

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

**DEVELOPMENT CONTROL
COMMITTEE
15 OCTOBER 2015**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 5
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning applications outlined in Appendix 1.

2. RECOMMENDATION

To approve the applications subject to the conditions outlined in Appendix 1.

1. Application No: 13/0901 - Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm (Amended plans/details received 17th February 2015), Farmhouse, Penrhiw Cradoc Farm, Llanwonno Road, Mountain Ash.
2. Application No: 15/0946 - Change of use from Police station to a supported living home offering both a shared 3 bedroom bungalow and 2 self contained flats connected via a staff room, Cynon Valley Crime Reduction Services Ltd, Windsor Street, Trecynon, Aberdare.
3. Application No: 15/1010 - Change of use of land from public open space to residential garden curtilage associated with Plot 46 (Retrospective), land at Alexon House, Cardiff Road, Hawthorn, Pontypridd.
4. Application No: 15/1073 - Change of use of land from public open space to residential garden curtilage associated with Plot 47 (Retrospective) (Amended site location plan received 08/09/15), Land At Alexon House, Cardiff Road, Hawthorn, Pontypridd.

5. Application No: 15/1213 - A new underground gas pipeline to bring natural gas from the existing national transmission system gas pipeline, at a point near the A4061, at which an above ground installation and vehicle access will be developed, to a point on Main Avenue to connect to and facilitate development authorised by the Hirwaun Generating Station Order 2015, Units 1 - 4 Hirwaun Industrial Estate, (land at and south of) Main Avenue, Hirwaun, Aberdare.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 13/0901/10 (CHJ)
APPLICANT: 58 Ltd
DEVELOPMENT: Installation and operation of a solar farm and associated infrastructure, including photovoltaic panels, mounting frames, inverters, transformers, substations, communications building, fence and pole mounted security cameras, for the life of the solar farm (Amended plans/details received 17th February 2015)

LOCATION: FARMHOUSE, PENRHIW CRADOC FARM,
LLANWONNO ROAD, MOUNTAIN ASH, CF45 3UX
DATE REGISTERED: 17/02/2015
ELECTORAL DIVISION: Penrhiwceiber

RECOMMENDATION: GRANT

REASONS FOR REACHING THE DECISION:

The scheme represents a useful contribution to the country's renewable energy needs and will help, through other renewable technologies, to secure a wider and more sustainable range of energy provision.

The final choice of site is, on balance, considered acceptable having little significant impact on either agricultural or ecological value (see comments for the Council's Ecologist) and it is sited so as to have limited adverse affects on nearby settlements and when viewed from the Brecon Beacons National Park.

While there are, undoubtedly, visual impacts from the development, especially in relation to the isolated residential properties in relatively close proximity, they are capable of mitigation and the construction / removal of solar panel apparatus is unlikely to have any significant implication, albeit they will remain in-site for a considerable period of time.

APPLICATION DETAILS

The applicant proposes to install and operate an array of photovoltaic (PV) solar panels on the site to convert daylight to electricity. The PV panels will have an energy generation capacity of approximately 5MW and will output electricity equivalent to the power requirements of 1400 typical households per year. The energy generated will be fed directly into the local power grid network for use by the nearest points of demand.

The solar farm will be a temporary, medium term, use of the site. At the end of its operational life (approximately 30 years), all equipment associated with the solar farm will be removed from the site, and the land restored to its former condition.

The solar farm will be comprised of the following components:-

Solar Panels

These will measure approximately 1.995m x 0.995m x 0.05m. They will have a maximum height above ground level of 2.5 metres with the lower edge being 0.8 metres above the ground. The glass panels are coated to maximise daylight absorption (therefore minimising the potential for glare).

Mounting Frames

Four panels will be arranged in a landscape configuration at an angle of 20 degrees to optimise daylight capture. The panels are fixed and will not move to track the sun. The frames will be galvanised in a matt finish. The frames are pile driven 1.5 metres into the ground. No concrete foundations are used and at the end of their life they can be pulled from the ground with minimum disturbance.

Inverters

The panels generate Direct Current (DC) electricity which must be converted into Alternating Current (AC) before being fed into the local grid network. These inverters are housed in a cabin like structure approximately 2.92 metres high x 4.42 metres long x 1.52 metres wide. They will be painted green. A total of 3 inverters are required.

Transformers

The transformer transforms electrical energy from one circuit to another and allows the generated electricity to be fed into the local grid. These will be stored in 2 structures similar to the Inverters.

Switchgear Substations

Substations are the onsite point of connection from where the electricity flows into the grid network via the connection cable. The substations house the switchgear which acts as a safety mechanism to protect the solar farm from any fault in the system (much like a household fuse box). Two sets of switchgear are required – one to shut the grid off from the solar farm and one to shut the solar farm off from the grid.

Perimeter Fencing

A 2 metre high timber and wire fence will be installed around the solar farm. This is to protect unauthorised access.

Security Cameras

These are required in order to detect any unauthorised access. They are motion sensed CCTV cameras. They are directed onto the solar farm thereby avoiding impinging on the privacy of neighbouring properties.

Communications Building

This is required to enable 24 hour remote monitoring of performance and security. The monitoring equipment rapidly identifies any faults as well as relaying camera footage. The proposed building will measure approximately 3.6 metres in length, 3 metres in width and 2.5 metres in height. An aerial or satellite dish may be required if reception issues necessitate.

Composting Toilet

A toilet is required for visitors to the site. The toilet will use a dehydration process resulting in odour free compost which is collected annually for further processing off site.

The rows of the panel arrays will form a regular pattern and the grass growing beneath and between the rows will help (partially) to green the appearance of the site.

The total area of the development will be 10.95 hectares with the area of ground covered by the rows of solar panels and associated infrastructure totalling 31% of the site; the remainder of the site being grassed land constituting the gaps between the rows of solar panels, and between the fence and the solar farm.

Access to the site will be obtained via two points. The northern access will be the main access and will be formalised using an impermeable surface for the life of the solar farm. The southern-most access will have no formalised access track past the construction period. Details of the likely traffic generation associated with this development are detailed later in the report.

SITE APPRAISAL

The application site is currently used for grazing stock. The site has the following characteristics:

- It is located on an elevated plateau, sloping in a general north-south direction. It is effectively split into two portions. The middle of the site has been avoided as it is either in a valley or is north facing;
- The site is within Agricultural Land Classification Grade 4.
- The site contains relatively little vegetation, with individual trees dotted throughout the site and along the site boundary, in particular the eastern boundary. Traditional stone walls form the site boundary and run throughout the site.
- A pond is located in the middle of the site – otherwise there are no natural features in the immediate vicinity.
- The site is located within an agricultural setting.
- The nearest road is a local lane providing access to several properties (including the proposed site) – this is referred to by the applicant as Pleasant Lane. This intersects with the Perthcelyn to Ynysybwll Road approximately 50 metres to the south of the site.
- There is a footpath running along the northern boundary, with other footpaths and bridleways criss-crossing the slope north of the site.

- The site is surrounded by agricultural land, however to the east, the landform drops significantly to the settlement of Mountain Ash.
- There are no national (Wales or UK) designations across the site or in the immediate vicinity.
- The site is located within the Cwm Clydach Special Landscape Area (a local designation).
- The site (97% of it) is located within a sandstone resource area.
- 12% of the site (the southern end of each field) is within a SINC (a local designation)
- There is a Scheduled Ancient Monument (SAM) located approximately 200 metres north of the site.
- The closest Listed Building is a Grade II designation approximately 760 metres east of the site.
- The closest residential property to the site is on the north-eastern boundary (in the same ownership as the applicant). There are other dwellings located approximately 200 metres south-east, 250 metres east and 250 metres to the south.

PLANNING HISTORY

There is no relevant planning history on this site pertinent to the consideration of this application.

PUBLICITY

The application was advertised by means of a notice in the press, direct neighbour notification and site notices placed in areas peripheral to the site.

As a result of this exercise 19 letters were received of which 9 are in support of the application and 9 in objection to it.

Support

The letters of support comprise 4 pro-forma letters and 5 individual letters. The salient points can be summarised as follows:

- The energy produced will power 1400 households
- The site is well selected in a remote location and well screened from most places.
- It has been designed to allow livestock grazing to continue
- It includes biodiversity enhancements.
- The burning of fossil fuels pollutes the planet. This is clean energy.
- The construction would only take a short while so would not put off walking in this area for very long.
- Solar energy is non-polluting, silent and passive.
- The development will add to the diversity of the landscape.
- There are several solar farms in Caerphilly which has not affected that area.

Objection

- Of the 10 letters of objection, 5 are the same letter but submitted by separate individuals (presumably members of the same family). The other 5 are individual letters. The salient points contained in these can be summarised as follows:
 - The number of solar panels is considered excessive for this location
 - It will have a detrimental impact on the landscape
 - There will be a loss of good quality agricultural land.
 - There will be a glare from panels that will distract drivers / walkers / horse riders that will impact upon highway safety.
 - The screening will not hide the development from the community.
 - The land (as it exists) makes a contribution to the character and quality of the surrounding area.
 - The application is one of a number of solar farms that will have long term consequences for the surrounding area.
 - The development would result in the severance of a Right of Way
 - Government Ministers have indicated their desire to resist large scale solar farms.
 - The development is outside of the development limits and partly within a Special Landscape Area.
 - The panels will result in ground compaction / soil erosion and the shading will degrade the growth and prevent fertilisation.
 - The development will cause drainage problems with run off.
 - The development will result in a loss of telephone and internet signal.
 - There is no water supply to the site for cleaning the panels.
 - There is no provision for grass fire possibility.
 - The development puts short term benefits ahead of the long term preservation of farmland.
 - Will the ecological mitigation outweigh the losses caused by the development?
 - The local people will have to endure a “blot on the landscape” for a generation.
 - There is no carbon calculation in respect of the associated aspects of the development compared to what they will produce.
 - The transportation route is not suitable for HGVs.
 - Will the Council be left with the cost of decommissioning the site?
 - There is no consideration of the ancient monuments on the site.
 - The viewpoints (contained in the application) are misrepresented to the applicant’s advantage.
 - The company carried out poor consultation and there was a time lapse between it and the submission of the application.
 - There has been poor consultation by the Council as part of this application
 - The use of CCTV cameras may infringe our human rights and civil liberties.
 - The site will be highly visible from a number of nearby settlements such as Mountain Ash, Perthcelyn, Cefnpennar, Cwmpennar and further afield in the Cynon Valley.

- There will be no employment from such a large development.
- There is no strategic plan for renewable energy in the area.
- The profit will go to private hands with no apparent gain for the local community.
- The site will lead to vandalism.
- No account has been taken of the cost of recycling solar panels at the end of their life.
- The applicant's EIA study has flaws / shortcomings and does not conform to the impact methodology recommended by the Building Research Establishment.
- The access road lacks passing places and will hamper accessibility by existing residents of the area.

CONSULTATIONS

Rights of Way Officer – no objection but a PROW crosses the site.

Countryside, Landscape, Ecology – express concern / objection that the ecological survey submitted with the application identified features of interest within the application site however the landowner subsequently carried out work to this field which may have adversely affected its ecological quality.

Cadw – no objection following revisions to the scheme.

Glamorgan Gwent Archaeological Trust – no objection following revisions to the scheme.

SWALEC – advise on location of apparatus.

Dwr Cymru/Welsh Water – no objection.

Natural Resources Wales – no objection. Do not consider that the proposal will have any direct impact on the adjacent Waun Goch Penrhiw Caradog SSSI (subject to conditions). An Ecological Management Plan is recommended. No objection is raised in relation to the landscape and visual impact of this proposal. NRW do not consider that the proposals will give rise to a significant impact upon a nationally designated landscape.

Public Health & Protection – no objection.

Drainage Section – no objection.

Transportation Section – no objection subject to conditions.

POLICY CONTEXT

This section deals with the principal policies to be taken into account when considering this application. There is a significant overlapping of policies in a plethora of documents ranging from both primary and secondary legislation to Governmental and the Council's own publications. It is not practical to reproduce or summarise all of the information contained within them and therefore an assessment of the most relevant policy context and information has been included.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The development plan in force is the Rhondda Cynon Taf Local Development Plan, adopted in March 2011.

