration;
- Environmental Statement incorporating;
    - Screening and Scoping Opinions and Responses,
    - Aerial Photographs,
    - Volume of photomontages,
    - Extended Phase 1 Habitat Survey,
    - Lower Plants Survey,
    - eDNA Survey,
    - Badger Survey,
    - Bird Survey – breeding,
    - Bird Survey – wintering,
    - Biodiversity Mitigation Strategy,
    - Preliminary Sources Study Report,
    - Coal Mining Risk Assessment,
    - Ground Investigation Scope,
    - Ground Investigation Borehole Logs,
    - Water Framework Directive Assessment,
    - Drainage Strategy,
    - Transport Statement,
    - Schedule of Mitigations,
    - Slope Stability Report, and
    - Outline CEMP.
- Environmental Statement – Non-Technical Summary;
- Tree Survey; and
- Pre-Application Consultation Report (NB: to be completed following public consultation).

1.7.2 The table below contains the application's drawings package.

Table 1: Application Drawings Package

Drawing Title	Drawing Number/Date
Location Plan	GC3613-RED-61-RSC-DR-C-0001
General Arrangement - Tip (Donor Site) Reprofile	GC3613-RED-61-RSC-DR-C-0002
General Arrangement - Receptor Site	GC3613-RED-61-RSC-DR-C-0003
Cross Sections Tip Reprofile - 1 of 5	GC3613-RED-61-RSC-DR-C-0004

Drawing Title	Drawing Number/Date
Cross Sections Tip Reprofile - 2 of 5	GC3613-RED-61-RSC-DR-C-0005
Cross Sections Tip Reprofile - 3 of 5	GC3613-RED-61-RSC-DR-C-0006
Cross Sections Tip Reprofile - 4 of 5	GC3613-RED-61-RSC-DR-C-0007
Cross Sections Tip Reprofile - 5 of 5	GC3613-RED-61-RSC-DR-C-0008
Receptor Site Cross Sections - 1 of 5	GC3613-RED-61-RSC-DR-C-0009
Receptor Site Cross Sections - 2 of 5	GC3613-RED-61-RSC-DR-C-0010
Receptor Site Cross Sections - 3 of 5	GC3613-RED-61-RSC-DR-C-0011
Receptor Site Cross Sections - 4 of 5	GC3613-RED-61-RSC-DR-C-0012
Receptor Site Cross Sections - 5 of 5	GC3613-RED-61-RSC-DR-C-0013
Receptor Site - Drainage	GC3613-RED-73-RSC-DR-C-0511
Tip Reprofile - Drainage	GC3613-RED-73-RSC-DR-C-0501

2. Design Considerations

2.1 Introduction

2.1.1 This, and the following Access Considerations sections seek to explain the nature of the development in more detail and provide a commentary on the key design elements and decisions that influenced the submitted proposal.

2.1.2 The key principles adopted by the applicant in developing the proposal were to remove the risk of any further landslips from the Llanwonno Upper Tip and restore the scarred hillside whilst minimising the impact on the environment and where possible enhancing it.

2.2 Developing the Preferred Solution

2.2.1 Throughout the design process multiple alternative options and designs were considered until the preferred design was arrived at. This was a critical process in ensuring that the best possible solution was found; it involved consultations with a wide range of statutory and non-statutory stakeholders addressing the key issues the proposal raised.

2.2.2 One of the first key decisions was about the preferred strategic option for dealing with the problem of potential further landslips. This required an assessment of all the possible options involving a process of assessment in order to select the best solution.

2.2.3 A commentary on the process is reproduced as *Chapter 5 – Alternatives Considered* within the accompanying ES. In summary, the strategic options identified focussed on the following.

Table 2: Strategic Options

Option	Description
Option 1	Do nothing
Option 2	Continuation of existing inspection strategy
Option 3	Leave the existing landform of the tips unchanged and make localised drainage repairs and improvements to the existing problems of the eroded watercourses, together with ongoing inspections
Option 4	Re-profiling and stabilisation of upper tip through earthworks, with drainage improvements largely as for Option 3
Option 5	Complete removal of both Upper and Lower Tips at Llanwonno off site. This would require the removal of approximately 450,000 m^3 of material requiring substantial environmental mitigation measures on site. It would also result in considerable difficulties in transporting the material, have detrimental impacts on the local communities (e.g. noise, pollution, congestion) plus would have a larger carbon footprint, a longer delivery timescale and much higher financial costs than other options.
Option 6	Complete removal of both Upper and Lower Tips at Llanwonno to an adjacent or nearby receptor site without having to take the material 'off site'. This would

	require the removal of approximately 450,000 m^3 of material and require substantial environmental mitigation measures at the donor and receptor sites.
Option 7	Removal of all the unstable or potentially unstable material from the Upper Llanwonno Tip off site whilst leaving the stable Lower Tip in situ. This would require the removal of approximately 160,000 m^3 of material and require some environmental mitigation measures on site. It would also result in considerable difficulties in transporting the material, have detrimental impacts on the local communities (e.g. noise, pollution, congestion) plus would have a larger carbon footprint, a longer delivery timescale and higher financial costs than other options.
Option 8	Removal of all the unstable or potentially unstable material from the Upper Llanwonno Tip to an adjacent or nearby receptor site without having to take the material 'off site' whilst leaving the stable Lower Tip in situ. This would require the removal of approximately 160,000 m^3 of material, some environmental mitigation measures on both sites, a reasonable period of works and cost.

2.2.4 In assessing these options, the events of February 2020 and the prevention of another landslip were given the highest weighting. From the options appraisal analysis it was clear that it was essential to choose both a safe and practical solution.

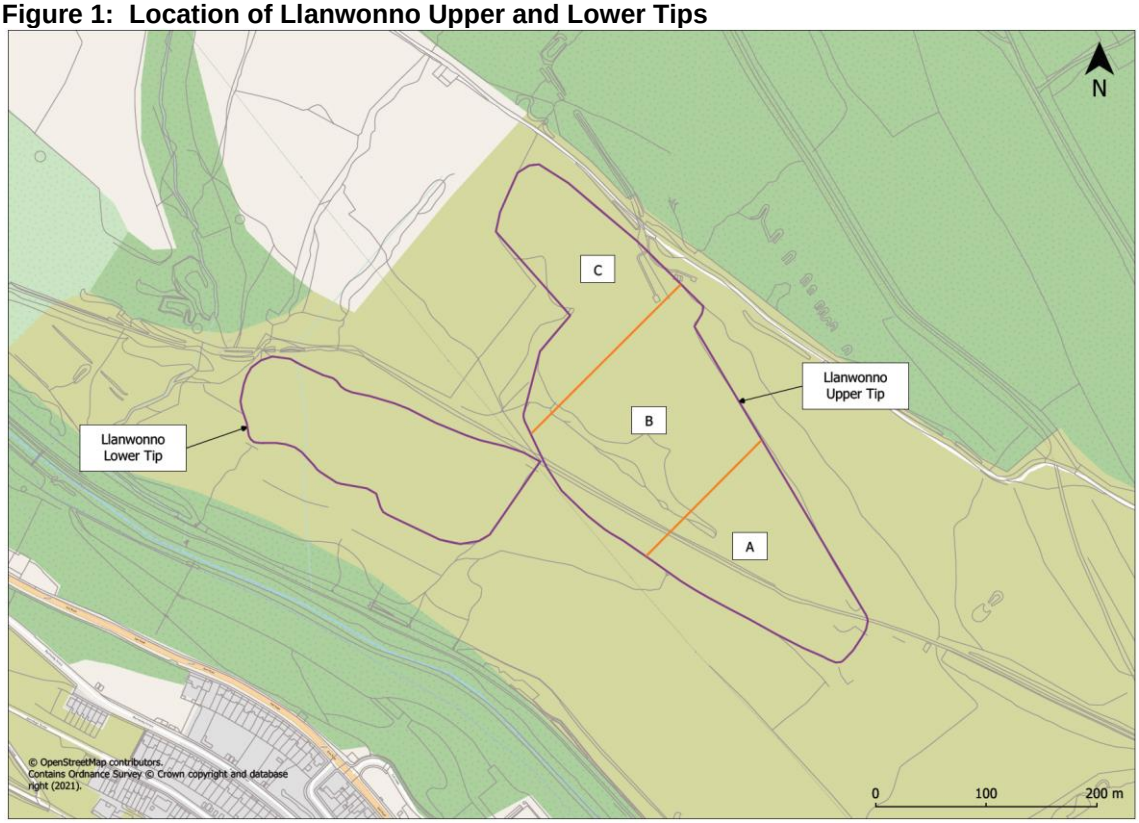
2.2.5 The chosen solution presented in this application was Option 8 which involves the removal to a close by receptor site of the majority of the material from the Upper Tip. This reduces the impact on environmental receptors in the area, particularly on the local ecology of the site and the local community (from the transport of the material off site) compared to the other options that involved removing material.

