

MUNICIPAL YEAR 2017-2018:

**PLANNING & DEVELOPMENT
COMMITTEE
19 OCTOBER 2017**

**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: 16/1385 - Outline planning application for the erection of approximately 460 dwellings, primary school, local centre (up to 200 sqm net sales), open space and associated drainage and landscaping (New Certificate B submitted 6th April 2017) (Amended Agricultural Holdings Certificate received 30th August 2017), land west of A4119, Cefn Yr Hendy, Mwyndy, Pontyclun.
2. Application No: 17/0249 - Amended phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m² gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 m² fuel storage hall and a 378 m² turbine hall for electricity generation; and a 4,824 m² open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting (Additional information relating to the Environmental Statement received 19/09/17), Fifth Avenue, Hirwaun Industrial Estate, Hirwaun.
3. Application No: 17/0801 - A residential development with associated works (amended site plan and engineering layout received 06/09/17), land off Cardiff Road, Cwm Cynon North, Mountain Ash.

APPLICATION NO: 16/1385/13 (GD)
APPLICANT: Talbot Green Developments Ltd
DEVELOPMENT: Outline planning application for the erection of approximately 460 dwellings, primary school, local centre (up to 200 sqm net sales), open space and associated drainage and landscaping (New Certificate B submitted 6th April 2017) (Amended Agricultural Holdings Certificate received 30th August 2017)
LOCATION: LAND WEST OF A4119, CEFN YR HENDY, MWYNDY, PONTYCLUN
DATE REGISTERED: 30/08/2017
ELECTORAL DIVISION: Pontyclun

RECOMMENDATION: Approve subject to a S106 agreement.

REASONS:

The proposed development has the potential to deliver a mix of private and social housing that can make a substantial contribution to addressing the housing land supply shortage in the County Borough. The principle of the proposed development is considered acceptable on the basis that the site is allocated for residential development in the adopted Rhondda Cynon Taf Local Development Plan and the specifics of this application for outline planning permission are acceptable in terms of all other material planning considerations.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to Service Director Planning;
- Three or more letters of objection have been received;

APPLICATION DETAILS

This planning application seeks outline planning permission for the construction of up to 460 dwellings, the provision of land for a school, a local centre providing circa 200 sq m retail floorspace (Class A1), a neighbourhood equipped area for play (NEAP) three local equipped areas for play (LEAP) and one local area of play (LAP) along with all associated landscaping infrastructure and internal access arrangements.

It is intended that the site would be developed in three phases each comprising approximately 153 dwellings. Affordable housing and play areas/public open space will be provided on a pro rata basis through the development of the site and retail provision can be provided in accordance with policy requirements.

In accordance with the requirements of the Town & Country Planning (Development Management Procedure) (Wales) Order 2012 the applicants have provided the

following detail as the upper and lower limits for height width and length for the development.

Residential

Height to ridge	Maximum 3 storey	8m – 12m
Width	Detached	4m – 12m
	Semi detached	8m – 20m
	Terraces	12m – 25m
Depth		5m – 13m

School

Height to ridge	Maximum 2 storey	11m
Width		60m
Depth		15m

Local Centre Unit

Height to ridge	Maximum 2 storey	9m
Width		25m
Depth		10m

The only matter not reserved for further consideration at this point are the two principal access points that will be serviced from the existing estate roundabout spurs.

The application is accompanied by the following:

- Pre application consultation report
- Design and access statement
- Extended phase 1 habitat survey
- Bat emergence/return and activity survey
- Dormouse presence/likely absence survey
- Reptile presence/absence survey
- Tree survey report with supplementary tree location plan, tree constraints plan and tree protection plan
- Noise assessment
- Air quality assessment
- Drainage strategy
- Transport assessment and travel plan
- Interim travel plan
- Landscape visual impact assessment
- Archaeology desk based assessment and setting assessment
- Non Technical summary – environmental and geotechnical desk studies
- Geo-technical desk top report
- Coal mining risk assessment
- Phase 1 environmental assessment.

The application has also been screened under the requirements of the Environmental Impact Assessment (EIA) (England & Wales) Regulations 1999, (which would have been the appropriate method at the time it was undertaken in 2015) and the Council expressed the opinion that the development was not EIA development and would not require an Environmental Statement. The relevant regulations were updated in 2016 however there are no alterations in the updated regulations that would warrant a different conclusion in this case from that originally made.