The site is covered by the following planning designations:

Policy AW8 – Protection and Enhancement of the Natural Environment

This policy seeks to ensure that the area's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development. The area is designated as a Site of Importance for Nature Conservation (SINC) and therefore developments must be directly necessary for the positive management of the site; or not unacceptably impact on the features of the site for which it has been designated; or not reasonably be located elsewhere and the benefits of the proposed development clearly outweigh the nature conservation value of the site.

Policy AW14 – Safeguarding of Minerals;

This policy seeks to protect mineral resources from development which would unnecessarily sterilise them or hinder their extraction.

Policy NSA25 – Special Landscape Areas

The site is within Cwm Clydach Special Landscape Area where will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

Other area wide policies are relevant to the determination of the scheme:

Policy CS10 – Minerals

In this policy the Council seeks to protect resources and to contribute to the local, regional and national demand for a continuous supply of minerals, without compromising environmental and social issues. It requires a 10 year land bank of permitted rock aggregate reserves and permits the safeguarding of key areas of reserves for future extraction.

Policy AW4 – Community Infrastructure & Planning Obligations

The policy notes that planning obligations may be sought where development proposals impact on local services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms.

Policy AW5

This policy lists amenity and accessibility criteria that will be supported in new development proposals. These include appropriate scale, form and design of development to ensure it would have no unacceptable effect on the character and appearance of the site and the surrounding area; retention of valuable features of the built and natural environment, no significant impact upon the amenities of neighbouring occupiers and being compatible with other uses in the locality.

Policy AW6

The policy outlines design and place-making criteria that will be supported in new development proposals. These include high quality design, schemes to be appropriate to the local context in terms of siting, appearance, scale, height, massing, elevational treatment, materials and detailing, protection and enhancement of the landscape and biodiversity and promotion of energy efficiency and the use of renewable energy.

Policy AW8

This policy seeks to protect and enhance the natural environment and heritage from inappropriate development.

Policy AW10 – Environmental Protection and Public Health

This policy restricts development where it would cause environmental harm or nuisance because of:-

- Air pollution;
- Noise pollution;
- Light pollution;
- Contamination;
- Landfill gas;
- Land instability;
- Water pollution;
- Flooding;
- Or any other identified risk to the environment, local amenity and public health or safety.

Policy AW12

The policy sets out the development plan's parameters for renewable energy proposals. It supports the development of such schemes where there is no unacceptable effect upon the interests of soil conservation, agriculture, nature

conservation, wildlife, natural and cultural heritage, landscape importance, public health and residential amenity.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy (which are not duplicated in the Local Development Plan) particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (Edition 7 Jul 2014) Chapter 4 (Planning for Sustainability), and Chapter 12 (Infrastructure and Services), which explicitly refers to renewable energy, set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

- **PPW Technical Advice Note 5** – Nature Conservation and Planning
- **PPW Technical Advice Note 6**: Planning for Sustainable Rural Communities (2010)
- **PPW Technical Advice Note 8**: Planning for Renewable Energy (2005).
- **Planning Policy Wales** (Edition 7, July 2014)
- **Environment Strategy for Wales** (2006)
- **A Low Carbon Revolution: The Welsh Assembly Government Energy Policy Statement** - March 2010
- **Energy Wales: A Low Carbon Transition** (March 2012)
- **Wales Spatial Plan** (2008 Update)
- **One Wales: One Planet** (The Sustainable Development Scheme of the Welsh Assembly Government) (May 2009)
- **Climate Change Strategy for Wales**

Committee is advised that TAN 8: Planning for Renewable Energy sees wind farming as the principal mechanism for providing the country's renewable energy needs (or at least meeting the targets). As such the TAN offers very little information in respect of solar farms other than advising that there is a general presumption in favour of delivering all types of renewable energy. Committee is advised that the Strategic Search Areas (SSAs) that are referred to when considering all wind farm applications are not relevant to the development of any other type of renewable energy scheme nor is the requirement to "accept landscape change" a principal consideration.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations dictate otherwise.

This section of the report identifies the relevant development plan policies for the purposes of S38 (6) and discusses the other policy and material considerations

(including letters of support and objection) which apply to this development. It then provides an assessment of the proposal against the Development Plan policies and material considerations drawing on the findings of all supporting documentation.

In determining this application Committee is advised that the principal considerations are the impact of the proposal on the character and visual amenity of the area, the residential amenity of those living closest to the site, highway safety, ecological implications and any implications of any historic, architectural or cultural features.

Committee is advised that large or complex schemes will rarely satisfy all of the criteria set out in the variety of policy and advice guidance that surrounds a particular type of development and therefore a weighing up of all material considerations will be required in order to reach a decision.

Climate change and renewable energy

The importance of renewable energy schemes in Wales, and the need for consistency in dealing with applications for such developments, is indicated by the Welsh Government Practice Guidance – “Planning Implications of Renewable and Low Carbon Energy” (February 2011).

The Local Development Plan (LDP) sets out a permissive stance towards renewable energy generation within the open countryside (Policy AW12). Planning Policy Wales, TAN 6 and TAN 8 are explicit in support for the principle of renewable energy generation and they reaffirm the Welsh Government’s commitments presented within One Wales (namely, to produce more electricity from “renewable” than Wales consumes as a nation by 2019), in the Climate Change Strategy (a 3% reduction in green house gas emissions from 2011 levels).

It is recognised that no single scheme will meet the Welsh Government’s commitments however each scheme for renewable energy contributes to the reduction of greenhouse gas emissions and this scheme would represent a useful contribution towards the implied 1GW WG target set for other technologies including solar PV

While one letter of objection states that “government ministers” have expressed their concern in respect of large scale solar farms, no evidence has been cited and there are many Welsh and UK policy documents which support renewable energy where appropriate measures are taken to protect the environment.

Another letter of objection suggests a lack of a strategic approach to this type of development in the area, however Committee is advised that the renewable energy framework is set by the Welsh Government (through TAN 8) and policies within the LDP and that the Council has no control over the applications which are submitted to it and subsequently considered / determined by it.

Impact on Landscape and Visual Amenity

Committee is advised that such a large application could, potentially, have significant medium term impacts in terms of its effect on the landscape within which it sits as well as the towns and villages that are adjacent to it. Such concerns, understandably, form a large basis of the objections received

The application site is within the Cwm Clydach Special Landscape Area (SLA) where will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area. Committee is advised that an SLA is a local designation (it is not a national or international designation such as an AONB or SAC)

The applicant points out that the character of the SLA is one within which renewable energy developments will become a defining feature – although Committee is advised that the TAN 8 requirement for LPA's to “accept landscape change” within these Strategic Search Areas **only specifically relates to the construction of wind farms and not to other forms of renewable energy schemes.**

The proposed development is located on the lower coalfield plateau tops adjacent to the Cynon Valley, south west of Mountain Ash. The proposed layout comprises two parcels of land. To the north, three fields are proposed to be developed. This reduces the extent of the previous layout which had included three further fields to the south west. These were adjacent to Public Rights of Way and to open access land. To the south east, two further fields are proposed to be developed.

The topography is undulating with the southern parcel located on a localised high point. However the site is set slightly back from the very steep slopes of the Cynon Valley. The fields are pastoral and irregular in shape and are enclosed by stone walls which are in a varied state of repair. There are two small cairns located near the high point in the field in the southern parcel and a number of small trees located in the fields to the north.

The proposed layout shows arrays with irregular edges in order to cope with the irregular shape of the field boundaries and vegetation. The spacing of the arrays also varies to address changes in slope and aspect. The (revised layout) arrays also appear to be proposed running in close proximity to the (unscheduled) cairns. The arrays are set back from the field boundaries and the layout overall appears to minimise the level of damage to the walls and vegetation.

The ZTV (Zone of Theoretical Visibility) appears to show that there is visibility of the arrays within the Cynon Valley as well as the plateau to the south west and north east of the Valley. As the arrays are sited back from the edge of the top of the valley sides it is not clear how many would be visible. It is assumed that visibility of the bulk of the solar farm is limited in the valleys due to the arrangement of the layout and intervening vegetation and field boundaries.

The site is located in LANDMAP aspect areas with the following values: high value for geological landscape, historic landscape and cultural landscape aspects; moderate value for visual and sensory and landscape habitat aspects.

The combined values and qualities of the landscape have resulted in the designation of the area as the Cwm Clydach Special Landscape Area. Its qualities include that it is unspoilt and secluded from busy valleys.

The irregular field boundaries, sizes of fields and undulating topography do not lend themselves ideally to solar panels. However, the field boundaries are retained mostly intact and the scale of the development in two blocks does not appear to overpower the pattern or grain of the landscape. There is some visibility particularly to the south on higher ground which does lead to some adverse effects.

The LVIA states that the sensitivity of the landscape is “high/medium”. The effect on the landscape character is stated as “medium” up to 1 km with a resulting significant adverse effect. This appears to be a reasonable evaluation. Beyond 1 km, the LVIA considers that the effect is “not significant”.

The effects on visual receptors appear to have been reduced by the reduction in the size of the solar farm. The LVIA states that Pen Rhiw Caradog (the land owner’s property) and Perthgelyn, 270m east of the site would be significantly adversely affected. However, it states that the property just off Pleasant View, 180m to the south, and the property west of the reservoir, 300m east of the site, would no longer undergo significant effects.

With regard to visual impacts from Public Rights of Way, the LVIA states that the footpath running along the northern boundary adjacent to the site would experience significant adverse effects. This is agreed, however, it states that the footpaths and bridleways in the open access land to the north west of the site, which run 170 m at their closest point, would not undergo significant effects. As the views are open and the arrays would be visible sideways on above the boundary walls, this does not appear to be the case. It would be expected that there would be “significant adverse” effects on users of these Public Rights of Way and open land, although reduced from level of effects likely from the previous (originally proposed) layout.

The level of effect on views of the arrays from Llanwono churchyard and car park are likely to be low and not significant due to the reduction in the extent of the arrays to the north although Committee is advised that the photomontage from this location does not appear show any arrays - which seem unlikely.

Should the proposal be approved, mitigation should include the repair of boundary walls and reinstatement. The arrays should also avoid running across and disturbing the cairns with appropriate protection measures in accordance with good practice implemented.

It is clear that the development of such a large solar farm in a rural location would have some potentially significant impacts on visual amenity. It is a matter of judgement whether such impacts (which can only partially be mitigated by landscaping and the repair of boundary walls) is acceptable. Committee is advised that NRW have not objected to the proposal. They do not offer any concerns in relation to the landscape and visual impact of this proposal and do not consider that

the proposals will give rise to a significant impact upon a nationally designated landscape.

Landscape and Visual Amenity Conclusions

NRW advise that there will not be any significant impacts on the landscape arising from this development. This would seem to align itself with the applicant's own assessment.

A number of objections have been received which express concerns over the visual appearance of the development. Committee is advised that the impact from the solar farm is considered to be the greatest (most adverse) from those properties in relatively close proximity that live in a predominantly rural area and are, understandably, concerned that the development would not be in keeping with the predominant agricultural uses in the area. Wider views would be more affected by the sheer scale of this type of development although such views would be set against a larger backdrop.

It is clear that such an expanse of apparatus will significantly change the local character of the landscape however, the nature of solar farm development is such that it is not reasonably practical to carry out a development of the scale required in anywhere else other than a rural setting and its very scale is such that it will be visible from a wide range of areas.

A point has been raised by an objector stating that there is no strategic plan in respect of renewable energy projects and that without such a strategy any number of proposals could be submitted within RCT with the potential for significant impacts. In respect of TAN 8 (Planning for Renewable Energy) it is fair to say that this document was principally designed to deal with wind farm development (which was seen as the only realistic way of the Welsh Government meeting its renewable energy targets) and is less directional its framing of other types of renewable energy projects.

While TAN 8 states that landscape change should be accepted, this principle does not apply, per se, to solar farm development (or any renewable projects other than wind farms) however, it is implicit in a range of policy documents at both a Welsh Government and UK Government level that there is a general presumption in favour of renewable energy projects (subject, of course, to proper assessment of any impacts).

While the comments of the objectors are pertinent, TAN 8 remains the relevant document (along with the others referred to in the POLICY CONTEXT section of this report) for the consideration of this application.