2.2.6 It is a solution that also reduces the duration of the works required to transport and reprofile the material.

2.2.7 No works are proposed to the Llanwonno Lower Tip as it is considered to be more stable in itself, it is also performing the function of toe weighting an area of natural instability of the hillside directly above it.

2.2.8 Figure 1 below shows the location of both tips prior to the landslide – the Upper Tip is the larger outlined area and cuts across the old tramway, the Lower Tip is the smaller area closer to the valley bottom. The Llanwonno Upper Tip is annotated into three sections - A) south-western area, B) landslide area and, C) north-eastern area.

Figure 1: Location of Llanwonno Upper and Lower Tips



2.2.9 In terms of the detailed design options, as discussed above, this was an iterative process. The process involved extensive consultation with key stakeholders who were able to advise and influence the design as it developed (see next section for more detail). The design team had two key milestones in the process each of which involved a technical design workshop. The workshops brought together specialists from all aspects of the construction and environmental disciplines involved in the project to critically review the design at that point.

2.2.10 Again, the chronology and impact of this process is described within the ES; the key point is that important amendments to the layout, construction methods and changes to the mitigation proposed were made to produce a solution that delivered the key outcome of making the tip safe whilst minimising the impact on the environment and where possible looking for enhancements to it.

2.3 Consultation to Date

2.3.1 Informing the design process at each stage were a set of key consultees external to the design team. These included representatives of organisations that would be statutory consultees in the planning application process. The contact with the organisations took the form of both formal and informal meetings and one-to-one discussions. The EIA Scoping exercise provided a focal point for a consultation which provided an opportunity for all statutory stakeholders to influence the design and comment on the proposal at an early design stage.

2.3.2 The consultations included the following:

- RCT – various sections including flood risk, public rights of way, transportation and ecology;
- Coal Authority;
- Natural Resources Wales;
- Cadw;

- Welsh Water;
- South Wales Fire and Rescue Service;
- Health and Safety Executive; and
- Western Power.

2.3.3 At the time of writing an additional stage in the development of the preferred option is underway. This involves a formal pre-application consultation exercise covering the general public, adjoining landowners, statutory and non-statutory bodies and stakeholders. The results and any subsequent design changes will be incorporated into the final version of this report, prior to submission to the LPA. They will also be captured in a separate Pre-Application Consultation Report that will accompany the final submitted application.

2.4 Summary of the Preferred Design

2.4.1 This section describes the geotechnical aspects of the design solution proposed in this application. It describes the proposed works to the donor site, the receptor site and the proposed haul road between them. The description is a summary of a more detailed commentary contained in the Preliminary Sources Study Report (PSSR) and other accompanying documents.

Donor Site – Llanwonno Upper Tip

2.4.2 The proposed finished land profile is one of a flattened hillslope. To achieve this will require dealing with approximately 195,000m^3 of deposited spoil. Of this 35,000m^3 will be used to infill such features as the slip scar. This leaves the requirement for the net export of approximately 160,000m^3 to the receptor site. The donor site to be excavated, covers the majority of the Llanwonno Upper Tip which will be reprofiled to match the surrounding terrain. A small portion of the Upper Tip beyond the north west extent of the application site boundary will be left in-situ as it falls outside the applicant's ownership; it is considered safe to leave this section as, in isolation it will not pose a landslip threat. The irregular shaped area measures approximately 500m long and between 70m to 130m wide. Following on from the reprofiling, the site and 'filled' areas will be subject to proposals that rely on a natural regeneration process, which is being trialled in this scheme, offering the potential to promote and conserve important and iconic Valley's habitats in a way that will maximise ecological and social benefits. Full details of the extent of the area and the proposed existing and proposed profiles are included in the set of plans accompanying this application.

2.4.3 Additional permanent drainage works will be required to ensure the reformed hillside will remain stable. These will involve works to existing drainage features plus additional drainage mainly consisting of shallow ditches formed within the reprofiled embankment to convey runoff to existing drainage ditches, streams and runnels. Full details are provided in the Drainage Strategy appended to the ES and accompanying Drainage Plan. A further summary is provided in the Drainage sub-section below.

Haul Road and Access Points

2.4.4 The existing old tramway track between Llanwonno Upper Tip and Old Smokey will be used to transport all the material from the donor site to the receptor site. This will avoid the significant impact on the local community and road networks of 16,000 HGV journeys. The scheme has also been designed so not to require the importation of any significant amounts of additional fill for either site.

2.4.5 In the area of the landslip a portion of the existing track (approx. 370m) was destroyed by the landslip and following completion of the excavations this will be reinstated as a 1.5m wide footpath providing access for future maintenance and monitoring purposes. Additional 1.3m wide footpaths/tracks will be provided parallel to some of the proposed

drainage swale features to facilitate maintenance. A typical section through the proposed footpaths/tracks are provided in the accompanying General Arrangement drawing. Along the remainder of the length required the existing track will be improved. This will cover a length of approximately 650m. The track will require passing points, strengthening and widening to accept the anticipated size and volume of construction traffic required to move the material from one site to the other. In addition to these works, some drainage of the route will be required to minimise the damage from hillside water runoff.

2.4.6 Typically, the improved track sections will consist of a 2m wide surface with a drainage ditch running parallel to it requiring a further 1m width to install. The length of track required has been kept to a minimum and is shown on the two General Arrangement plans in the application pack.

2.4.7 There are proposed to be two access points into the construction site. The first consists of the existing access off Blaenllechau Road in towards Old Smokey. This will be used as the primary access into the construction site and will be subject to some improvement around the radius with the main road and along the track itself to improve its ability to withstand the extra weight of construction traffic.

2.4.8 The second access is approximately 600m further west along Blaenllechau Road. This existing overgrown track will be improved along approximately 275m of its length, in a similar way to the haul road, to create a secondary or 'emergency' access that will be used if there are any problems using the principal route into the site. This access will be gated at the junction with Blaenllechau Road and retained post completion exclusively to provide access for vehicles and machinery required to maintain the drainage infrastructure around the Upper Tip and for site monitoring purposes.

Receptor Site – Rear of Old Smokey

2.4.9 The 160,000 m^3 of fill material excavated from Llanwonno Upper Tip is planned to be placed on the receptor site in an irregular landform east of Old Smokey. This landform will be approximately 500m long and between 75m and 150m wide, with a maximum height of 7.8m and with an average 2.5% cross fall on the crest. The sides will be engineered to provide a maximum 1 in 3 slope. The accompanying General Arrangement plan, cross section plans and long section of the landform (included in the Drainage Plan) show the profile in full. The design of the new landform's drainage will ensure its long-term stability and that any resulting changes in water flows and/or runoff will not affect Old Smokey or surrounding land. The drainage details are provided in the Drainage Strategy appended to the ES and Drainage Plan. A further summary is provided in the Drainage sub-section below. Once completed, the site will become a nature reserve and be subject to proposals that rely on a natural regeneration process, being trialled through this scheme, seeking to promote and conserve important and iconic Valley's habitats.

Temporary Works

2.4.10 All the proposed temporary work will be located within the application red line boundary. There will be one construction compound on site that will have dimensions of approximately 60m by 125m. This will be located to the east of the haulage route, west of the receptor site. The proposed siting is shown on the accompanying plan (V2-S03-0014) appended to the ES. This site has been carefully chosen to be the smallest size practical, minimise the requirement for clearance and impact on biodiversity whilst still being convenient for the operational requirements of the contractor.

2.4.11 Purely for security and safety reasons the compound will be provided with lighting, however, no other temporary lighting will be required on the development site. The compound lighting will be the minimum required and will be directed downwards to

minimise disturbance to ecology.

2.4.12 Temporary drainage will be installed as detailed in the Drainage Strategy and as detailed on the General Arrangement plan for the donor site. This will provide for the phased implementation of the permanent drainage scheme.

2.4.13 Stockpiles of topsoil and turfs from both sites will be stored (separately) within the red line boundary pending their re-instatement as the first stage of the revegetation process. The proposed sites are also shown on the temporary works plan included in the ES.

2.4.14 The minor amendments to the existing access track junction north of Old Smokey with Blaenllechau Road described previously are intended to also be temporary and will only be required to accommodate the turning circle of the larger vehicles requiring access to the site. The existing arrangements at the junction will be re-instated on completion of the works. These are also described under the Access Considerations section.