SITE APPRAISAL

The application site is comprised in some 19.8 hectares of land formed in an L shape around and to the north of the established residential development at Cefn y Hendy, Miskin. The site is situated between Coed Yr Hendy on its western and some of its northern boundary with the remainder of the northern boundary only defined by hedgerow and trees. The eastern boundary is largely defined by the A4119 save for where it tracks around Ty Cefn Parc, and the southern boundary is otherwise defined by the established residential development in the area. The topography of the area can best be described as undulating with principal falls from north to south for the majority of the site with the eastern part of the site falling from west to east. The highest part of the site lies in the western part of the site with the lowest in the east.

The site is comprised of a series of fields defined by hedgerow and some key mature trees. Other than for an overgrown derelict brick structure there is no built development on the site.

At present vehicular and pedestrian access to the site is gained through Ffordd Cefn Y Hendy the principal road serving as access to the existing estate. A Public Right of Way crosses the site in a northerly direction towards Llantrisant and a second Public Right of Way runs through the woodland adjacent to the western boundary of the site

The estate itself is a relatively recent development that has come forward over the last 20 – 25 years for the most part. The estate is typically a combination of detached or semi detached properties finished in brick and render combinations with conventional roof tiling and occasional feature detailing such as cast lintels and cils. The estate is also home to Ysgol Gynradd Gymunedol Gymraeg Llantrisant.

In the wider area, and within approximately half a mile of the site boundary, there are a number of amenities such as the Glamorgan Vale retail Park and Talbot Green Shopping Park and its adjacent town centre whilst alternative shopping options are available to the south west in Pontyclun. The Llantrisant Leisure Centre is a little further away from the site at Southgate.

The site is affected by a number of designations directly adjacent to it, The Local Development Plan designates the woodland and open space as both a Special Landscape Area (SLA) and Site of Importance for Nature Conservation (SINC). There are also designated Regionally Important Geological Sites (RIGS) to the north and east of the site. The site is not subject of an air quality management designation though the Mwyndy Air Quality Management Area lies nearby.

PLANNING HISTORY

06/0690	Widen existing quarry entrance on B4264	Refused 24/11/06
03/1674	19.1 hectare mixed use development comprising B1 business development and residential units	Allowed at appeal 23/10/08

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters on two occasions, the second following the submission of Certificate B on the part of the applicant relating to land ownership. At the time of preparation of this report 243 letters of objection have been submitted opposing the proposed development (including those from the local MP and three local AM's, the local Community Council, The Ramblers and Pontyclun Action Group) on grounds reported below. Additionally Members are advised that a 695 signature petition opposing the proposed development circulated on line has been submitted in opposition to the current application. The vast majority of signatories can reasonably be described as living within the local area though there are some from other areas of the County Borough (Treorchy, Porth, Mountain Ash), as well as some from the wider south Wales Area. There are also signatures from people resident in England, Scotland and abroad.

Planning Policy Issues Raised by the Public

- *Development of the site was resisted as long ago as 1983 and has been successfully resisted through subsequent local plans.*
- *Previously advance notice was given that the Local Development Plan was under consultation and residents had the opportunity to air their views which does not seem to have happened in this case.*
- *The LDP is clear that the development of this site must be associated with the provision of a grade separated junction and this submission makes no such provision and as such is contrary to the Local Development Plan. Unless there is a condition on the developer to provide a grade separated junction that allows access from School Road across the A4119 then this application should not be approved, particularly as an earlier appeal encompassing this site indicated that it was required. Conversely one resident objects to the provision of a grade separated junction on the basis of its potential appearance.*
- *Given traffic conditions the removal of the grade separated junction from the development of this site cannot be justified, and if the building of this junction makes the proposed development unviable then the site should be removed from the Local Development Plan as an allocated housing site and replaced with one better able to cope with the traffic requirements of a development of this size.*
- *The Local Development Plan allows for up to 400 dwellings and the proposed development seeks a significantly higher number and increasing high density development on the site which is contrary to the stipulations of the Local; Development Plan.*