While the solar farms will be visible from a wide variety of locations, its impact is principally considered to be at a "local" level and that at this "local" level the impacts, while being significantly different to the current views of an agricultural field(s), are considered not so harmful as to warrant a recommendation of refusal

Members will be aware that the interpretation of "harm" or "unacceptable impact" involves a rigorous assessment but any conclusions are, essentially, a matter of

judgement. The situation is not helped by the fact that TAN 8 offers very little by way of assistance to the decision maker in the way that it does in respect of wind farm development. Given the seemingly inevitable contradictory assessments in terms of landscape and visual impact, Committee is advised that the general presumption in favour of renewable energy schemes and the consultation response from NRW (who are the Welsh Government's advisors on the Welsh landscape) which offers no objection in respect of the proposal, it is considered that, on balance, the proposal would not have any significant impacts such as to warrant a refusal and that the scheme can be considered to comply with the relevant policies within the Local Development Plan.

It is accepted that landscape and visual issues is one factor in the decision making process. There are benefits from renewable energy. These factors, combined with other issues, need to be put into the balance to arrive at a planning decision on the overall acceptability of the proposed development. The land management works carried out by the land owner have invalidated the assessment process half way through the planning application.

Access, Public Rights of Way and Highway Safety

The developer has indicated that the large HGV vehicles will deliver components to a transfer station yet to be confirmed (such as Pontcynon Industrial Estate) whereby loads will then be transferred to 7.5t vehicles to access Penrhiw Cradoc Farm.

Although this will increase vehicle movements along the access route due to some tight constraints and on-street car parking, the proposal to construct the solar farm in this way is acceptable.

As part of the submission, the developer has provided some "swept path" analysis along the route which indicates that access can be achieved by the 7.5t vehicles proposed.

The adopted access road leading to Penrhiw Cradoc farm is sub-standard in terms of both its width (2.9m) and vision at its access with Llanwonno Road. In order to overcome this, the developer will be required to mitigate the impact of the proposal by providing passing bays - widened to 5.5m - to allow two large vehicles to pass one-another.

The vision splay (in accordance with TAN 18) for a road with a 60mph speed limit should be 2.4m x 215m. The achievable vision splays, due to the road geometry, is 2.4m x 80m left and 2.4m x 65m right onto Llanwonno Road which is of concern to the Transportation Section. Given the limited time period for construction (3 months) the developer will be required to mitigate the impact by providing traffic management warnings of slow turning vehicles and temporary construction traffic.

A Traffic Management Plan will be required before any works commencing on site which must include exact routes, swept path, type of vehicles, constraints, temporary traffic management, the amount of material to be transported and any mitigation measures required. Therefore a condition has been suggested accordingly.

In addition, a condition survey of the local highway network from its junction of Hawthorne Terrace to the access with Penrhiw Cradoc Farm will be required prior to works commencing on site and after commissioning with any compensation arrangement agreed and therefore a condition has been suggested accordingly.

An objection relates to the impact of the development on an existing Public Right of Way (PROW). A PROW footpath (Ycc8) and bridleway (MOV/ 18) run along the site boundary with access gained off Llanwonno Road which will require a scheme for mitigation of any impacts in accordance with details that have been agreed with the Council's PROW Officer – and which will form part of the Traffic Management Plan.

In addition to the above, the developer has also provided the following information as part of the application. Such details can be secured through the imposition of a condition:-

- The construction period is expected to be completed within 3 months. a construction compound will be constructed for storage of materials, staff parking and deliveries.
- Construction hours will be between 08:00 – 18:00 Monday-Friday and 08:00-13:00 on Saturdays.
- HGV vehicles will be restricted between the hours of 08:00-09:15 and 14:45-15:45 weekdays to coincide with peak school hours.
- A construction Traffic Management plan will be provided with detailed signage, HGV routes, mitigation measures and any restriction on delivery times.
- Over the 3 month period there is likely to be a maximum of 160 HGV vehicular trips equating to 8 HGV deliveries per day. These deliveries will be taken to a transfer station such as Pontcynon Industrial Estate whereby loads will be transferred to smaller HGV Vehicles.
- After transfer it is estimated that it will take between 180-270 smaller HGV vehicles to transfer the solar panels and frames to Penrhiw Caradoc Farm.
- When adding the construction traffic for the access track and compound the maximum HGV movement to the site is in the region of 250-340 vehicles.
- It is estimated that the workforce would arrive in a maximum of 10 light vehicles during the construction period.
- Vehicle trips for maintenance thereafter are estimated at 12-20 per year.
- A stone construction path will be provided along the farm access 3.5m – 4.0m wide for ease of access to the site location.
- No abnormal loads will be required as part of the set up operation or decommissioning.

In light of the above comments, no objections have been raised by the Transportation Section. A number of the objections refer to the highway safety concerns, specifically resulting from the construction period. It is clear that the lanes in and around the site will be the subject of a level of traffic that is out of the ordinary to that normally encountered however, it is only for a limited period of time and will be the subject of the details agreed by a Traffic Management Plan, therefore the impact is considered to be inconvenient rather than unacceptable. The maintenance

period (following construction) is not associated with any significant levels of traffic therefore are not considered to be a problem.

Members may be aware that a similar development in Rhigos gave rise to some issues during the construction period, much to the annoyance of some local residents. While a similar condition to the one proposed was included as part of that submission, the complaints received (by the Enforcement Section) came relatively late in the construction period therefore the period for compliance with any Notice would only have become active *after* the construction period was completed – rendering any direct action abortive.

Ecology Issues

An Environmental Statement (ES) was submitted with the application and has identified that the habitats on site.

Initially, the Council's Ecologist and NRW offered some concerns over the level of detail submitted. As a result the applicant carried out the appropriate surveys and resubmitted the ES in February of this year, in particular identifying the impact of the development on the SINC.

The Council's Ecologist is somewhat disappointed that during this period the landowner carried out works to these fields such as to undermine any ecological value that they may have had and rendering any evaluation of the application as somewhat pointless.

Notwithstanding these concerns it would seem that any ecological value would have been of a local SINC interest rather than contain nationally or internationally protected species. It may be argued that in undertaking this work the land owner may have contravened the Environmental Impact Assessment Regulations for Semi Improved and Uncultivated Land. The matter has been reported to the Welsh Government however there would seem to be some debate as to who would be responsible for administering these Regulations and, therefore, if necessary taking enforcement action. It would seem as though (regardless of who has the responsibility for assessment or enforcement) that this process can take place independently of the consideration of the planning application.

In terms of the potential for assessment, the Council's Ecologist has advised of the following:

- a) The pastures affected by the solar farm were known to be of some ecological value (and potentially high grassland value) and confirmation was being sought of that value in order to understand the impacts of the scheme and, if appropriate, the scale of mitigation that would be required to off-set the impacts of development.
- b) The land management works carried out by the land owner have invalidated
- c) Experience has shown that land improvement works (of the nature undertaken) are not always permanent or indeed very long lasting. Depending on the extent and degree of land improvement habitat recovery can occur.

- d) Given (c) the works undertaken mean that it is not possible, at this time, to assess the real ecological value of those fields, whether that ecological value will recover in the next few years and therefore the ecological impacts of the scheme cannot be assessed.
- e) Based on the above, there might be grounds for an ecological objection based on the interference of the assessment process during a live planning application, and that time is required in order to allow a better assessment of the true ecological value of the affected fields. The works undertaken leave no option but to take a precautionary approach and assume that the grassland ecology was high, that it may (at least in part) recover, and that it is whatever recovery will happen will have occurred before the solar farm application can be properly assessed. The improvement works have not resolved the issue, instead they have had the opposite effect and significantly clouded the assessment process.

Members can see the difficulty there is in assessing the ecological value of the site in order to give an overall weighting of the value against all of the other material planning considerations.

In the absence of any meaningful assessment the Council's Ecologist has advised that the only alternative might be if the applicant offered significant habitat mitigation, which would need to be much more extensive than the gaps left in the field corners around the edge of an operation solar farm.

While any ecological impacts may have only been at a local level, Committee is advised that such an assessment forms a vital part of the consideration of any planning application and the actions of the land owner have made this process very difficult. However, as the issues are likely to be only at a local level it may be that a scheme that offered significant enhanced habitat mitigation would outweigh the potential losses such that, on balance, the scheme would provide greater benefits than the potential impacts.

In light of the fact that NRW have not offered any objections to the scheme in respect of its impact on the adjacent Waun Goch Penrhiw Caradog Site of Special Scientific Interest (SSSI) it is confirmed that there is nothing other than a local designation affected by the proposal. Furthermore, NRW also advise that the works carried out to the fields have "significantly reduced the biodiversity value of the site during the planning process" however also advise that there may be opportunities within the development to seek biodiversity enhancements wherever possible. In doing so NRW advocate that a condition is included requiring the submission of an "Ecological Management Plan" setting out the long term management and enhancement of the habitats on site. They also recommend that this should include a commitment to halt any further applications of fertiliser to the site to encourage the natural reversion of the grassland habitat to a more species rich sward.

Committee is advised that such advice is not dissimilar to that given by the Council's Ecologist when addressing the dilemma of how to proceed in the consideration of this application. Should Committee be minded to approve the application then it is normal practice to accompany any decision with a S106 agreement to ensure the

long term management of the site (for the life of the solar farm through to its decommissioning).

Land Drainage

The Council's Drainage Section has advised that the applicant has submitted a Flood Consequence Assessment (FCA) with the application. The FCA concludes that there will be little impact to the watercourse as a result of the development. The advice from the Council's Drainage Section is that the introduction of solar panels will significantly change the flow patterns of the fields, limiting flow routes to the channels between the solar arrays. This, in turn, will have an effect on the receiving watercourse (in terms of velocity, times of concentration, etc.) the precise details of which should form part of a Hydrological Impact Assessment. Committee is advised that should the application be approved, a condition is proposed to this effect, the details of which are to be submitted prior to the commencement of any development. As noted in an earlier section of this report, there may be opportunities for biodiversity improvements, the details of which should also form part of the applicant's considerations / submission.

With the inclusion of this condition, the Council's Drainage Section has no objection to the scheme.

Similarly Dwr Cymru / Welsh Water have offered no objections in respect of the scheme.

Mineral Extraction

The application site is identified in the Local Plan as a sandstone resource.

The site is located within a mineral safeguarding area for sandstone. The proposed development consists of lightweight structures which will be above ground and therefore would not substantially sterilise or hinder future extraction of the mineral, which is located beneath the site. The development has a lifespan of 25 years at which point it can be decommissioned and, if require, the mineral extracted.

Policy CS10 requires the Council to maintain a minimum 10 year land bank of permitted rock aggregate reserves throughout the plan period (to 2021) and beyond this to safeguard an extended land bank in the form of a Preferred Area of Known Mineral Resource. It is this latter category that this application falls. The solar farm is a temporary development which will be dismantled and the land reinstated. The effects on the landform are very limited and sandstone resource would not be permanently harmed as a result of this development.

Agriculture

The layout of the proposed solar farm has been chosen to minimise impacts upon soils, requiring limited excavation to facilitate the installation of the panels.

Agricultural activities (grazing) can still continue around the panels. No existing landscape elements will be lost as a result of the development with existing walls and buildings retained.

The minimal effects on agricultural uses mean that the scheme is in accordance with the requirement of Local Plan Policy AW12 with regard to ensuring there is no unacceptable effect on the interests of agriculture.

The applicant has stated that the Agricultural Land Classification of the site is Grade 4. Applications which cover areas of more than 20 acres of Grade 1, Grade 2 or Grade 3a land must be referred to the Welsh Government (by way of consultation with the appropriate Department) however, as the land is Grade 4 this does not apply and the (partial) loss of this quality of agricultural land is not considered to be unacceptable (i.e. it is not the best quality of agricultural land for which a rigorous assessment of the desirability to preserve it would be necessary).

Economic Benefits

Committee is advised that, outside of the construction period there is unlikely to be any employment associated with the development of a solar farm (other than, perhaps, in the maintenance service). Committee is advised that in terms of being a material consideration it is neither positive or negative and, as such, should not be afforded much weight either way in the decision making process. A number of objectors have made reference that the development will not benefit the local community.

There is "community benefit" being offered as part of this development (if approved). It is understood that the applicant has offered £1,000 per MW built per annum indexed for the life of the project (i.e. £5k a year inflated) which, over a 25 / 30 year period may offer some £125,000 / £150,000 for the local community. Committee is advised that this is being reported **for information only**.

All community benefits (i.e. those payments not directly associated with mitigating the impacts of the development) should be provided outside of the planning system. Accordingly, Committee is advised not to give any weight to this aspect of the scheme when making a decision.