2.4.15 Measures will also be taken to ensure public safety and the protection of vulnerable habitats during the construction phase. These will typically involve fencing to the footpath and open access land to prevent access into the development site. Habitats such as trees to be retained will also be subject to protection fencing where they are deemed to be vulnerable to construction impacts.

2.5 Developing the Detailed Design

2.5.1 The following commentary describes the different ‘design’ aspects that were taken into account in the scheme design. In conjunction with the following ‘Access Considerations’ section it looks at how the key elements of the design were addressed and the influence they had on the preferred solution. The majority of the sub-sections are the subject of ES Chapters although they do not necessarily follow the same order as the ES. Full details of each ES assessment can be found in the corresponding ES chapter and as a summary in the Non-Technical Summary document accompanying this application.

2.5.2 The design issues concern those that impact on either the construction phase, the operational phase or both. In tandem with the key objectives to be achieved and ES and other issues to be addressed by the scheme, a set of key constraints were identified - this helped the designers shape the initial proposal. These, in summary, were:

- Historical mining and existing old tips in the area;
- Ecological features including four Sites of Importance for Nature Conservation (SINC) in the area, with Old Smokey SINC on site and several habitats of county importance and ecological value onsite. Also, protected species present on site;
- Access and transport including Public Rights of Ways (PRoWs);
- Afon Rhondda Fach in the valley below the site; and
- The nearby town of Tylorstown in the valley below and the local leisure centre located directly beneath the hillside and Llanwonno Upper Tip.

2.6 Location and Capacity

2.6.1 In addition to the issues considered in the ES, part of the design rationale concerned the ability of the receptor site to physically and safely accommodate the amount of material to be deposited.

2.6.2 As discussed in section 2.2 the option to take all of the material ‘off-site’ was

considered, but rejected as the impact on, and difficulties negotiating, the narrow local highway network meant that this option would be impractical. It would also generate a significant number of vehicle movements estimated to be in the region of 16,000 individual HGV journeys (there and back) to move the material alone with the associated detrimental impacts on local communities and increased carbon footprint of the project. The transportation impacts of the preferred solution are discussed in more detail in the accompanying Transport Statement and summarised in a further sub-section within this report below.

2.6.3 The location chosen for the receptor site, whilst close to the donor site, was also able to satisfy the criteria required to minimise its impact on the environment whilst being able to accommodate all the material required to be moved at a single location. Related factors influencing the receptor site positioning decision also included minimising the likely visual, amenity and ecological and other environmental impacts as discussed in the following sub-sections.

2.7 Major Accidents and Disasters (including Slope Stability)

2.7.1 A stand-alone chapter in the ES, this topic commentary captures the starting point and rationale of the proposed scheme, i.e. the prevention of another landslip similar to the one that occurred during Storm Dennis.

2.7.2 The assessment, however, is wide-ranging and identifies existing and potential hazards during and following construction. It involves looking at the management of risks/safety issues to both humans, property/infrastructure and ecology/habitats.

2.7.3 The starting point to understanding the risks associated with the proposed scheme was to determine the risk that already existed in the 'do nothing' scenario. To this end a slope stability assessment (appended to the ES) was conducted that looked at the current stability of Llanwonno Upper Tip in relation to established best practice and guidance.

2.7.4 The standard used to assess the safety of the remaining material is called the Factor of Stability (FoS) which essentially quantifies how much stronger a 'system' is than the minimum theoretically required – this baseline level is given a FoS rating of 1.00 although to ensure reliability, structures are typically designed to achieve a stronger (higher) FoS than the minimum necessary.

2.7.5 For this assessment, the FoS set out in the Mines and quarries (Tips) Regulations (1971) and the National Coal Board (NCB) 'Codes and Rules – Tips' (1971) were used, both of which required a minimum FoS of 1.20 for closed classified tips where water tables are known, such as in the case of Llanwonno Upper Tip.

2.7.6 This report concluded that the remaining Llanwonno Upper Tip is at approximate unity in terms of overall global stability with a FoS of 1.00.

2.7.7 Therefore, achieving a higher standard was a key driver in the design of the proposed development. The preferred design involves the reprofiling of Llanwonno Upper Tip, combined with drainage measures to control surface and groundwater levels. This increases the stability of the area, achieving a FoS of 1.20 in the landslide and north-eastern areas (see Figure 1 above), and a FoS of 1.30 for the south-western area in line with the FoS suggested in the Regulations.

2.7.8 The slope stability report also identified that the overall stability of Llanwonno Upper Tip is sensitive to changes in groundwater levels, therefore the scheme requires a robust drainage system which could be easily maintained to keep surface and ground water levels at acceptable levels. The proposed drainage solution is discussed further in this report.

2.7.9 During construction, the worst-case risks for major accidents and disasters are from potential ground instability causing another landslide or subsidence caused by the

construction activities or extreme weather, particularly during periods of high rainfall. This could impact construction site workers, potentially users of the Rhondda Fach Leisure Centre and recreational users of the nearby footpaths and could require an emergency response.

2.7.10 To minimise these risks additional geotechnical surveys and groundwater monitoring will be conducted to measure the risk to the ground stability on site and to ensure that design decisions are made with the best up to date understanding of ground conditions and stability. Best practice measures will also be implemented on site throughout the construction phase to ensure the safety of construction workers and surrounding area during this phase.

2.8 Geology, Material Assets and Waste

2.8.1 This chapter in the ES assesses the potential effects of the preferred design associated with material resources and waste both required and generated by the development as well as assessing impacts on local geology.

2.8.2 Some of the key design aspects covered by this chapter are those of the siting and landform of the receptor site, the stability of the ground generally and in particular the donor and receptor sites.

2.8.3 It finds that there are no geological or geomorphological features of scientific interest or importance within the application site or adjacent to it that would be impacted by the scheme.

2.8.4 To inform the scheme design a Coal Mining Risk Assessment was commissioned, a copy of which is appended to the ES. The receptor site lies outside the development high risk area whilst the donor site lies within the development high risk area. Impacts to the stability of the completed development due to legacy mining issues were assessed to be unlikely due to the length of time since mining operations ceased and were therefore not considered a restriction on the design.

2.8.5 The underlying geology of the receptor site, consisting of very solid rock with no groundwater, is also classed as being suitable to receive the amount of material proposed. Lying outside the coal mining high risk area provides greater assurance and confidence in the design decision to locate the receptor site in this location.

2.8.6 The construction and permanent use of the land for the development would sterilise underlying mineral resources. However, the underlying sand, gravel, sandstone and coal deposits were considered not to constitute a resource of particularly high value, and there are already constraints on their extraction due to the nearby town and existing colliery spoil mounds. The impact to onsite mineral resources was not therefore seen as a constraint on development.

2.8.7 In terms of waste generated by the construction operations, any material which cannot be reused will have to be disposed of off-site. Adopting best management practice will reduce the construction waste generated to a minimum by carefully managing resource use, promoting re-use and waste reduction; this will be further detailed within a scheme Construction Environmental Management Plan (CEMP) as will the management and temporary storage of materials during construction. An outline copy of the CEMP is appended to the ES.

Note on Contaminated Land

2.8.8 An assessment of the presence of any contaminated land was not included in the ES due to the near inert status of the virgin quarried rock and shale fill which form the constituents of the landslip mass and remnant Llanwonno Upper Tip plus there is no source to provide a plausible contamination linkage. A commentary on the rationale

and basis of this approach is included in the PSSR appended to the ES.

2.9 Water Environment and Flood Risk

2.9.1 This sub-section commentary, drawn from the ES Chapter, is limited to the potential effects on river quality and geomorphology, as well as groundwater quality, that could occur as a result of the proposed works and how the scheme design minimises these. Also considered, are the potential impact on surface water drainage and flooding.

2.9.2 A clear understanding of the effects of water flows on the stability of deposited material on the hillside and adjacent to Old Smokey were important considerations in the design process. The landslip that occurred in February 2020 is thought to be as a result of the accumulation of surface water forming ponds and destabilising material within the tip. A separate sub-section below deals with the proposed solution for the site drainage.

2.9.3 The majority of the application site falls within the catchment of the Afon Rhondda Fach although the eastern edge of the site lies within the catchment of the Nant Clydach, the headwaters of which form to the east of the site and flow in a south-westerly direction before joining the River Taff north of Cilfynydd.

2.9.4 The Afon Rhondda Fach and Nant Clydach are included in an assessment under the Water Framework Directive (appended to ES). Both currently have an overall potential of Poor, partly a result of pollution from a number of sources including mine water and colliery material tips.

2.9.5 The proposed development will interact with a network of existing drains that feed into the Afon Rhondda Fach as well as lying above pockets of groundwater.