The operational life of the solar farm will not give rise to the provision of any meaningful employment opportunities. There may be some limited opportunities during the construction period however these are likely to be short term. It is the nature of this type of development that there would be limited employment opportunities and, accordingly, very little additional weight can be given to the application in this respect.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

This application for a 5MW solar photovoltaic farm is designed to produce energy from a renewable source. This therefore seeks to contribute to the Welsh Government's intention to produce more electricity from renewables than Wales consumes as a nation by 2019.

Given the detailed landscape and visual assessment there is still some concern over the suitability of the site to accommodate this development. However, taking into account the specific consultation response from NRW and the other consultation responses, it is considered that, on balance, the scheme has minimised the potential effects on landscape, ecology (through mitigation to be secured as part of a S106 agreement) and flood risk and thus is in accordance with Local Plan Policies AW8, NSA25, AW5, AW6, AW10 and AW12.

It is also in accordance with national policies on ecological; protection and enhancement, landscape character and flood risk set out in Planning Policy Wales and the Wales Spatial Plan.

The temporary use of the site protects the identified sandstone resources and thus ensure the scheme is in accordance with Local Plan Policies AW 14, CS 10.

Recommendation: Approval subject to a S106 Agreement

Heads of Terms are as follows:

Full details of the Habitat Management Plan (HHMP) and species mitigation measures for the life of the solar farm (if longer than 25 years). These measures should include;

- a) A plan showing the location of the Management Area and areas of species mitigation and monitoring
- b) Details of habitat management, restoration, and monitoring programme
- c) Details of ecological or hydrological assessment work to advise the HMP
- d) Details of Site management, habitat restoration and access infrastructure
- e) Establishment of a HMP Committee (to include invitations to RCT and NRW (or its successor body)
- f) Details of the process and procedure of reviewing and up-dating the Management Plan during the 25 year management period
- g) Details of habitat monitoring provision
- h) Public access and safety provisions,
- i) Litter and rubbish treatment
- j) Stock proof fencing and field gate provision and maintenance,
- k) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually),
- l) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and

- post,
- m) Remedial measures triggered by monitoring (including annual monitoring and update reports to Management Committee),
 - n) Details of any species licensing requirements from the Welsh Government.

The works shall be implemented in accordance with the approved details and timing of works, unless otherwise approved in writing by the local planning authority.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The permission hereby granted shall endure for a period of 30 years from the date when electricity is first exported from the development hereby approved to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within one month of the First Export Date.

Reason: In the interest of visual amenity and to define the scope of the permission. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

3. Within 30 years and six months following completion of construction of the development, or within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby approved shall have been dismantled and removed from the site. The developer shall notify the Local Planning Authority, in writing, no later than five working days following cessation of power production. The site shall subsequently be restored (in accordance with the scheme required by Condition 18) no later than three months following the cessation of power production or within 30 years of the completion of construction, whichever is the sooner.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where

necessary a Remediation Strategy must be undertaken in accordance with "Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006)". This document shall be submitted to, and agreed in writing by, the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to, and agreed in writing with, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. In accordance with policies AW10 of the Rhondda Cynon Taff Local Development Plan.

5. No development approved by this permission shall be commenced until a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures and incident response details for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority.

The Method Statement should identify as a minimum;

- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks etc
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off during construction
- a scheme to treat and remove suspended solids from surface water run-off during site preparation and construction works
- details of measures to ensure no polluting discharge from haul roads/disturbed areas
- details of the nature, type and quantity of any materials to be imported on to the site
- measures for dealing with any material (e.g. excavated waste) to be removed off-site
- identification of any buried services, such as foul sewers, so that they are protected
- details of all responsible persons responsible during the construction period (including telephone numbers)

The CEMP should be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately. The CEMP shall be implemented as approved in accordance with an agreed timeframe of works.

Reason: Prevention of pollution of controlled waters. In accordance with policies AW5 and AW10 of the Rhondda Cynon Taff Local Development

Plan.

6. Prior to the commencement of development details showing the repairation / restoration of all field boundaries shall be submitted to, and approved in writing by, the local planning authority. All works approved as part of these details shall be completed in accordance with any approval prior to the first beneficial export of electricity from the site.

Reason: In the interests of visual amenity. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

7. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday 0800 – 1800; Saturday 0800 – 1300; unless such work:

- is associated with an emergency (relating to health and safety or environmental issues);
- is carried out with the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of local residents. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan.

8. No development shall take place until a Wildlife and Habitat Protection Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife and Habitat Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction to adjacent habitat and other areas of ecological value;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed
- Details of specific species and habitat mitigation, monitoring and enhancement measures for key species and habitat restoration
- Details of tree/hedgerow/wall protection measures
- Details of invasive plant avoidance and /or treatment
- Site lighting details
- Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;

- Installation of physical protection measures during construction;
- Implementation of sensitive working practices during construction
- Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- Specific species and Habitat Mitigation measures
- Provision of training and information about the importance of the 'Wildlife and Habitat Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority'

Reason: To afford protection to animal and plant species in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a Traffic Management plan (TMP) has been submitted to, and approved in writing by, the local planning authority. The TMP shall include:

- Confirmation of the exact transfer location;
- Swept Path Analysis for all HGV (showing full route and mitigation measures)
- All Traffic Management to include protection of the Public Right of Way
- Highway works (including all temporary works to the public highway passing bays widened to 5.5 metres to facilitate access and reinstatement work timescales)
- Any delivery time restrictions (especially in relation to peak school hours)
- The amount of material to be transported to the site including aggregates for the access track.
- Wheel wash facilities

The development shall be carried out in strict accordance with any approval.

Reason: To ensure safe and satisfactory delivery of all components, in the interest of highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to commencement of the development, a report indicating a methodology for undertaking a conditions survey of the local highway network from its junction with Hawthorne Terrace to the Penrhiw Caradoc Farm access gate shall be submitted to, and approved in writing by, the local planning authority. The report should include the timescales for undertaking the surveys and the method of reporting the findings to the local planning authority, comprehensive photographs, and potential compensation arrangements.

The development shall not be brought into use until the final survey (on completion of the development) and any compensation has been submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the extraordinary traffic use arising from the construction period does not have an adverse impact on highway safety. In accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. The development shall be carried out in accordance with the plans and letter dated 7th August 2015 which details (amongst other things) the buffer zone around the Scheduled and unscheduled cairns and the following plans:-

- Layout – Pen Rhiw Farm_Proposed_Layout_Rev3; PRW_01_Rev3; dated 17.11.14.
- Field Transformer – Transformer Details; TD_01; dated 27.11.13.
- Inverter Station – Inverter Details; ID_01; dated 29.11.13.
- DNO Substation – DNO Building Details; DNO_01; dated 06.12.13.
- Clientside Substation – Client Side Substation Details; CSR_01; dated 06.12.13.
- Communications Building – Communications Building Details; CB_01; dated 19.12.13.
- Site Transformer (Aux) – Side/Aux Transformer; AT_01; dated 09.01.15.
- Storage Shed elevation – Storage Building Details; SB_01; dated 18.12.13.
- CCTV details – CCTV Pole Details; CCTV_01; dated 10.12.13.
- Standard Deer Fencing Details – Deer fence (undated).
- Toilet Cabinet – TC_01; dated 12.01.15.

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

12. Prior to any building work taking place, samples of all materials (along with a full written schedule) proposed to be used on any building or structure that forms part of this approval shall be submitted to, and approved in

writing by, the local planning authority.

The above details shall be accompanied by a written justification as to why the proposed materials are considered appropriate to their setting.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 13. No development shall take place until drainage arrangements have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate disposal of surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/0946/10 (GW)
APPLICANT: Mr D A Davies
DEVELOPMENT: Change of use from Police station to a supported living home offering both a shared 3 bedroom bungalow and 2 self contained flats connected via a staff room.
LOCATION: CYNON VALLEY CRIME REDUCTION SERVICES LTD, WINDSOR STREET, TRECYNON, ABERDARE, CF44 8LN
DATE REGISTERED: 14/08/2015
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION: Grant

REASONS:

The development is within the settlement boundary and in a predominantly residential area.

The proposal would result in the loss of some employment space. However the site was previously partially used as a 'Police House' and the current office use of the building has become surplus to their requirements. Notwithstanding this, the proposed use would still have some employment aspect in terms of the staff support. It would also provide an active use in what is a vacant building. As such, it is considered, there would be some

regeneration benefit to the application.

The dwellings proposed would be for occupiers who may have learning difficulties, physical disabilities or sensory impairments. Some concern with regard to who would be occupying the property has been voiced by local residents. It is however considered this issue would not warrant a refusal reason.

There would be little physical external alteration and the impact on residential amenity would be acceptable. There would be no significant impact on parking and highway safety.

APPLICATION DETAILS

Full planning permission is being sought to convert the former Police Station, currently used as offices for Cynon Valley Crime Reduction Services, into a home for people with learning difficulties, physical disabilities or sensory impairments. It is detailed the home would be run by Planned Residential Support Services Ltd (PRESS) and that they have been operating this type of residential service for over 20 years in South East Wales.

One shared three bedroom bungalow would be provided and 2 self contained flats. A Warden's office is detailed with connections to all three properties. Support would be provided by staff on a 24 hour basis. It is stated in the application that it would be largely the choice of the person seeking their services to live there and that the properties location to the local surgery, park, coliseum and local shops offers an attractive location. The home would be a 'home for life' and support staff would increase/decrease in line with changes in their needs and abilities.

A small extension/porch type area would be provide on the front and rear elevations. A couple of windows on the rear elevation would be increased in size and an additional window on the side elevation of the single storey part of the building facing the lane would be provided. There would also be some minor changes to the rear of the site to provide level access.

The application is accompanied by the following:

- Planning Statement
- Design and Access Statement.

Councillor Rees has requested that the application is reported to Development Control Committee to assess concerns expressed from local residents about the potential use of the premises.

SITE APPRAISAL

The application site is a building that is attached to a residential dwelling on its west side. The buildings together have the form of two semi-detached dwellings with one having a large single storey flat roof extension to its side and rear. Two single garages are located to the rear and accessed via the side lane. A lay-by on Windsor Road is located to the front of the building. St Fagan's Church, Church Hall and Vicarage are located in close proximity to the north and northwest. The church and vicarage use a side lane to the east of the application building to access Windsor Road. On the opposite side of Windsor Road is a row of traditional terraced dwellings.

PLANNING HISTORY (Relevant to application)

05/0604	Police Station, Windsor Street, Trecynon	Proposed change of use from Police Station to offices, conversion of garden to car parking facility	Granted 29/07/05
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PUBLICITY

The application has been advertised via the erection of a site notice and by direct neighbour notification. One petition signed by 28 local residents has been received. This details in principle they do not object to the proposed use. However, given the circumstances surrounding the death of the vicar of St Fagan's in 2008, it would be inappropriate for individuals with mental illnesses to be housed there.

CONSULTATION

Dwr Cymru Welsh Water - no objection.

Flood Risk Management – no objection.

Public Health and Protection – no objection subject to conditions on demolition of existing dwellings, hours of operation, noise, dust and waste.

Transportation Section – no objection subject to conditions retaining the garages and parking areas.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the settlement boundary as defined by the Rhondda Cynon Taf Local Development Plan and is unallocated.

Policy CS1 - sets out criteria for achieving strong sustainable communities including: promoting residential development in locations which support the role of principal towns and settlements and provide high quality, affordable accommodation that promotes diversity in the residential market; and encouraging a strong, diverse economy.

Policy AW1 - supports new housing inside the settlement boundaries and allocated sites.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW8 - sets out criteria for the protection and enhancement of the natural environment.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity.

Policy AW11 – sets out criteria for development proposals promoting alternative uses for existing employment sites and retail units.

Policy NSA12 – details criteria for housing development within and adjacent to settlement boundaries.

Supplementary Planning Guidance:

Access Circulation and Parking.

Design and Placemaking.

Nature Conservation.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport) and Chapter 9 (Housing) sets out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport;

PPW Technical Advice Note 23: Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main issues:

Principle of the proposed development.

The site is located within the settlement boundary as identified in the Rhondda Cynon Taf Local Development Plan. The proposal is for a residential development located within a mainly residential area.

The building was formerly used as a Police station (and associated offices) with attached 'Police houses'. However more recently the building became offices for Cynon Valley Crime Prevention Services (approximately ten years ago). The existing plans detail a number of office rooms and its use as a crime prevention centre with a reception area. The use subsequently became surplus to requirements and has been vacant for approximately a year.

In policy terms it could be argued that the office space should be retained for employment uses. To be permitted, Policy AW11 requires change of uses of employment sites to have been marketed for 12 months for employment uses without success. It is stated the property has been vacant for a year, however no marketing has been submitted with the application.

Notwithstanding this, the proposed use would still retain some employment aspect with support staff. It would also bring an active use back to what is a vacant building within a residential area. It is also considered, a residential use would be more appropriate in this pre-dominantly residential area, therefore this would be considered a regeneration benefit.

In addition, the site is located on a narrow road with a high demand for on street parking. Whilst this may not restrict future use as offices it would result in more traffic movements than if the building was used for residential purposes. Therefore in these terms there would be an additional benefit from potentially less traffic and noise and disturbance issues.

Therefore in these terms, it is considered, the principle of residential development is acceptable subject to the following material planning considerations.

Impact on the character and appearance of the area.

The main external alterations are the new front entrance and minor changes to the position of the side entrance and windows. It is considered the changes identified on the submitted plans would sympathetically blend with the design and layout of the existing building.

Therefore, taking into account the above assessment it is considered that the current proposal would be acceptable in these terms.

Impact on residential amenity and privacy.

The building is located in a pre-dominantly residential area. The impact of the use of the building, in these terms, would be broadly similar to the existing use. The additional extensions would not have any significant detrimental impact from overbearing or loss of sunlight. Furthermore as detailed above, potentially, the reduction in traffic and intensity of the use of the building could result in less related noise and disturbance.

Taking into account the above assessment the application would therefore be acceptable in these terms.

Access and highway safety

No objection has been raised by the Transportation Section subject to conditions to secure off-street parking spaces. It is considered these haven't been sufficiently detailed on the submitted plans and a condition requiring these details would be acceptable.

Other Issues

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation:

Public Health

Whilst the comments raised by the Public Health and Protection Section are appreciated, it is considered dust and waste matters can be more efficiently controlled by other legislation. An appropriate note can be added to any permission concerning waste and dust issues.

Community Infrastructure Levy (CIL)

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended however, the application lies within Zone 1 of Rhondda Cynon Taf's Residential Charging Zones, where a nil charge is applicable and therefore no CIL is payable.

Conclusion

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the principle of the development, impact on residential amenity and privacy, impact on the character and appearance of the area and parking and highway safety (Policies AW1, AW2, AW5, AW6 and AW11).

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan(s) no(s)

Dwg 6 of 6 - Location and Block Plan received on 8th July 2015.

Dwg 3 of 6 - Proposed Floor Plans received on 8th July 2015.

Dwg 5 of 6 - Proposed Inner Elevation and Sections received on 8th July 2015.

Dwg 4 of 6 - Proposed Elevations received on 8th July 2015

and documents received by the Local Planning Authority on 8th July 2015, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. The premises shall be used for C3 Use Class dwelling houses and for no other purpose; including any other purpose in the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The site may not be appropriate for other uses by virtue of its proximity to residential dwellings in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. The external materials of the proposed extensions shall match as near as possible the materials of the existing building.

Reason: To ensure that the extension is in keeping with the existing building in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. Development shall not commence until details for the removal of the Police Parking road markings and any Traffic Regulation Order associated with the proposed from the lay-by located on Windsor Street have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first beneficial occupation of the dwellings hereby approved.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The development shall not be brought into use until space has been laid out within the site for vehicles to be parked in accordance with details to be first submitted to and agreed in writing with the Local Planning Authority.

Thereafter spaces and garages shall be retained for the parking of vehicles thereafter unless agreed in writing with the Local Planning Authority.

Reason: To ensure that vehicles are parked off the highway, in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent overloading the existing highway drainage system and potential flooding and in the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Construction works on the development shall not take place other than during the following times:

- Monday to Friday 0800 to 1800 hours;
- Saturday 0800 to 1300 hours;
- Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 15/1010/10 (MF)
APPLICANT: Charles Church
DEVELOPMENT: Change of use of land from public open space to residential garden curtilage associated with Plot 46 (Retrospective).
LOCATION: LAND AT ALEXON HOUSE, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AB
DATE REGISTERED: 05/08/2015
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the amenity of the neighbouring properties, and its impact upon highway safety.

APPLICATION DETAILS

Retrospective planning permission is sought for the extension of the residential garden curtilage at Plot 46, Alexon Way, Hawthorn. The extended garden curtilage incorporates an unmade parcel of land set beyond the original garden curtilage to the rear of the property, between the original garden space and an electricity sub-station. It measures 6 metres in width by 10 metres in depth and has been enclosed with 1.8 metre high timber feather edge fencing. The land was originally set out as public open space within the wider Alexon House development.

The applicants have signed the relevant ownership certificates submitted with the planning application highlighting that they are the sole owners of the land in question.

The application is accompanied by the following:

- Design and Access Statement.

The application is reported to Committee by the request of Councillor Bates in order to assess the impact of the loss of public open space within the wider estate.

SITE APPRAISAL

The application property is a semi-detached dwelling located on a modern residential estate in Hawthorn. The wider estate is characterised by a series of modern dwellings all of a varied scale and design. The dwelling fronts the street and has an enclosed garden to the rear which is bounded by a small parcel of unmade land to the northern side. The rear garden space has been extended into this land and enclosed with timber fencing (the subject of this application).

At the time of the site visit all works had been completed.

PLANNING HISTORY

No previous planning applications have been submitted at the application site, however, a number have been submitted at the wider estate:

15/1073	Alexon House Cardiff Road Hawthorn	Change of use of land from public open space to residential garden cartilage associated with Plot 47 (retrospective) (amended site location plan received 08/09/15).	Not yet determined
15/0966	Alexon House Cardiff Road Hawthorn	Non material amendment for the repositioning of the railings which front units 47-55 and units 72-79 and which is adjacent to the back edge of the footpath associated with Cardiff Road. In addition,	Part allowed, part refused 28/07/15

		the incorporation of Public Open Space within the residential curtilage associated with Plot 46 (amended plans received 04/06/13, 07/06/13 and 25/06/13).	
15/0617	Alexon House Cardiff Road Hawthorn	Application for non material amendment to previously approved application 13/0289/16 to realign the footpath to Cardiff Road from the site.	Granted 03/06/15
13/0289	Alexon House Cardiff Road Hawthorn	Application for approval of reserved matters for appearance, landscaping, layout and scale at Alexon House (amended plans received 04/06/13, 07/06/13 and 25/06/13).	Granted 06/08/13
13/0006	Alexon House Cardiff Road Hawthorn	Variation/removal of Conditions nos. 2, 13, 14, 16 and 22 of planning permission 10/1133/13 – residential development.	Granted 06/08/13
11/1170	Alexon House Cardiff Road Hawthorn	Demolition of Alexon House and outbuildings (LBC).	Granted 24/07/12
11/0563	Alexon House Cardiff Road Hawthorn	Application for prior notification of proposed demolition works.	WDN 26/05/11
10/1133	Alexon House Cardiff Road Hawthorn	Outline application for the demolition of existing buildings and redevelopment for residential use with associated access (revised position) and earthworks at Alexon House.	Granted 09/11/12

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from a resident of the wider estate, making the following comments (summarised):

- The developers have not consulted the surrounding residents in respect of the works. The garden curtilage extension would significantly increase the size of garden at the plot, disproportionate to other properties on the estate. Other residents on the estate have not been offered the option of extending their garden curtilages by the developers. This could cause tension in the community.

CONSULTATION

Transportation Section – no objection.

Public Health and Protection – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hawthorn, but is not allocated for any specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA13 – sets out the criteria for the consideration of development proposals within the settlement boundaries.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the Proposed Development

The application relates to the extension of the dwellings garden curtilage to include an area of land to the rear of the site. The parcel of land in question is within the settlement boundary and is adjacent to the existing domestic curtilage of the application dwelling. Whilst the land was originally outlined as public open space within the wider estates master plan, it is located between the dwelling's rear garden and an electricity sub-station and behind a number of parking spaces so is naturally read as part of the dwelling's rear garden space. Consequently, given the siting and nature of the land and its relationship to the application property, it is considered that the land would be unsuitable for any use other than as a garden area in association with the application dwelling. As such, the principle of the development is considered acceptable, subject to the criteria identified below.

Visual Impact

The garden curtilage extension incorporates a small area of land to the side of dwellings rear garden space. It is sited between the garden and an electricity sub-station and is therefore naturally read as part of the dwellings rear garden space. This is further emphasised by the enclosure of the land with timber feather edge fencing which is used throughout the estate. Consequently, it is considered that in the context of the wider locality, the garden curtilage extension represents a relatively modest development that does not have any impact upon the character and appearance of the wider street scene and the application is considered acceptable in this regard.

Residential Amenity

Given the minor nature of the works and their siting, the change of use of the land for domestic purposes is considered to be compatible with the immediate locality and it is not considered that it adversely affects the levels of amenity and privacy previously enjoyed by local residents. As such, the application is considered acceptable in this regard.

Highway Safety

No objections have been raised or conditions suggested following consultation with the Council's Transportation Section. Consequently, it is not considered the development has any adverse impact in regards to pedestrian or highway safety in the vicinity of the site.

Other Issues

It is noted that the objector has raised a number of points in respect of the developers not notifying surrounding residents of the garden extensions and not

being offered garden extensions of their own. However, the points raised are private matters between the developers and residents of the estate and are not material to the determination of this application.

It is also noted that the correct neighbour notification process has been undertaken during this application and that all surrounding residents were notified of the planning application through direct neighbour notification letters and the erection of site notices in the vicinity of the site.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Whilst it is acknowledged the development removes an area of public open space within the estate, given its relationship to the application property, it is not considered the land would be suitable for any use other than as a garden area in association with the application dwelling. Furthermore, it is not considered the development has any impact upon the character and appearance of the area, the amenity of the surrounding residents, or highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

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APPLICATION NO: 15/1073/10 (MF)
APPLICANT: Charles Church
DEVELOPMENT: Change of use of land from public open space to residential garden curtilage associated with Plot 47 (Retrospective) (Amended site location plan received 08/09/15).
LOCATION: LAND AT ALEXON HOUSE, CARDIFF ROAD, HAWTHORN, PONTYPRIDD, CF37 5AB
DATE REGISTERED: 08/09/2015
ELECTORAL DIVISION: Hawthorn

RECOMMENDATION: Approve

REASONS:

The application is considered to comply with the relevant policies of the Local Development Plan in respect of its visual impact, its impact upon the amenity of the neighbouring properties, and its impact upon highway safety.

APPLICATION DETAILS

Retrospective planning permission is sought for the extension of the residential garden curtilage at Plot 47, Alexon Way, Hawthorn. The extended garden curtilage incorporates an unmade parcel of land set beyond the original garden curtilage to the rear of the property, behind an electricity sub-station. It measures 4 metres in width by 7 metres in depth and has been enclosed with 1.8 metre high timber feather edge fencing. The land was originally set out as public open space within the wider Alexon House development.

The applicants have signed the relevant ownership certificates submitted with the planning application highlighting that they are the sole owners of the land in question.

The application is accompanied by the following:

- Design and Access Statement.

The application is reported to Committee by the request of Councillor Bates in order to assess the impact of the loss of public open space within the wider estate.

SITE APPRAISAL

The application property is a semi-detached dwelling located on a modern residential estate in Hawthorn. The wider estate is characterised by a series of modern dwellings all of a varied scale and design. The site fronts Cardiff Road and has an enclosed garden to the rear which is bounded by an electricity sub-station and a small parcel of unmade land behind. The rear garden space has been extended into this land and enclosed with timber fencing (the subject of this application).

At the time of the site visit all works had been completed.