2.9.6 The NRW flood maps indicate that the Proposed Scheme lies within NRW Flood Zone A which is described as “Considered to be at little or no risk of fluvial or coastal/tidal flooding” and is thereby not at risk of flooding from rivers and sea. Therefore, whilst flooding is considered within the ES chapter the development has not been subject to a Flood Consequences Assessment.

2.9.7 The ES assessment identified a number of potential negative effects during the construction phase of the scheme that the designers were able to respond to and mitigate. These included the following:

- The release of soils, dust and pollutants during construction could enter and harm local watercourses and groundwater;
- Metals currently present in Llanwonno Upper Tip and within the vicinity of the receptor site could be mobilised and adversely affect watercourses and groundwater;
- The proposed works will cause physical changes to the existing drainage network at Llanwonno Tip;
- Potential to temporarily alter surface water flows and increase runoff and flood risk to construction staff as well as equipment and plant on site, as a result.

2.9.8 In order to mitigate these potential effects pollution prevention measures will be included in the CEMP and applied across the construction site to prevent any pollution events during construction, particularly during the excavation and handling of material. This will also include measures to manage drainage and surface water flood risk during construction.

2.9.9 Groundwater monitoring will continually be undertaken during construction to detect any significant changes to the following.

- Potential increase in the amount of metals and sediment entering the Afon Rhondda Fach and groundwater, due to mobilisation of metals and sediment during construction;
- Potential for increased surface water flood risk at the receptor site; and
- Potential change to groundwater mobility and availability in the area.

2.9.10 In order to mitigate these potential effects the following is proposed:

- The design of both donor and receptor sites includes surface water drainage networks that will ensure no surface water flood risk is posed to the area and downstream. This network will be vegetated with semi-aquatic plants that are capable of absorbing metals and reduce the amount reaching the Afon Rhondda Fach and groundwater;
- Topsoil will be reinstated and spread across both the donor and receptor sites to encourage vegetation growth and prevent sediment and metals from entering the water environment; and
- Monitoring wells will be installed to monitor the groundwater levels at both the donor and receptor sites during construction and operation of the scheme, to ensure no significant changes occur.

2.9.11 It is considered that no significant adverse effects on Water Environment and Flood Risk receptors will remain providing the appropriate mitigation recommendations are followed.

2.9.12 The proposals also include some benefits such as a reduced likelihood of major water pollution events or severe hydromorphological changes occurring, as a result of future landslips. Also there will be a potential reduction in the amount of metals and sediment entering the Afon Rhondda Fach and groundwater. This is as a result of moving the colliery material to the receptor site which is further away from the Afon Rhondda Fach than Llanwonno Upper Tip and in an area with deeper lying groundwater. There is also expected to be a reduced surface water flood risk posed within the tip and downstream.

2.10 Drainage

2.10.1 A surface water drainage strategy has been developed in line with the philosophy that underlines the sustainable drainage systems contained in The SuDS Manual (Ciria, 2019) i.e. favouring a combination of management techniques managing water quantity and quality and promoting biodiversity and amenity values. The surface water drainage design philosophy approach maintains the relatively natural flow path of water and discharge to existing channels and ditches which ultimately discharge to the Afon Rhondda Fach. Full details of the Drainage Strategy are appended to the ES and shown in the plans accompanying the application – below is a summary of the design.

2.10.2 The design of both the donor and receptor sites have been designed to mimic existing topography as best as possible to allow for existing exceedance flow paths to be maintained and drainage features incorporated to direct runoff where appropriate to maintain existing flow paths where levels have been altered.

2.10.3 The drainage features for the donor site have been designed to allow for not only surface water conveyance but also spring flows. Spring flows are to be intercepted and conveyed via gravel filled herringbone drains to proposed drainage channels to attempt to improve stability and potential future slippages. Surface water runoff is intercepted by swales located along berms which convey flows to a proposed ditch along the reinstated track which in turn discharges to existing ditches/channels. Within

the ditch adjacent to the reinstated track and disused tramway flows are to be attenuated with check dams.

2.10.4 Existing drainage channels damaged by the slip are to be reinstated where appropriate and reinforced with erosion matting to accommodate steep slopes and promote vegetation growth.

2.10.5 At the receptor site, swales have been incorporated to convey flows from the top of the deposited material and bottom of the graded banks to collect in attenuation ponds. Swales have also been incorporated directing flows to existing channels where material deposited has impacted existing overland flow paths.

2.10.6 To ensure no increase in discharge to the existing watercourses and drainage channels and not increase flooding downstream, all flows will be attenuated and discharged at 'Greenfield' rates in accordance with TAN.15 requirements. Therefore, there will be no increase in water discharged off the site. The proposed design allows Greenfield runoff rates to be maintained as existing whilst also satisfying three of the four pillars of SuDS design by offering amenity, biodiversity, water quality improvements.

2.10.7 The proposed strategy includes; swales and attenuation ponds. Features are to be vegetated and meandered to blend in with natural landscape in addition to providing water quality, amenity and biodiversity benefits.

2.11 Ecology and Nature Conservation

2.11.1 The assessment for biodiversity within the ES considers impacts on sites, habitats and species recognised for their ecological value. It considers both 'designated' sites, afforded protection under law or local authority planning controls, and 'non-designated' sites which may not be protected but nevertheless have some wildlife value.

2.11.2 These include the Old Smokey Slopes Site of Importance for Nature Conservation (SINC), St. Gwynno Forest SINC, Taff and Rhondda Rivers SINC and Blaenllechau Woodland SINC. A variety of habitats listed as priority habitats under the Environment (Wales) Act 2016 are also present on the site.

2.11.3 A number of protected species, including bats, reptiles, great crested newts and breeding and wintering birds, are also present within and around the site area.

2.11.4 Expertise and experience from the previous phases of the landslip reclamation informed all stages of the design process and the County Ecologist was kept informed of, and had input into the design as it progressed. For example, the design and location of the receptor site ensures that the habitats of a higher biodiversity value are either avoided, or the area lost is minimised. Ecology and habitat concerns were foremost in the considerations around the regeneration of both sites. This resulted in a scheme design that does not include the importation of any additional topsoil in order to avoid introducing non-local seedbanks. The regeneration proposals seek to re-establish the pre-existing 'Colliery Spoil' and 'Ffridd' ecological habitats on both sites to provide the basis for the regrowth. A comprehensive 5-year aftercare plan will be followed to ensure the successful re-establishment of translocated vegetation and reused top soils plus the development of the receptor site as a nature reserve.

2.11.5 Site clearance activities will be restricted to appropriate times of year and under ecological supervision if appropriate thereby minimising disturbance to ecology and habitats.

2.11.6 Best practice measures will be followed in respect to environmental protection during construction. These will be captured in the scheme CEMP which will be finalised and implemented in conjunction with the chosen contractor. Measures to protect nature conservation interests will include detailing those to minimise construction dust/air quality impacts, noise and pollution controls to water and soils. In addition, the

appointed contractor will be required to retain the services of an Ecological Clerk of Works (ECoW). They will monitor the implementation of the CEMP provisions, provide on-site advice and interpretation on environmental matters and have the capacity to halt the works should they be concerned regarding the protection of ecological interests.

2.11.7 In addition to protection measures the scheme has integrated enhancements into the design. These include:

- Using felled tree cuttings for the creation of at least one 'below ground' reptile hibernaculum;
- Installation of at least one kestrel nesting box;
- Installation of some starling boxes; and
- Installation of at least 10 closed and open fronted boxes for a range of common breeding bird species.

2.11.8 The ES chapter's conclusion is that once completed and regenerated no negative effects from the operational phase of the development are anticipated for the biodiversity of the area.

2.12 Trees

2.12.1 The tree survey and impact report accompanying the application, appended to the ES, identifies a total of five groups of trees within the development site.

2.12.2 The design ensures that the tree groups within the categories having the highest amenity value are either unaffected by the proposals or can be adequately protected with fencing during the construction process.

2.12.3 To achieve the proposal, however, two groups of trees will need to be removed. One group, which consists of approximately 20 - 30 stems, of small self-seeded spruce, is located on the receptor site. These trees are of low amenity value and it is not proposed to provide any replacement planting for them, in accordance with the design of the site's regeneration. The preferred methodology, which will enhance the ecology of the site, has been designed to reuse the existing topsoil and turfs allowing natural regeneration to occur.

2.12.4 The second group occupies a small lower section of the donor site. This group does contain a large single birch but mostly consists of small self-seeded native species. As the group is within the tip site is has not been possible to prevent their removal. Replacement planting is recommended to compensate for the loss of these deciduous native species. The location and scale of the planting is still to be determined but is likely to be limited to the area covered by the existing group plus a further compensatory area to the west; the natural regeneration across the majority of the site is preferred from an ecological perspective.