PLANNING HISTORY

No previous planning applications have been submitted at the application site, however, a number have been submitted at the wider estate:

15/1010	Alexon House Cardiff Road Hawthorn	Change of use of land from public open space to residential garden cartilage associated with Plot 46 (retrospective).	Not yet determined
15/0966	Alexon House Cardiff Road Hawthorn	Non material amendment for the repositioning of the railings which front units 47-55 and units 72-79 and which is adjacent	Part allowed, part refused

		to the back edge of the footpath associated with Cardiff Road. In addition, the incorporation of Public Open Space within the residential curtilage associated with Plot 46 (amended plans received 04/06/13, 07/06/13 and 25/06/13).	28/07/15
15/0617	Alexon House Cardiff Road Hawthorn	Application for non material amendment to previously approved application 13/0289/16 to realign the footpath to Cardiff Road from the site.	Granted 03/06/15
13/0289	Alexon House Cardiff Road Hawthorn	Application for approval of reserved matters for appearance, landscaping, layout and scale at Alexon House (amended plans received 04/06/13, 07/06/13 and 25/06/13).	Granted 06/08/13
13/0006	Alexon House Cardiff Road Hawthorn	Variation/removal of Conditions nos. 2, 13, 14, 16 and 22 of planning permission 10/1133/13 – residential development	Granted 06/08/13
11/1170	Alexon House Cardiff Road Hawthorn	Demolition of Alexon House and outbuildings (LBC).	Granted 24/07/12
11/0563	Alexon House Cardiff Road Hawthorn	Application for prior notification of proposed demolition works	WDN 26/05/11
10/1133	Alexon House Cardiff Road Hawthorn	Outline application for the demolition of existing buildings and redevelopment for residential use with associated access (revised position) and earthworks at Alexon House.	Granted 09/11/12

PUBLICITY

The application has been advertised by means of direct neighbour notification and site notices. One letter of objection has been received from a resident of the wider estate, making the following comments (summarised):

- The developers have not consulted the surrounding residents in respect of the works. The garden curtilage extension would significantly increase the size of garden at the plot, disproportionate to other properties on the estate. Other residents on the estate have not been offered the option of extending their garden curtilages by the developers. This could cause tension in the community.

CONSULTATION

Transportation Section – no objection.

Public Health and Protection – no objection.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The application site lies within the settlement boundary for Hawthorn, but is not allocated for any specific purpose.

Policy CS2 – sets out the criteria for development in the Southern Strategy Area.

Policy AW2 – supports development in sustainable locations and includes sites that are accessible by a range of sustainable transport modes and would not unacceptably conflict with surrounding uses.

Policy AW5 – sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 – requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

Policy SSA13 – sets out the criteria for the consideration of development proposals within the settlement boundaries.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability) and Chapter 8 (Transport) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design.

PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Principle of the Proposed Development

The application relates to the extension of the dwellings garden curtilage to include an area of land to the rear of the site. The parcel of land in question is within the settlement boundary and is adjacent to the existing domestic curtilage of the application dwelling. Whilst the land was originally outlined as public open space within the wider estates master plan, it is located behind an electricity sub-station and therefore is not readily visible from the street or accessible to the general public. Consequently, given the isolated nature of the land and its relationship to the application property, it is considered that the land would be unsuitable for any use other than as a garden area in association with the application dwelling. As such, the principle of the development is considered acceptable, subject to the criteria identified below.

Visual Impact

The garden curtilage extension incorporates a small area of land to the rear of the main dwelling. It is sited behind an electricity sub-station and therefore is not visible from the main street. The parcel has been enclosed in such a manner that it currently reads as part of the existing garden area of the application site with no further works required or proposed. Consequently, it is considered that in the context of the wider locality, the garden curtilage extension represents a relatively modest development that does not have any impact upon the character and appearance of the wider street scene. Subsequently the application is considered acceptable in this regard.

Residential Amenity

Given the minor nature of the works and their siting, the change of use of the land for domestic purposes is considered to be compatible with the immediate locality and it is not considered that it adversely affects the levels of amenity and privacy previously enjoyed by local residents. As such, the application is considered acceptable in this regard.

Highway Safety

No objections have been raised or conditions suggested following consultation with the Council's Transportation Section. Consequently it is not considered the development has any adverse impact in regards to pedestrian or highway safety in the vicinity of the site.

Other Issues

It is noted that the objector has raised a number of points in respect of the developers not notifying surrounding residents of the garden extensions and not being offered garden extensions of their own. However, the points raised are private matters between the developers and residents of the estate and are not material to the determination of this application.

It is also noted that the correct neighbour notification process has been undertaken during this application and that all surrounding residents were notified of the planning application through direct neighbour notification letters and the erection of site notices in the vicinity of the site.

Community Infrastructure Levy Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Whilst it is acknowledged the development removes an area of public open space within the estate, given its isolated nature and its relationship to the application property, it is not considered the land would be suitable for any use other than as a garden area in association with the application dwelling. Furthermore, it is not considered the development has any impact upon the character and appearance of the area, the amenity of the surrounding residents, or highway safety in the vicinity of the site. As such, the application is considered to comply with the relevant policies of the Local Development Plan.

RECOMMENDATION: Grant

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APPLICATION NO: 15/1213/10 (CHJ)
APPLICANT: Hirwaun Power Limited
DEVELOPMENT: A new underground gas pipeline to bring natural gas from the existing national transmission system gas pipeline, at a point near the A4061, at which an above ground installation and vehicle access will be developed, to a point on Main Avenue to connect to and facilitate development authorised by the Hirwaun Generating Station Order 2015.
LOCATION: UNITS 1 - 4 HIRWAUN INDUSTRIAL ESTATE, (LAND AT AND SOUTH OF) MAIN AVENUE, HIRWAUN, ABERDARE, CF44 9UY
DATE REGISTERED: 08/09/2015
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: GRANT

REASONS FOR REACHING THE DECISION:

The application comprises a largely underground gas pipeline, which is ancillary to the Hirwaun Power Station proposals, and was fully considered within the six month examination held for the Power Station in 2014. This was run by the Planning Inspectorate (PINS) in accordance with the Planning Act 2008 (as it involved the development of a new gas power station of greater than 50MWe output).

The Examiner (Inspector) heard the results of various public consultations and the policies and views of RCTCBC (primarily set out in the Local Impact Report which Committee approved in 21 August 2014) along with those of NRW, Welsh Government Highways Directorate and all other statutory consultees. The Examiner recommended in April 2015 that consent be granted via a 'Development Consent Order' (DCO) for the power station and its gas pipeline (fuel supply) and electrical cable connection (power export). The DCO was to include 'requirements' (similar to conditions) incorporating various types of mitigation and design. (In itself, this recommendation from the Planning Inspectorate is a substantial reason for reaching a positive decision on this gas pipeline.)

The UK Secretary of State for Energy and Climate Change is presently responsible for making the final decision on consents for large power stations in both England and Wales, and made the DCO largely in accordance with the Examiner's recommendation. This is titled "The Hirwaun Generating Station Order 2015". This gave the applicant the powers to develop the power station. However her decision stated that whilst the gas pipeline was necessary for the power station, she did not have the power to include them in the DCO despite PINS recommending this. Her decision stated that a separate planning permission would be required for this component hence the developer has submitted this application, for the same proposals as were examined in 2014-15.

The gas pipeline is underground for most of its 0.9km length and begins at an above ground facility at the existing national transmission system pipeline east of the A4061, and ends at the power station on Main Avenue approved in the DCO. The route is therefore fixed but has already been found acceptable prior to and during the examination.

The pipeline would have some minor impacts during its construction. However a package of suitable mitigation measures was agreed on during the examination in 2014, and would be the subject of planning conditions.

On completion of the works only the above ground facility, some distance set back from the A4061, will be visible. Landscaping and replacement planting would be constructed around the AGI and along the underground route whilst

new bus shelters will be erected at the existing stops either side of Rhigos Road under the terms of a Section 106 agreement signed at the close of the examination early in 2015. Therefore the development, besides being ruled by PINS and the Secretary of State as acceptable and necessary for the power station, is also of low impact and with appropriate mitigation measures included.

APPLICATION DETAILS

This application has been referred to Committee at the request of Councillor Graham Thomas.

The application proposal is for an underground gas pipeline running south and south east from the power station site north of Main Avenue, crossing Main Avenue and disused land before crossing Rhigos Road and open agricultural land within a single farmholding, then the A4061, and terminating with an above ground installation (AGI) at the (existing) gas National Transmission System (NTS) pipeline which runs north-south along the west side of the Tower Colliery open cast mine.

The pipeline will be 0.9km in length. The application boundary comprises a working width in which soil and materials may be placed and other construction related activities carried out, and a narrower permanent works area in which the pipeline would be located. The pipeline would be laid mainly in trenches before being covered over with the reinstated soil. The surface of the ground will be retained as grassland which, following completion of the pipelaying can continue to be grazed for sheep. Existing hedgerows within the working width would be enhanced in places.

Since the pipeline terminates with the AGI, it is proposed that this may also be located within the permanent works area shown in the submitted location plan. Its internal layout would be as shown in the submitted AGI layout plan (Figure 3514517B-HPL-TCPA-15-0002). It would contain structures for the regulation of gas flow and inspection of the pipeline, and lighting and welfare provision for occasional maintenance visits. All structures would be no greater than 3m in height (Figure 3514517B-HPL-TCPA-15-0003). It is proposed that its boundary would be planted so that in time it would become established into the landscape.

The application includes environmental information although not an Environmental Statement. The application is considered not to require a formal EIA due to its low scale in relation to the relevant EIA regulation thresholds and the distance from land designated for environmental purposes.

The environmental information is arranged in the following sections:

- Ecology
- Air Quality and Noise
- Water Quality and Resources
- Geology, Ground Conditions and Hydrogeology

- Landscape and Visual Impacts
- Traffic and Transport
- Archaeology and Cultural Heritage
- Waste and Human Health.

Emissions to air (noise or air pollution) would not arise and there would be no meaningful volume of traffic once built since it would be unmanned. Therefore the environmental information relates mainly to the impacts of constructing the pipeline.

The application does not seek permission for demolition of buildings at the Power Generation Plant site as these powers are provided for in the DCO. The proposed development would however include site clearance, pipe laying, crossing of existing utilities, watercourses and roads, demolitions of non-building structures, soil management and reinstatement, pipeline testing and other necessary works.

SITE APPRAISAL

The application site is located within and to the south of Hirwaun Industrial Estate, approximately 1.3 km north east of Rhigos, 1km south-west of Hirwaun, and 5 km west of Aberdare.

The proposed power station, to be built under the DCO and forming the northern termination of the gas pipeline, is predominantly located to the north of Main Avenue where a large factory complex currently is located (the former Hitachi plant, now International Greetings storage/distribution). A construction laydown and ongoing maintenance area would be located on the south side of Main Avenue, through which part of the gas pipeline route runs.

A footpath runs from Main Avenue to the bus stop on Rhigos Road, across the Gas Connection route. It is thought that this may potentially be a Public Right of Way arisen through previous use, though is not shown on the definitive map. Powers to re-route this around the construction/laydown area are contained within the DCO.

An electrical cable connection would run west along Main Avenue and then northwards also in road to connect into the Rhigos 400kV substation which National Grid is currently developing on the north edge of the Hirwaun Industrial Estate. This is likely to be developed by the applicant separately, under powers it would possess on gaining a Generation Licence for the power station.

The gas pipeline route, that is, the application boundary, is around 7ha in area and 0.9km in length, runs south and south east from the Power Generation Plant Site, and crosses the laydown/maintenance part of the Power Generation Plant site before crossing Rhigos Road and open agricultural land used for sheep grazing, then the A4061 and terminates with the AGI at the (existing) gas National Transmission System pipeline which runs north-south along the west side of the Tower Colliery open cast mine. The AGI would have a footprint under 0.3ha within the 853ha Hirwaun Common SINC, being marshy / acid grassland. It would have a new access provided off the A4061 for maintenance vehicles.

The proposed development is entirely within the administrative boundary of RCTCBC and around 1km to the south of the area administered by the Brecon Beacons National Park Authority (BBNPA). BBNPA stated during the examination of these and the power station proposals that the gas pipeline proposals would not have material impacts on receptors within the National Park (Statement of Common Ground, October 2014) and since the present application is for the same proposals, it is considered that there is no likelihood of harm to the special qualities of the National Park or other impacts upon it requiring consideration.

Other than the AGI, the site is not affected by any statutory or non-statutory cultural or environmental designations and is predominantly farmed agricultural fields which are not covered by landscape designations. The local landscape is of an upland rural character, but is strongly influenced by human activity such as coal mining and the industrial estate, and is not especially remote or tranquil from existing development. A number of items of electrical and coal mining infrastructure are present in the locality.

The closest individual properties lie along Rhigos Road being near to the working width of the gas pipeline albeit separated by a substantial earth bund within their curtilage.

PLANNING HISTORY

Members are advised that there are a number of applications that partially form part of the application site but are not considered relevant to the determination of this application.

The majority of the application site comprises agricultural fields over which no planning proposals have been advanced.