2.12.5 The trees in both the groups to be removed are 'Category C' as defined in the appropriate British Standard; this means that they should not constrain a development.

2.13 Landscape and Visual Effects

2.13.1 Landscape and visual impacts were considered throughout the design of the proposal and the assessment of the effects is included in the ES. The largest changes within the scheme will be the new landform at the receptor site, however, as discussed in the previous section the impact of the changes on the existing hillside, with the removal of a large portion of the donor site and alterations to the tramway, also needed to be fully taken into account.

2.13.2 The design team were focussed on trying to ensure that the location, size and shape of

the proposed receptor site landform caused as little disruption to views and the local landscape as possible, that the restoration of the tip site was sympathetic to the context of the surrounding landscape and the visual effects of the changes to the tramway were minimised.

2.13.3 The landscape is an important natural resource with its character widely appreciated for its appearance and contribution to regional identity and sense of place as recognised in local and national designations or assigned 'Character Areas'.

2.13.4 Key viewpoints were considered in the ES assessment such as residential properties and outdoor locations with public access, that could be changed as a result of the development. The effects were considered at both the construction and operational phases.

2.13.5 During construction, work activities will negatively impact all the key views of the site through, for example the excavations and earthworks, temporary buildings and the construction compound and the loss of vegetation. These effects can be mitigated to some extent, but the majority are unavoidable. Where possible, visually intrusive features such as stockpiles and compounds, will be located away from sensitive viewpoints.

2.13.6 Careful consideration was given during the design process to the location, size and shape of the proposed receptor site landform to ensure that once completed the visual impacts were minimised as far as practical. Parts of the surrounding area are characterised by mining spoil deposits and the chosen location and shape of the landform is one that would not be out of place either in terms of form, scale or location. The views from, particularly residential, properties are restricted by the chosen location being to the east of Old Smokey, however the scale of the landform will constitute a significant change to other key views. Choosing a single location for the receptor site was also considered to be an option that helped reduce the impact on the more sensitive viewpoints.

2.13.7 The landscaping of the feature is important in ensuring it can harmonise with the surrounding landscape over time. To achieve this, the topsoil will be stripped and reused as a top dressing to promote natural regeneration of vegetation and sections of the original turf will be translocated. As discussed in the previous sub-section the small self-seeded spruce which will have to be removed are not proposed to be replaced.

2.13.8 At the donor site the reprofiling will allow the original hillside shape to be restored and the scars left by the landslide will be infilled to further harmonise the slope profile. The existing stripped topsoil and original turf will be the source of the vegetation growth which is considered to be the most appropriate way, once it is established, to ensure the visual impacts are minimised as it will mirror the vegetation of the surroundings. However, in addition a small section of existing native deciduous trees which will be lost, is proposed to be replaced and compensated for as discussed in the previous sub-section.

2.14 Cultural Heritage

2.14.1 Detailed consideration of the potential impact of the scheme on cultural heritage is contained in the ES. In terms of the design parameters there are no statutory designated heritage assets with within the red line boundary. However, Tylor's Newydd Tips Group Site (identified by the Glamorgan-Gwent Archaeological Trust) is within the boundary. Within this non-statutory designation and the red line boundary were 10 individual assets including the old tramway, remains of winding engine houses and the Llanwonno Upper Tip itself that could be affected by the proposal.

2.14.2 Up to 1km from the application boundary there were additional statutory and non-

statutory heritage assets identified that could be affected.

2.14.3 The application site also falls within the Rhondda Landscape of Special Historic Interest, one of 58 around the country, compiled by Cadw and within which the Rhondda Fach Eastern Enclosed Valley Sides character area is potentially the most affected.

2.14.4 The design options took account of the potential impact on some of the physical remains of the mining heritage within the application site, the potential visual impact on others outside the site and the overall impact on the landscape's character.

2.14.5 Within the site, the practicalities of delivering the scheme to achieve the safety standards required for the reprofiled material and hillside, plus the choice to restrict most vehicle movements to within the site, meant that some impact was unavoidable. It is accepted that the works associated with the use of part of the disused tramway as a haul road will have a detrimental impact on the industrial heritage. Whilst the removal of a substantial part of the remaining Llanwonno Upper Tip could be seen as affecting the historic character of the landscape the landslip had already significantly affected the integrity of this feature.

2.14.6 As recommended in the ES assessment, evidence of previous mining activities will be preserved in situ, such as the remains of the two winding engine houses plus the sections of old tramway not required as part of the haul road.

2.14.7 In terms of the overall effect on the historic landscape, the direct impact on some individual industrial elements within Rhondda Fach Eastern Enclosed Valley Sides is fairly severe although the absolute direct physical impact to the landscape area as a whole is assessed within the ES as 'Very Slight'. The design decision to remove and deal with only the Llanwonno Upper Tip minimises the impact on the historic landscape with the Llanwonno Lower Tip being preserved undisturbed.

2.14.8 At the receptor site, the location east of Old Smokey was deliberately chosen to minimise the visual impact of the scheme from key viewpoints particularly those from Tylorstown.

2.14.9 The only statutory designated heritage asset to be assessed with an impact of moderate or above was the Grade II listed Welfare Hall, Tylorstown. This building within Tylorstown, backs onto the proposed site and therefore the steeply sloping hillside and features, including the old tramway, are an important backdrop when viewed from the main road. The effect on the building's setting was assessed as 'Moderate', however, for the reasons outlined above the scheme could not be altered to mitigate this effect any further.

2.15 Air Quality

2.15.1 This issue is considered in the ES and was assessed on the basis of nuisance from dust and potential heightened levels of Nitrogen Dioxide from vehicle emissions both of which could be generated from activity during the construction phase of the scheme.

2.15.2 In relation to Nitrogen Dioxide the findings were that the sensitive receptors were within Tylorstown itself. Any impacts are unlikely to be significant because most traffic movements will be along the disused tramway over 1km from the nearest residential housing and the Tylorstown Air Quality Management Area.

2.15.3 As far as dust is concerned the distance to the nearest sensitive locations in Tylorstown mean the potential impact is low. The risk of nuisance will be further reduced with the adoption of standard construction dust minimisation activities such as

dampening material and enforcing speed limits. These mitigation measures will be fully detailed in the scheme CEMP that the appointed contractor will follow.

2.16 Noise

2.16.1 As there will be no noise generated by the completed development, consideration of the potential effects are focussed on impacts of unwanted sound (noise) from construction machinery and activities, such as excavation and transportation of material, during the construction phase.

2.16.2 The ES assessment concluded that noise levels at Blaenllechau and in Tylorstown might be noticeable at times when works are undertaken at the donor site and along the haul route, but not at the receptor site.

2.16.3 The noise limit for daytime construction and earth moving activities will not exceeded at any residential property and is only expected to be exceeded occasionally at Rhondda Fach Leisure Centre.

2.16.4 Adverse effects could, however, occur if works are undertaken at night-time and therefore the ES recommends that construction works should only take place during the daytime on weekdays and Saturday mornings.

3. Access Considerations

3.1 Pedestrians, Cyclists and Equestrians

3.1.1 There are seven routes and areas of public access identified within and in the vicinity of the development site that were considered during the design process. They consist of a network of informal footpaths, two PRoWs – one of which crosses through the development site, areas of open access land and public forest plus two cyclepaths.

3.1.2 It was not possible to design-out all impacts on these routes and access areas and some impact from the preferred design remains in both the construction and operational phases of the development. It was, however, possible to minimise the impact through design mitigation measures; as part of this process opportunities were also explored to determine if additional benefits could be brought forward as part of the development as compensation for the impacts.

3.1.3 The ES analysis concluded that the scheme would have no significant adverse effects on pedestrians, cyclists and equestrians in the local area. The project would also bring beneficial effects for these local users by increasing the safety and accessibility of the routes in the area including allowing the reopening of the footpath and cycleway running along the bottom of the valley.

3.1.4 The main adverse effects of the development will be on those assets within the development site; i.e. the PRoW footpath that currently runs through the development site adjacent to Old Smokey (footpath number TYL/9/1), the informal footpaths, the open country public access land and public forest. Access to these will be directly impacted by the scheme through severance of routes or removal of access to land.

3.1.5 In mitigation, appropriate temporary diversions and signage for footpaths and open access land closed during construction will be installed and there are alternative routes and areas that local amenity users can readily access as alternatives.

3.1.6 The line of PRoW TYL/9/1 runs through some of the proposed drainage elements for the receptor site and therefore a permanent as well as temporary diversion of approximately 80m will be required; the final alignment of the diversion will be agreed in consultation with the LPA prior to the formal application to divert.

3.1.7 There will be some short-term change in the ambience to the footpaths directly surrounding the site caused by construction activities which may deter people from using them throughout the construction period.

3.2 Public Access - Vehicles

3.2.1 There is informal vehicular access to the site via an existing track to the north of Old Smokey which connects to the Blaenllechau Road. This is used to access informal parking at the site and these arrangements will be able continue once the scheme has been completed. However, it is also a point of entry for people using ‘scrambler’ motor bikes to ride across the site including on Old Smokey. Damage has been caused to the surface of Old Smokey and surrounding land by these vehicles breaking up the top surface and causing rutting. The activity is also anti-social as it disturbs people who are enjoying the quiet surroundings on foot or cycle.

3.2.2 Consideration was given to measures to control access by motor bikes, however, the location and widely accessible, open nature of the land means this is impractical. However, measures have been taken to ensure the design of the two sites and the associated drainage is robust, and regular monitoring visits are planned to detect any

damage that might prejudice the drainage or regeneration of the site.

3.3 Maintenance and Monitoring

3.3.1 Access for maintenance vehicles and personnel will be required post completion at both the donor and receptor sites. For the receptor site this will be provided via the existing access off Blaenllechau Road immediately north of Old Smokey. Access to the donor site will be provided via the secondary access which is proposed to be improved as part of the works. The entrance to this secondary access will be gated as it is only intended to be used for monitoring and maintenance purposes.

3.4 Transport

3.4.1 Minimising the impact of the development on the community and the local road network was a key consideration in the design of the proposal. Experience from the Phase 2/3 activities which transferred large quantities of landslip debris from the valley bottom to temporary storage sites a short distance away along the valley floor, demonstrated the benefits of containing large scale vehicle movements to within the development area.

3.4.2 No material from the excavation of Llanwonno Upper Tip in Phase 4 will be transported off-site.

3.4.3 This decision was taken early on in the design process when the nature of the material, the basic design of the scheme and location of the donor site were determined. A Transport Statement was commissioned to assess the impact of the proposed access and transport arrangements which is included in the application pack as an appendix to the ES.

3.4.4 The report considers all aspects of the scheme and the need for access and transport. It was able to confirm the rationale for the decision to keep all the material on-site, particularly given the narrow nature of the only public road (Blaenllechau Road) running past the site, various pinch points in the network leading to the site and the sometimes congested nature of the A4233 in and around Ferndale.

3.4.5 The report concludes that "*the level of impact of the traffic generated by this application is negligible. There will be no significant impacts on local traffic during both the construction and operation phases of the proposal*." (page 11)

3.4.6 Some matters of detail are worth noting from the report. Firstly, the number of heavy vehicle trips estimated to be required to transfer the material from the donor to the receptor site is estimated to be 16,000. This confirms the scale of benefit to the area by restricting these to within the site itself.

3.4.7 Secondly, the level of regular journeys to the site will be around an average of 20 per day for the expected 6-month period of operation. These are expected to be staff vehicles and vans which will be able to negotiate the most direct route to the site from the A4233 in Ferndale via Station Road towards Blaenllechau Road. No adverse impacts from this level of increased vehicle movements is anticipated on the road network. This level is a worse-case scenario and opportunities will be taken to encourage staff to travel together where possible. However, all of this travel is expected to be by motor vehicles; given the location of the site and distance from public transport nodes the use of more sustainable modes is impractical.

3.4.8 Finally, there will be a requirement to transport to the site the heavy equipment and vehicles needed to excavate the material. These vehicles will typically require transportation on a low-loader, a vehicle which could not negotiate the direct route to site from Ferndale. Therefore, an alternative route has been investigated and discussed with NRW. This will use some of their forest tracks and take vehicles from the A4233 north of Maerdy along the forest tracks to a point within 250m of an existing

access into the development site.

3.4.9 In order to facilitate these movements minor temporary alterations to the development site's kerb line at the site entrance from Blaenllechau Road will be required. The track access surface will also be widened and improved.

3.4.10 Wheel washing facilities will also be provided at this entrance point which along with other similar measures will be fully described in the CEMP.

3.4.11 The details of all the arrangements for the deliveries and vehicle movements to and from the site including the routing will be provided in a Construction Traffic Management Plan to be agreed with and implemented by the chosen contractor.

4. Planning Policy Review and Appraisal

4.1 Introduction

4.1.1 Decisions on planning applications are be taken in accordance with the local development plan policy unless there are material considerations that indicate otherwise; therefore, this section discusses how the proposal has been appraised against national and local planning policy. Additional commentary is provided in the ES on non-planning national policy and guidance relevant to the individual topic areas.

4.2 Planning History

4.2.1 There are no records of any planning applications registered to the application site within the last 10 years.

4.3 National Planning Policy Review

4.3.1 Planning policy at a national level relevant to this application is considered to consist of the following documents which are material considerations that must be taken into account where they are relevant to the planning application:

- Planning Policy Wales - Edition 11 (Welsh Government, February 2021);
- Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009);
- Technical Advice Note 11: Noise Planning (Welsh Government, 1997);
- Technical Advice Note 15: Development and Flood Risk (Welsh Government, 2004);
- Technical Advice Note 21: Waste (Welsh Government, 2014);
- Technical Advice Note 24: The Historic Environment (Welsh Government, 2017).

4.3.2 Planning Policy Wales (PPW) provides the overarching land use planning policies of the Welsh Government. It 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 discussed further in this section.

4.3.3 It states that the PPW objective is to "*ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales*" (para. 1.2).

4.3.4 The principle of sustainable development runs throughout the document and it emphasises that there should be a "*presumption in favour of sustainable development*" (para. 1.18) when making decisions and accepts that they will be a balance of social, economic, environmental and cultural sustainability issues.

4.3.5 The PPW recognises that "*The health and well-being of people and places and the need to address climate change and its consequences provide added impetus for proactive action through the planning system*" (para. 3.37).

4.3.6 The consequences of climate change and the need to deal with the aftermath of the Storm Dennis and the resulting landslip are at the heart of this application. This application will deal with the threat posed by the remaining material on the tip site and remove the danger of this material on the top of the hillside slipping down the valley slope.

Walking and Cycling

4.3.7 PPW encourages both walking and cycling as sustainable modes of transport, leisure activities and also recognises their contribution towards healthier lifestyles. Removing the majority of the remaining tip material to the receptor site will allow the previously well-used cycleway and informal footpath in the valley bottom to be reopened to the public.

Nature Conservation and Trees

4.3.8 The protection of species and habitats and the promotion of nature conservation interests generally are key themes of PPW. This is reinforced by additional guidance provided within TAN.5. The application sets out in detail how these interests have been protected through the development and implementation of an ecological methodology and other protection strategies within the ES. Part of the application site lies within a non-statutory SINC and the PPW recognises that "*Differentiation should be given to the relative significance of the designation within the hierarchy, when considering the weight to be attached to nature conservation interests*" (para. 6.4.13).

4.3.9 The effect on trees is an important consideration in any planning application and it is highlighted in PPW which states that the "*Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.*" (para. 6.4.25). A strategy to promote the most ecologically beneficial restoration of the two sites has been prepared and agreed with relevant stakeholders and this does not include the replacement of the low ecological value, self-seeded conifer trees to be lost as part of the proposed development.

4.3.10 A group of small deciduous native species trees and a large birch to be removed from the donor site will, however, be replaced. The main focus of the site's restoration will be on natural regeneration and therefore, the area of replacement planting is likely to be limited to that which will be lost plus an additional compensatory area to the west. In terms of policy compliance, PPW does not place an absolute requirement on applicants to replace lost trees and the decision, in part, not to so, is considered to be fully justified. A full explanation of the rationale underlying this approach can be found in the ES.

Surface Water and Flood Risk

4.3.11 The surface water drainage proposals meet PPW requirements for compliance with sustainable drainage systems. The proposals are also compliant with the PPW and TAN.15 requirement not to increase flooding elsewhere and the sequential approach to steering development away from flood risk areas. The land use is classed as 'Less Vulnerable' within the scope of TAN.15 and is appropriate to its flood zone designation.

Air Quality and Noise

4.3.12 The PPW requires developers to "*minimise population exposure to air and noise pollution…where it is practical and feasible to do so.*" (para. 6.7.4) and specifically in connection with temporary construction activities "*Where appropriate…require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.*" (para. 6.7.26). Both noise and air quality are considered in detail within the ES in separate chapters which fulfils the requirements of PPW and those of TAN.11: Noise. The previous section summarised the design approach adopted, and the mitigation measures proposed to address both issues including the preparation and implementation of a CEMP. Neither issue, with appropriate mitigation, is considered a potential impediment to development.