As described in the 'reasons' above, the gas pipeline proposals were fully considered within the six month examination held for the Power Station in 2014. The Planning Inspectorate examiner consequently recommended (April 2015) that consent be granted via a 'Development Consent Order' (DCO) for the power station and its gas pipeline (fuel supply) and electrical cable connection (power export). The DCO was to include 'requirements' similar to conditions incorporating various types of mitigation and design.

The UK Secretary of State for Energy and Climate Change made the DCO largely in accordance with the examiner's recommendation. This gave the applicant the powers to develop the power station. However her decision stated that whilst the gas pipeline was necessary for the power station, she did not have the power to include them in the DCO despite PINS recommending this. Therefore the applicant has sought permission for the same gas pipeline via a planning application.

PUBLICITY

The application has been advertised by the erection of site notices and publication of a press notice. No comments have been received.

CONSULTATION

Transportation Section – no objection.
Public Health & Protection – no objection.
Drainage Section – no objection.
Countryside Section – no objection.
Natural Resources Wales – no objection.
Rhigos Community Council - no response received.
Hirwaun Community Council - no response received.

Committee is advised that it is unlikely that any of the Consultees would raise any objection to this aspect of the development as comments were provided as part of the NSIP Process and fully explored during the Public Inquiry.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 - Aims to deliver development that builds strong, sustainable communities in the Northern Strategy Area.

Policy CS 9(2) - Provides that Hirwaun Industrial Estate is a strategic area of search for waste management uses.

Policy NSA 16 - Supports the re-use of vacant / redundant industrial sites in the Northern Strategy Area.

Policy AW2 - Sets criteria as to sustainable locations for new development.

Policy AW5 - Lists amenity and accessibility criteria that will be supported in new development proposals.

Policy AW6 - Outlines design and place-making criteria that will be supported in new development proposals.

Policy AW7 - Specifies that development proposals which impact upon sites of architectural and/ or historical merit and site of archaeological importance will only be permitted where it can be demonstrated that the proposal will preserve or enhance the character and appearance of the site.

Policy AW8 - Seeks to ensure that the area's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development. In particular, this designates Hirwaun Common as a Site of Importance for Nature Conservation for its upland mosaic characterised as upland marshy grassland and acid grassland with significant areas of dry heath and areas of flushed wet heath.

Policy AW10 - Seeks to ensure that development proposals will not be permitted where they would result in a risk of unacceptable hard to heath or local amenity.

Policy AW11 - Sets criteria for development proposals promoting alternative uses for existing employment sites such as the Hirwaun Industrial Estate.

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy (which are not duplicated in the Local Development Plan) particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (Edition 7 July 2014) Chapter 4 (Planning for Sustainability), and Chapter 12 (Infrastructure and Services), and Minerals Planning Policy Wales (2001) and Minerals Technical Advice Note 2: Coal (2009) set out the Welsh Government's policy on planning issues relevant to the determination of the application.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

In considering and determining applications of this nature, material considerations are the impact of the proposal on the character and visual amenity of the area, the residential amenity of those living closest to the site, highway safety, ecological and hydrological implications, and support for employment and economic development.

The proposal has already been subject to a public examination process with full participation by relevant consultees including RCTCBC officers. The Planning Inspectorate examiner gave substantial regard to the views of this Council, contained within a Local Impact Report (presented to Committee 21 August 2014) which provided the view that the proposals at that stage of the examination were generally acceptable, and the examination subsequently addressed the outstanding issues. Following this the proposals were found acceptable by the Planning Inspectorate, which is itself a substantial material consideration. Therefore it is relevant to consider whether there are new considerations arising since the close of the examination that would alter that view.

Main Issues:

Principle of Development

The LDP notes that the Northern Strategy Area is a priority for investment. Planning Policy Wales Chapter 7 supports the principle of energy generation stating that it is a form of economic development. The overall power station scheme represents a significant inward investment within the northern part of the County Borough and, while the number of jobs that will be created through the operational phase of the development is low, there are significant opportunities during the construction phase to help support and enhance local suppliers. The gas pipeline is needed for the

power station to be developed and to operate, and will itself generate a range of construction jobs and materials requirements.

There is not an undue conflict with Policy CS9 (Waste Management) since Hirwaun Industrial Estate is identified as a regional site that is able to accommodate a range of waste management options to meet the capacity requirements set out in the South East Wales Regional Waste Plan. The Local Development Plan notes that “in identifying Hirwaun Industrial Estate as a suitable site for waste management, it is not the intention that the employment uses at the site should cease.”

The development will represent a new economic use for an existing and underused building (which will be demolished by the applicant under its DCO) and is therefore considered compliant with relevant criteria in Policy CS1, AW11 and NSA16.

Moreover, the application proposal is considered to be acceptable in terms of the ‘sustainable location’ criteria in Policy AW2. It is partly within the open countryside as required by the location of the existing national transmission system gas pipeline which it connects into, but will be predominantly underground and will provide an element of diversification to the farmholding whilst allowing grazing to resume once construction is complete. It terminates at its south in an AGI of a footprint which is the minimum safely required, at below 0.3ha, and being located on top of the existing gas National Transmission System pipeline and within its safety zone, is not occupying developable land or other resources unnecessarily. At its northern end the pipeline terminates within the boundaries of the Hirwaun Industrial Estate since the power station has been granted consent at this site. This is an accessible but suitably set back from settlements and is a “sustainable location” for this type of use. In relation to sustainable transport, a Section 106 agreement between HPL and RCTCBC was agreed and signed following the examination which provides a contribution of the full cost of two new bus stops on Rhigos Road following the completion of the works at this location.

Of some importance is the finding of the Planning Inspectorate examination that the power station location and the gas pipeline route and AGI location are suitable. The examiner took into account this Council’s Local Impact Report, which expressed a similar view. It is also of relevance that the principle of developing these types of power stations and their supporting infrastructure is underpinned by a considerable need. This is expressed in UK Government infrastructure policy, such as National Policy Statement EN-1 and Welsh Government “Energy Wales – A Low Carbon Transition”. The latter states that “Gas will be a key transitional fuel because greenhouse gas emissions from gas are significantly less than coal subject to the method of extraction. Gas is a flexible, responsive and reliable source of energy which can play a key role in the transition.” This proposal would provide key supporting infrastructure for the development of a moderately sized power station, found acceptable and granted consent recently, which will provide electricity generation for up to 1,500 hours per year corresponding to times of ‘peak’ demand on the grid.

As such the principle of the gas pipeline and AGI is considered acceptable.

Impact on the character and appearance of the area

The development is predominantly underground, with only the AGI having the potential to cause visual impacts on the character and appearance of the area post construction.

Construction impacts would be controlled by conditions on working hours and the production and compliance with a construction environmental management plan covering a range of topics, as set out in the submitted 'outline' document appended to the environmental report.

The AGI will not result in noise or air emissions during operation and is some 400m from residential receptors therefore would not cause other amenity impacts.

The proposed development is entirely within the administrative boundary of RCTCBC and around 1km to the south of the area administered by the Brecon Beacons National Park Authority (BBNPA). BBNPA stated during the examination of these and the power station proposals that the gas pipeline proposals would not have material impacts on receptors within the National Park (Statement of Common Ground, October 2014) and since the present application is for the same proposals, it is considered that there is no likelihood of harm to the special qualities of the National Park or other impacts upon it requiring consideration.

The applicant has submitted a Design and Access Statement in respect of the AGI as required by TAN 12 explaining the design, layout, scale and massing and access arrangements for the Gas Connection. The footprint is the minimum required for safe operation and maintenance of the gas regulating equipment and would be lit with directional lighting to avoid lightspill. Boundary planting would, once established, limit views of the facility. Therefore only minor impacts on a limited number of local receptors, such as long distance views from certain footpaths as described in the Landscape and Visual section of the submitted Environmental report, or road users, would be likely. These are considered acceptable given the acceptable principle of the development and the need for energy infrastructure.

The same design and the same mitigation commitments as were found acceptable during the examination are proposed in this application, and can be controlled by condition. With these in place and taking into account the principle of the development the application is considered to be in accordance with **Policy AW5** and **Policy AW10**.

Impact on residential amenity

There are few residential properties within close proximity of the site. The closest residential properties to the site are located along Rhigos Road within the RCTCBC boundary.

The closest lie near to the gas pipeline route working width, however are situated behind a large bund so are likely to experience limited amenity impacts during construction. Normal working hours are proposed during the construction period and

would be controlled by condition. Once constructed there would be no impact from the pipeline or AGI on residential amenity to properties on Rhigos Road. Views of the occupiers with regard to both the pipeline route and the power station were given considered during the examination by the Planning Inspectorate who found that the proposals would be acceptable and recommended they be consented.

The AGI would not result in notable traffic , lighting or emissions to air once built and lies some 400m from the nearest residential property.

Access and highway safety

Given the temporary nature of the construction phase and the mitigation measures proposed, and the limited operational traffic, there are not forecast to be any residual impacts associated with the development at site. The proposed new access is considered acceptable having been informed by the views of the Transport Section in 2014 as to visibility/setback and would be subject to detailed highway design and construction matters on the applicant entering into a S278 agreement or similar, after any grant of permission.

On the basis of the above and subject to the imposition of conditions it is considered that the development is in keeping with the provisions of Policy AW5 of the Rhondda Cynon Taf Local Development Plan in terms of its impact on highway safety.

Ecology

Policy AW8 confirms that proposals will be permitted provided that there would be no unacceptable impact upon features of importance to landscape or nature conservation, including ecological networks.

All development proposals, including those in built up areas, 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.

The AGI is located on marshy grassland assessed as being of “County Value” reflecting SINC designation. In addition, a lake and three ponds are also assessed as being of “County Value”. The route seeks to avoid these so far as possible but some temporary disturbance is likely.

An Ecology Report explains that following a recent validation desk study and walkover survey work carried out in 2015 it can be confirmed that the ecological baseline at the site remains materially the same as recorded in the Ecology Section in the Environmental Statement considered in the examination in 2014. No significant additional records of protected sites or protected or notable species were identified during the desk study update. The validation survey identified that habitats across the route of the gas pipeline and AGI remained materially the same as recorded in the ES.

The applicant proposed (as in examination, informed by discussions with the County Ecologist) mitigation for impacts on areas of broadleaved woodland and minor watercourses, and hydrological and habitat impacts during the reinstatement of soil along the route, are proposed in the “Draft Method Statement Hirwaun Common SINC”). A condition would be capable of ensuring that these are adhered to.

With the adoption of this and other mitigation which is documented in Figure 6.1 and Section 6 of Appendix A, and Appendices B and C, of the submitted Environmental report, it is considered that there will be no likely significant effects on ecological receptors.

The measures include planting proposals (with amenity and landscape benefits) and an array of good practice working methods that will protect all nearby ecological interests during the construction of the pipeline and AGI (and applicable on eventual decommissioning) and new areas of planting along the route and at the AGI to be retained during operation.

On the basis of the above, it is considered that the development would not have a significantly detrimental impact on the ecology of the area and the application is considered compliant with the relevant criteria of policy AW8 of the Rhondda Cynon Taf Local Development Plan.

Archaeology

With respect to archaeological issues the applicant has submitted information regarding the potential for such issues to arise. The route corridor has remained as undeveloped agricultural land as is seen on historic mapping. The land was formerly part of Hirwaun Common. There is some potential, therefore, for the survival of buried archaeology in these areas, although based on desk records of previous finds in the local area it appears that these would be likely to be industrial in origin such as relating to mineral extraction (e.g. old quarries). Significant remains are not predicted given the past use of the land. There is the potential for disturbance of remains during pipelaying.

The applicant proposes to prepare a written scheme of investigation which could be secured by a condition. This could for example provide that where finds are encountered during construction the pipeline is situated elsewhere within the ‘limit of deviation’ shown in the Location Plan to avoid or minimise direct impacts as is recommended by PPW (2012). Heritage assets of lower value may be preserved by record if groundworks are unavoidable.

Given that the pipeline will be mainly buried, the pipeline would not have any impacts on above ground heritage assets. The above ground installation (AGI) will be a relatively small structure, screened by vegetation. It is unlikely that it will give rise to any setting impacts on above ground heritage assets.

In conclusion significant impacts are not predicted and adequate mitigation can be secured by condition.

Land Drainage

The site boundary is an area of marshy agricultural land, parts of which form the Hirwaun Common site of importance for nature conservation (SINC). This land is drained by a series of artificial field drainage channels which primarily discharge into the Nant Yr Ochain and flow into the River Camnant / Sychryd downstream. A small section of the Gas Connection is in land which drains west towards the Hirwaun Ponds SINC and into the River Cynon catchment.