Historic Environment and Landscape

4.3.13 In terms of the historic environment PPW states that "*decisions made through the*

planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place." (para. 6.1.9). This approach is supported by detailed guidance contained in TAN.24: The Historic Environment. The requirements of both PPW and TAN.24 have been fulfilled through the Cultural Heritage chapter in the ES. As summarised in the previous section, whilst there is an impact on the historic landscape, industrial remains and the setting of a listed building, these effects are either not significant or can be mitigated to acceptable levels.

4.3.14 PPW encourages the consideration of landscape impacts as an integral part of the development planning process in order to preserve and enhance their qualities, it states "*All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places*." (para. 6.3.3). As discussed in the previous section the visual impacts of the various elements of the proposal were at the centre of the design process. It was not possible to mitigate all the visual effects of a development of this scale, but they were reduced, through the design process, to acceptable levels in compliance with PPW.

Minerals and Waste Minimisation

4.3.15 Sections 5.12-14 of PPW describe the short and long-term goals for planning policy relating to waste and minerals in Wales and are supported in TAN.21. Minimising waste generated from development activity and minimising future mineral extraction to essential need only are key planks of the policy document. Further advice, specifically relating to coal deposits, is provided in paragraph 5.10.17 which states "*The safeguarding of primary coal resources is not required*." The application will meet the requirement of national policy in this area by minimising waste generation through construction best practice following the guidance to be provided in the CEMP. Any remaining coal deposits whilst not completely prejudiced will not be 'safeguarded' or provided protection as part of the scheme in line with national policy.

4.3.16 The consideration of local sandstone deposits is contained in the next section but the scheme in this regard is also considered to be PPW compliant.

4.4 Local Planning Policy Review

4.4.1 The RCT development plan consists of the Rhondda Cynon Taf Local Development Plan up to 2021 (LDP). The LDP was adopted in March 2011 and currently forms the basis for taking development management decisions in the County Borough.

4.4.2 The LDP is still in effect, however, a review has concluded that a replacement plan is required, and the authority have set out a timetable for its preparation.

4.4.3 Given that the LDP was adopted in 2011, it is likely to contain policies and allocations that have been overtaken by events and/or desired changes in emphasis. Where they exist these instances should be recognised, however, as the new plan preparation is at the early stages it is considered that, with the above proviso, the adopted plan should retain its full weight in the determination of the application.

4.4.4 The authority has also produced Supplementary Planning Guidance – Nature Conservation (adopted 2011) which is also considered to be a material consideration in the determination of the application.

4.4.5 The most relevant text and policies contained in the LDP are listed and considered below.

LDP Objectives

4.4.6 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*." (LDP Objective 5).

4.4.7 The application directly addresses this objective by seeking to improve the safety of residents and visitors through the removal of a large portion of Llanwonno Upper Tip. As a consequence, this will also allow the reopening of the previously well-used footpath and cycleway in the valley bottom and remove the potential threat to people, property and vital public infrastructure from a further landslide.

Core Policies: Policy CS 1 – Development in the North

4.4.8 Tylorstown and Ferndale are within the Northern Strategy Area as defined in the LDP 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*". Removing the risk of another landslip will, as discussed, enable the safe reopening of the cycle route which is part of the Sustrans National Cycle Network and promoted to local people and visitors alike.

Area Wide Policies: Policy AW 5 - New Development

4.4.9 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.

4.4.10 Scale, form and design – the proposed receptor site created by the relocated material is a substantial landform and its scale is such that it's visual impact could not be completely mitigated. The design decision to locate all the material in a single site has been referred to previously. The position and shape of the landform is one that could easily have been created by previous coal mining activity. Careful consideration has been given to the location of the landform to minimise the visual effect it will have on sensitive viewpoints, particularly from residential properties.

4.4.11 Old Smokey is a feature widely recognised in the community and a dominant reminder of the area's coal mining past. The new landform is subservient to Old Smokey and being predominately sited to the east of the feature will not distract from the principal views of it from Tylorstown.

4.4.12 The removal of the material from Llanwonno Upper Tip and the works to widen and improve a section of the former tramway will have permanent landscape effects and to that extent will have a minor effect on the character of the area. The proposed restoration of the donor site to mirror the current surrounding hillside profile and regeneration with the same vegetation will mitigate these effects below unacceptable levels. The receptor site will be similarly treated in terms of landscaping regeneration and vegetation regrowth allowing it to blend with the immediate surroundings.

4.4.13 Neighbouring occupiers – the amenity of occupiers of residential properties and the users of the Leisure Centre within Tylorstown will experience the greatest effects from the development. It is accepted that some visual intrusion from the proposal will be noticeable particularly during the construction and landscape regeneration phases. As described above, the location of receptor has been designed to minimise its visual effects when viewed from Tylorstown but the impact of the works to Llanwonno Upper Tip and parts of the former tramway will be unavoidable.

4.4.14 Streets in Tylorstown are mostly aligned in a series of linear forms, parallel to the river and rising up the western side of the valley. As the elevation increases so the views of the development site become less oblique. However, the properties face out across the whole valley and as such the impact of the individual elements of the scheme are reduced as the overall sweep of the views across the valley become dominant. The

proposed mitigation measures outlined in the application are considered to reduce the visual impact to acceptable levels.

4.4.15 Noise and air quality, including dust, are considered as separate chapters within the ES. The conclusion of each chapter is that, the effects from both these elements, can be mitigated to acceptable levels.

4.4.16 Noise will be minimised by the use of modern earth-moving machines operating and complying with the latest noise standards, the hours of operation of the activity has also been limited to normal working hours. Minimising dust generation is an important part of the CEMP and will involve the contractor limiting the speed of vehicles moving the material so that excessive dust is not created from transport along the unsealed haul road. The distance from the works also means that vehicle pollutants will not adversely affect air quality and the impact of traffic from the scheme has been minimised through none of the material having to be transported on the surrounding public road network thereby reducing the scheme's impact on the immediate properties and those in the wider community.

4.4.17 Accessibility and sustainable travel – once completed, the scheme will allow the reopening of the footpath and cycleway (part of the Sustrans cycle network) in the valley bottom which was severed by the earlier landslip and is not safe to reopen until the tip material has been removed.

Area Wide Policies: Policy AW 8 - Protection and Enhancement of the Natural Environment

4.4.18 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. These will be acceptable where the proposal:

"…*would not cause harm to the features of a Site of Importance for Nature Conservation (SINC) …unless it can be demonstrated that:-*

a) The proposal is directly necessary for the positive management of the site; or

b) The proposal would not unacceptably impact on the features of the site for which it has been designated; or

c) The development could not reasonably be located elsewhere and the benefits of the proposed development clearly outweigh the nature conservation value of the site.

There would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks, the quality of natural resources such as air, water and soil, and the natural drainage of surface water"

4.4.19 The policy further requires that:
"*All development proposals…that may affect protected and priority species will be required to demonstrate what measures are proposed for the protection and management of the species and the mitigation and compensation of potential impacts. Development proposals must be accompanied by appropriate ecological surveys and appraisals*"

4.4.20 As detailed previously in Section 2, four SINCs are within or close to the development site. A variety of habitats listed as priority habitats under the Environment (Wales) Act 2016 are also present on the site, and a number of protected species, including bats, reptiles, great crested newts and breeding and wintering birds, are within and around the site area.

4.4.21 All of the potential impacts on these nature conservation interests were taken into account in the preparation of the ES in which there is a dedicated chapter on Biodiversity and Nature Conservation. These interests have also been relevant in the consideration of other chapters covered by the ES such as those on noise, the water

environment, soil and landscape plus other supporting documents forming part of the application such as the Tree Survey.

4.4.22 Extensive surveys to identify the nature, extent and vulnerability of habitats and protected species were conducted and their findings informed the design of the scheme, the proposed mitigation and where possible the identification of any enhancement opportunities that the scheme could bring.

4.4.23 In terms of effects, some impacts on nature conservation interests will be experienced during the construction phase of the development. However, the mitigation measures controlled by the CEMP will ensure that any significant long-term residual impacts due to the timing of operations, pollution of air, water or soil will be avoided. It is therefore considered that no significant long-term adverse effects from these effects will occur during the construction of the scheme.

4.4.24 A number of measures to further enhance the site for biodiversity are recommended including a Habitat Management Plan, creation of at least one below-ground hibernaculum for reptiles and installation of kestrel and passerine nest boxes.

4.4.25 Adopting best practice in the landscaping of the two sites affected will ensure that the biodiversity of the area will be enhanced. The valuable existing habitats are based on the very thin nutrient-poor soil. The nutrient-poor, shallow soil is the key factor for biodiversity encouragement, as it allows for great diversity of plants to colonise, flourish and prevents domination by a few grass species. Re-using nutrient-poor soils/subsoils is the key to replicating the conditions of the colliery soil diversity.