The principal consideration is temporary disturbance to existing field drains during the pipelaying and consequent changes further downstream. The permanent development will not have a significant effect on the drainage regime of the land since it is predominantly a narrow underground pipeline, whilst the AGI is below 0.3ha in footprint only part of which will be hardstanding for vehicles or plant foundations.

The applicant proposes to use a suitable construction method to cross the surface water drains, to be decided following detailed inspection of ground conditions and consultation with the landowner. The principal options for construction are trenchless techniques, such as horizontal directional drilling, or standard open cut methods, requiring temporary overpumping of the in-channel flow.

The applicant proposes (as in examination, informed by discussions with the County Ecologist) that these methods would be decided as part of a construction environmental management plan process (by condition) and that mitigation for hydrological and habitat impacts during the reinstatement of soil along the route, in the "Draft Method Statement Hirwaun Common SINC"). A condition would be capable of ensuring that this mitigation is adhered to.

In conclusion, with mitigation there would be no significant impacts.

Mining Consultation

The Coal Authority, reviewed the proposals during the examination and confirmed that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards to be considered.

The Coal Authority advised that they would have no objection providing that the applicant provide a detailed site investigation in respect of the AGI development, to assess the geotechnical properties of the substrata and identify suitable methods for building the AGI. This can be secured by condition.

Contaminated Land

In respect of contaminated land the submitted environmental report has identified a requirement for intrusive investigation and risk assessment, to confirm remedial measures or design as mitigation of identified significant risks during pipelaying,

such as where contaminants could be mobilised (when crossing field drains) or during pipelaying within the industrial estate.

Specific mitigation measures will include the further intrusive investigation of contamination and geotechnical conditions at the Project Site prior to construction to inform any remediation strategy needed at the site. These can be secured by condition.

Agriculture

The development will result in the temporary use of agricultural land for pipelaying following which the soil will be reinstated to return to its original agricultural quality and function.

The impact on the farming operations is therefore temporary and minor and there will be a beneficial impact on the farm owner from the agreement to cross the land.

Accordingly there are no substantial issues regarding agriculture requiring consideration.

S106 CONTRIBUTIONS/PLANNING OBLIGATIONS AND COMMUNITY BENEFITS

The applicant has already entered into formal S106 agreement which contains both community benefits (which may not be a consideration in the determination of this application) such as apprenticeships, and mitigation (which may be considered in the determination of this application) including the provision of improved bus shelters at Rhigos Road at the gas pipeline site.

A condition could be imposed on any grant of permission to require that it be implemented only after the demolition works in the DCO have commenced, thereby 'joining' the DCO and the gas pipeline permission. On this basis no additional Section 106 agreement would be appropriate.

CONCLUSIONS

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at providing infrastructure to support the development of new, reliable, flexible power generation. These are to be balanced with impacts upon the landscape, ecology, local amenity, archaeology, agriculture, mining interests and water/soils.

The development is for an underground gas pipeline and above ground facility connecting into the existing national gas network, and is necessary to facilitate the Hirwaun Power Station which has been granted consent at a location on the Hirwaun Industrial Estate. The pipeline route and AGI are location are therefore settled but are considered suitable. The pipeline would not be visible once built and would be subject to controls during construction to maintain an orderly construction site. The AGI would be landscaped to minimise its effect on the character and appearance of

their rural surroundings. There would therefore not be undue harm to the visual amenity of the area and no unacceptably detrimental effect on the character of the local landscape in accordance with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan and Welsh Government Technical Advice Note (TAN 12).

Impacts upon ecology are minimal and no objections have been received from either Natural Resources Wales or the Council's Countryside Section. It is considered that this is a benign form of development with no emissions to air and the majority being laid underground. The proposal will result in a small (0.3ha) loss of land within the large, 853ha Hirwaun Common SINC, but includes planting and soil reinstatement proposals that will ensure that other areas of the application site gain in ecological value. Therefore the proposal accords with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

The proposed access is suitable and minor impacts associated with the pipeline route on soils, archaeology, and geotechnical suitability can be addressed via mitigation secured by conditions.

Having regard to the overarching national commitments for securing additional reliable supplies of generation of electricity, and the findings of the public examination by the Planning Inspectorate and the views of this Council's Local Impact Report finding the proposals acceptable in 2014, which are substantial positive material considerations, and the absence of new material considerations since, it is considered that any detrimental impacts are outweighed. The criteria detailed in local and national policies have been met in terms of policies including Planning Policy Wales (PPW7) and LDP Policies CS1, AW11 and NSA16. It is therefore recommended that the proposal is approved subject to conditions.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with Figure 3514517B-HPL-TCPA-15-0002 and Figure 3514517B-HPL-TCPA-15-0003.

Reason: In the interests of clarity and to protect the biodiversity and visual amenity of the local area.

3. Development may not commence until photographs, or a facilitated site visit, has been provided to the Local Planning Authority demonstrating that demolition authorised by the Hirwaun Generating Station Order 2015 has substantially commenced.

Reason: To ensure that the development is not carried out until the Hirwaun Generating Station Order has been commenced.

4. Development may not commence until a landscaping plan has been submitted to and approved by the Local Planning Authority. The landscaping plan must include details of all proposed hard and soft landscaping works and be substantially in accordance with the landscaping mitigation proposals set out in Figure 6.1 of the Environmental Validation and Screening Report dated September 2015, and section 4 of the Design and Access Statement dated August 2015, and include details of—

- location, number, species, size and planting density of any proposed planting including details of any proposed tree planting and the proposed times of such planting;
- cultivation, importing of materials and other operations to ensure plant establishment;
- proposed finished ground levels;
- hard surfacing materials;
- vehicular and pedestrian access, parking and circulation areas;
- minor structures, such as furniture, refuse or other storage units and signs;
- existing trees to be retained, with measures for their protection together with any landscaping and visual mitigation required during the construction period;
- implementation timetables for all landscaping works;
- measures for the management of the ecological resources that will remain within the Order land on completion of the authorised development; and
- landscaping maintenance throughout the operational life of the authorised development.

All landscaping works must be carried out in accordance with the landscaping plan approved under this condition and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

The landscaping works must be carried out in accordance with implementation timetables approved in the landscaping plan under this condition.

Any tree or shrub planted as part of an approved landscaping scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

Reason: In the interests of clarity and to protect the visual amenity of the local area.

5. Development is not to commence until written details of the design, layout and siting of any new permanent or temporary means of access to a highway to be used by vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has been submitted to and approved by the Local Planning Authority (in consultation with the highway authority).

The highway accesses must be constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. Development is not to commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure have been submitted to and approved by the Local Planning Authority.

- Any construction sites must remain securely fenced at all times during construction of the authorised development.
- Any temporary fencing must be removed within three months of the completion of the development.
- The details approved pursuant to this condition must be implemented.
- Any permanent gates are to be set back a minimum of 10 metres from the nearside edge of the carriageway.

Reason: In the interests of clarity and highway safety and to protect the visual amenity of the local area.

7. Development is not to commence until, after consultation with the Local Planning Authority, a written scheme for the management and mitigation of artificial light emissions which is in accordance with Tables 4.1 and 4.2 of the Design and Access Statement dated August 2015 has been submitted to and approved by the planning authority.

The approved scheme must be implemented before and maintained during the operation of the development.

Reason: In the interests of clarity and to protect the visual amenity of the local area.

8. No construction work, or the delivery or removal of materials, is to take place outside the hours of:-

- 0700 and 1830 hours on weekdays (excluding public holidays); and
- 0700 and 1300 hours on Saturdays and public holidays.
- Nothing in the above shall prevent outside such hours construction works, or the delivery or removal of materials, being carried out with the prior written approval of the Local Planning Authority.

Reason: In the interests of clarity and to protect the amenity of local occupiers.

9. Development of the above ground installation (AGI) may not commence until a detailed site investigation report covering an assessment of the geotechnical properties of the substrata at this location has been submitted to and approved in writing by the Local Planning Authority. The report should be undertaken by a chartered engineer and should be sufficient to establish if any ground precautions are necessary in relation to the AGI and the precautions that should be adopted in the design and construction of the AGI in order to minimise any damage which might arise as a result of ground condition. Development of the AGI must thereafter be carried out in accordance with the approved site investigation report.

Reason: to ensure that the development can be carried out safely without unacceptable risks to workers and users of adjacent land.

10. Development may not commence until a written scheme to deal with the contamination of any land, including groundwater, which is likely to cause significant harm to persons, the environment or significant pollution of controlled waters has been submitted to and approved by the Local Planning Authority.

The scheme must include an investigation and assessment report, prepared by a specialist consultant approved by the relevant planning authority, to identify the extent of any contamination and the remedial measures to be taken to render the land fit for its intended purpose, together with a management plan which sets out long-term measures with respect to any contaminants remaining on the site.

Remediation must be carried out in accordance with the approved scheme.

Reason: to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

11. Development is not to commence until a written ecological management plan covering that numbered work reflecting a pre-construction ecological constraints survey and the ecological mitigation and enhancement measures identified in Appendices A, B and C of the submitted

Environmental Validation and Screening Report dated September 2015 has been submitted to and approved by the Local Planning Authority in consultation with Natural Resources Wales.

The ecological management plan must include an implementation timetable and must be carried out as approved.

Reason: in the interests of biodiversity.

- 12.
- Development is not to commence until a written scheme of investigation covering that numbered work has been submitted to and approved by the Local Planning Authority.
 - The written scheme of investigation is to be a technical document that outlines the aim and objectives and methods to be employed during a scheme of archaeological investigation work.
 - The scheme must identify areas where field work or a watching brief are required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.
 - Any archaeological works or watching brief carried out under the scheme must be by a suitably qualified person or body approved by the Local Planning Authority.
 - Any archaeological works or watching brief must be carried out in accordance with the approved scheme.

Reason: in the interests of cultural heritage.

- 13.
- Development may not commence until a construction environment management plan has been submitted to and approved by the Local Planning Authority. The construction environment management plan must be in accordance with the outline construction environmental management plan in Appendix B of the Environmental Validation and Screening Report dated September 2015 and must include the following during demolition and construction—
- complaints procedures;
 - nuisance management including measures to avoid or minimise the impacts of construction works (covering noise and vibration);
 - a dust management plan;
 - a site waste management plan;
 - surface and ground water protection measures;

- security measures.

All construction works must be undertaken in accordance with the approved construction environment management plan.

Reason: in the interests of biodiversity, heritage, visual amenity, protection of workers and prevention of pollution of controlled waters

14. Development may not commence until a construction traffic management plan has been submitted to and approved by the Local Planning Authority in consultation with Welsh Government Transport. The construction traffic management plan is to detail the proposals for the movement of construction traffic associated with the development and is to include:-

- (a) construction vehicle routing plans at 1:2,500 scale for all traffic including abnormal indivisible loads showing:-
- (b)
 - (i) swept path analysis from the point of entry onto the highway network to the application site
 - (ii) highway mitigation in respect of any identified constraints on vehicle movements such as embargo periods, route traffic sensitivity, temporary road works and other highway restrictions to be developed following consultation with the South Wales Trunk Road Agent, and, where relevant, referring to supporting HD19/03 safety audit documentation (as contained within the Design Manual for Roads and Bridges Volume 5 Section 2 Part 2 and as amended or replaced); and
 - (iii) and ownership boundaries for any required holding areas, passing areas and layover areas;
- (c) site access plans at 1:2,500 scale that include supporting HD19/03 safety audit documentation (as contained within the Design Manual for Roads and Bridges Volume 5 Section 2 Part 2 and as amended or replaced);
- (d) proposals for the scheduling and timing of movements of delivery vehicles, to be developed following consultation with the Welsh Government and potentially affected undertakers;

The construction traffic management plan must be implemented as approved.

Reason: in the interests of highway safety and the convenience of local road users.

15. Subject to obtaining the necessary consents, unless otherwise agreed with the Local Planning Authority, within twenty four months of the development ceasing to be used for the purposes of supplying gas for electricity

generation (either actively generating electricity or being available to generate electricity on a standby basis), a scheme for the demolition and removal of the AGI must be submitted to the Local Planning Authority.

The demolition and removal of the AGI must be implemented in accordance with the approved scheme.

Reason: in the interests of visual amenity.

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

15 OCTOBER 2015

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File

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