4.4.26 Therefore, where the existing thin soil with the associated vegetation/seed bank can be stripped and re-used ‘to dress’ the restoration areas this will be beneficial. Allowing this natural vegetation and avoiding importing nutrient rich soils or any fertilisers for natural re-generation is the main mitigation approach for the project.

4.4.27 This approach will result in a high diversity of micro-climates and subsequently a diversity of habitats will regenerate and be beneficial to the ecological value of the site.

4.4.28 This approach has been carefully considered and devised following detailed advice from, and in consultation with key stakeholders, including the County Ecologist. This approach also limits the amount of replacement tree planting to replace those that will be lost. The low amenity, self-seeded conifer trees that will need to be removed from the receptor site are not proposed to be replaced. However, new tree planting is proposed to compensate for the loss of a group of native species deciduous trees in a small lower section of the donor site. Similar species will replace the trees lost across the area on which the original group grew, plus an additional compensatory area to the west, just beyond the boundary of the tip.

4.4.29 A five-year Aftercare Plan will be in place to monitor the establishment of the reinstated habitats and natural regeneration.

4.4.30 In terms of satisfying the requirements of this policy it is considered that the application is acceptable as it meets test “b” as no unacceptable harm would be caused. The overall project rationale to safeguard people, the environment and property by relocating the material from Llanwonno Upper Tip is also considered to be justification for meeting test “c” in that the scheme’s benefits are substantially weighted in its favour particularly as there is demonstrably no significant harm to nature conservation interests and any alternative location would have caused harm to other interests.

4.4.31 As discussed, extensive measures are proposed as part of the application to protect the features referred in the second part of the policy. The scale of the impact on the SINC when compared to the extent of the whole naturally vegetated valley is small thereby reducing the overall impact.

4.4.32 Landscape impacts, although minimised through careful site management, are inevitable during construction. The ES concludes that there will not be any substantial

harm caused following completion of the development and the proposed landscaping and site regeneration mitigation. The same finding is made in relation to air and soil impacts.

4.4.33 In terms of the site's drainage arrangements, the proposed drainage strategy and design enhance the existing situation. All aspects of the development have been considered and opportunities taken to enhance nature conservation and biodiversity interests (see next sub-section for flood risk matters).

4.4.34 The final part of the policy referred to above is also complied with through the conduct of all required habitat and species surveys.

Area Wide Policies: Policy AW 10 - Environmental Protection and Public Health

4.4.35 This policy reinforces, within the public health context, some of the issues already discussed in relation to those policies already considered above. It is therefore not necessary to repeat the appraisal of these matters here, but rather to note that the aspects already covered and listed in this policy are – air pollution (dust) and noise pollution. The remaining aspects of the policy relevant to the application are discussed below.

4.4.36 Gas – there are no known issues with the presence of mine gas as reported in the Coal Mining Risk Assessment appended to the ES.

4.4.37 The receptor site landform will be well compacted and very slow degradation of the low coal content will give rise to carbon dioxide build up. However, this would not have any flow potential and would safely dissipate to air just as is the case for the extensive areas of colliery tips already present along the valley.

4.4.38 Water pollution – the risk of metals currently present in the tip material potentially being mobilised plus potential chemical pollution incidents from construction vehicles and activities which could adversely affect watercourses and groundwater, were considered in the water environment chapter of the ES.

4.4.39 Pollution prevention measures will be included in the CEMP and applied across the site to prevent any pollution events during construction, there will be specific measures proposed during the excavation and handling of the tip material. The proposed capping of the colliery material with vegetated topsoil and the integration of vegetated swales in the drainage network will also reduce the risk of the tip material being mobilised. The CEMP will also include measures to manage drainage and surface water flood risk during construction.

4.4.40 There will be beneficial effects of increasing the length of the pathway distance between the source of colliery material and the Afon Rhondda Fach, by moving the material further from the watercourse.

4.4.41 Reducing the risk of further landslip incidents brings further beneficial effects by preventing the damaging effects on water or geomorphological quality from this material directly entering the watercourse.

4.4.42 Groundwater monitoring will continually be undertaken during construction to detect any significant changes in levels and sampling will continue post completion to also monitor these levels.

4.4.43 Contamination – the PSSR appended to the ES concludes that the risk from the existing site material is generally low. The issue of contaminated land was "scoped out" of the ES assessment due to the near inert status of the virgin quarried rock and shale fill which form the constituents of the remnant Llanwonno Upper Tip.

4.4.44 Land instability – the principal aim of the project is clearly to improve the stability of the donor site and no residual problems are anticipated in this area as a result of the works. At the receptor site, as discussed in Section 2 of this report, the stability of the ground on which the required quantity of material is to be deposited has been taken

into account in the design as have associated features such as drainage. The material will be placed upon a plateau of very solid rock with no groundwater. Its siting is far enough away from Old Smokey that it will have no influence on that feature's stability.

4.4.45 Flooding – Flood risk has been assessed in the ES and found to be minimal with the production of a Flood Consequences Assessment deemed unnecessary. The assessment also showed that the development will not increase flood risk elsewhere. Although the donor site would not be at risk of flooding, the development in any event would be classed as a 'Less Vulnerable' land use under TAN.15 criteria and therefore clearly appropriate to the location.

Area Wide Policies: Policy AW 14 – Safeguarding of Minerals

4.4.46 Whilst there are considerable constraints regarding the extraction of minerals this policy indicates areas where "*The resources of Sandstone, as shown on the proposals map, will be safeguarded from development*." In terms of this application a narrow strip of the development site in the lower reaches of the valley, south of the donor site, falls within this safeguarding area.

4.4.47 Paragraph 5.90 clarifies the policy further by stating "*Permanent development and land uses that would be considered unsuitable within the safeguarding area would include residential development, hospitals and schools, or where an acceptable standard of amenity should be expected.*" From this description it is clear that the intention of the policy is to protect the safeguarded areas from built development, particularly of a form that users would suffer considerable loss of amenity if the mineral deposits were subsequently extracted.

4.4.48 This application proposal falls outside this category of development and in any event following completion nothing would prejudice the subsequent extraction of the remaining sandstone deposits. Therefore, the application is considered compliant with this policy.

Strategy Area Policies: Policy NSA 23 - Cycle Network Improvements

4.4.49 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 Tylorstown as being a priority.

4.4.50 As has been discussed elsewhere the additional benefits of this scheme are that it would allow the reopening of the existing route along the former railway line, originally closed following the landslip and which will remain closed until the removal of the remaining tip material is completed.

Strategy Area Policies: Policy NSA 27 - Land Reclamation Schemes

4.4.51 This policy promotes a series of potential land reclamation schemes, one of which is identified as "*Tylorstown and Llanwonno land reclamation scheme*".

4.4.52 The rationale for the policy states that "*sites requiring treatment and where land reclamation schemes are necessary to either ensure the long-term stability of the land or to prepare the land for future development*" (para. 6.101). It further confirms that "*The schemes identified in Policy NSA 27 will form the basis for land reclamation schemes*" (para. 6.102).

4.4.53 The Llanwonno Upper Tip and Tylorstown Tip are the subject of this application and given the nature of the proposal it positively contributes to this policy. The assessment of the Llanwonno Upper Tip clearly demonstrates that remedial action to ensure its long-term stability and safety is required.

5. Conclusion

5.1 Need for the Development

5.1.1 There are considered to be clear and significant public benefits arising from the proposed development. The devastating impacts of the landslip, following Storm Dennis, of a large portion of the Llanwonno Upper Tip provided a stark example of the potential consequences of leaving the remaining material in situ.

5.2 Material Considerations

5.2.1 All the design, access and other material considerations are discussed in this report and in more detail in the accompanying ES and other documents. Through careful design the potential negative issues and impacts identified have been mitigated as far as possible.

5.2.2 There are no impacts on national or European protected sites and the proposed mitigation will ensure there is no impact on protected species. The initial impact on the locally designated SINC is recognised, however, the relatively small extent of harm caused has been balanced against the benefits the scheme brings and what is considered to be much more substantial harm that could result from not implementing the scheme.

5.2.3 Opportunities have been explored and proposed as part of the design process, to enhance, for example, the contribution to biodiversity that the site makes.

5.2.4 It is considered that there are no outstanding fundamental planning issues that would prevent approval.

5.2.5 Furthermore, there is general and specific planning policy support for the scheme and the benefits it would bring at national and local level as demonstrated in the planning policy appraisal.

5.2.6 It is therefore considered that the applicant has taken account of all the key planning issues raised by the scheme, that the submitted proposal is compliant with national and local planning policy and that environmental and other impacts have been addressed to acceptable levels.

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