- *The Local Development Plan is clear that there should be lower density development next to the existing settlement with higher density housing closer to the A4119 yet the application seeks to reverse these densities and the application should at the very least be revised to reflect Local Development Plan requirements.*
- *Why as a matter of policy would the Council favour the development of Greenfield sites ahead of brownfield sites when advice points in the opposite direction.*
- *If this development is allowed it will lead to the coalescence of Miskin and Talbot Green.*
- *The proposal does not meet the sustainable placemaking principles set out in the Local Development Plan.*
- *The proposed development would be contrary to governmental guidance contained in planning policy guidance note 3 Housing and those contained in the former Mid Glamorgan Replacement Structure Plan and the former Taff Ely Local Plan.*
- *Others have suggested that it is contrary to the content of the National Planning Policy Framework.*
- *One of the criteria that the LDP sets out for sustainable growth in the south of the County Borough is the protection of the cultural identity of the strategy area by protecting the historic built heritage and the natural environment.*
- *The Local Development Plan is in need of review in light of the popularity of the wider Talbot Green/Llantrisant area.*
- *The reliance on the provision of sustainable transport measures as relied upon in the Transport Assessment is questioned as the appointed inspector at the inquiry into the Local Development Plan recommended the deletion of park and ride/ park and share facilities from the strategic site.*
- *It is claimed that the density of the proposed development – an increase of 15% over the LDP allocation – would be contrary to the LDP objective of delivering a better quality of life.*
- *The need for further housing is questioned given that in the wider area 8000 houses are likely to come forward at Plas Dwr and Junction 33.*
- *The issue of the five year housing land supply requirement is challenged on the basis that the number of units required in the LDP are based on projections prepared in a time of housing boom and high predicted inward migration. Current projections are now far more modest with a claimed household formation rate at only just over 50% of the original projections meaning that provision of housing sites in the LDP is now twice that of projected need as such in appraising this application the Council should not accept that there is a need to maintain a five year housing land supply as required by TAN 1 Joint Housing Land Availability Studies and should consider judicial review of the imposition of such targets by Welsh Government or the Planning Inspectorate.*

- *The proposal is not in compliance with Local Development Plan policy SSA20 which requires the provision of a park and ride/park and share facility on land adjacent to the A4119 and B4264 School Road.*
- *The existing local development plan map is out of date in that it does not show more recent development around and including the Welsh Medium Primary School. This fails to illustrate fully the coalescence of Pontyclun and Miskin.*
- *Part of the site currently within the application site boundary does not form part of the strategic allocation and extending southwards towards the eastern roundabout adjacent to the welsh school.*
- *The view is also expressed that the proposal would be contrary to local development plan policy SSA13 as it will adversely affect the provision of open space.*
- *Concern is expressed that the proposal does not meet the requirements of Local Development Plan policy SSA3 which requires that development should make a positive contribution to the reduction of congestion by promoting accessibility through sustainable modes of transport.*

Highway and Transportation Related Issues Raised by the Public

- *The proposed development would add substantially to the number of houses at Cefn Y Hendy and introduce a tremendous amount of traffic into what is currently a very peaceful area.*
- *Access roads are heavily congested for prolonged periods of time through the day.*
- *There have already been traffic related fatalities and casualties on the dualled A4119 and adding to the volume of traffic would only increase the potential for further accidents. It is also noted that the detail submitted by the applicants takes account only of accidents up to 2014 and there have been fatalities since then on the A4119*
- *The proposed development would only exacerbate existing traffic congestion in Pontyclun.*
- *Access for the emergency services would be constrained by the access arrangements and road layout.*
- *Increased congestion on the principal arterial routes will lead in turn to an increase in traffic seeking out alternative routes to the M4 through Miskin Village and along Hensol Road which is not designed to accommodate such volumes.*
- *The highway infrastructure will be unable to cope with the new development and without improvements particularly in terms of access to the A4119 and M4 that will lead to gridlock in the area – a situation that should not be contemplated. This will also be exacerbated by recent approvals in north west Cardiff which do not propose any highway improvements in linkages between the A4119 and M4.*

- *The submitted Transport Assessment is disputed with regard to the figures quoted in terms of its impact on School Road/A4119 junction which already does not function efficiently as motorists often have to endure several sequences of changes before they can access the dual carriageway.*
- *The submitted Transport Assessment is not representative of existing traffic conditions on the A4119 and the development will add substantially to the amount of traffic accessing the road at peak hours impacting adversely on existing users nor does the transport assessment even consider the impact of the development on the access to the M4 itself.*
- *The Transport Assessment also relies on a number of assumptions in respect of the Welsh Government investing in the upgrading of transport facilities as yet though there is no commitment to the delivery of those facilities*
- *The train service at Pontyclun is infrequent and parking provision inadequate and allowing this development will only exacerbate this situation. The development should therefore make proportional provision to improve the parking situation at the station.*
- *The Transport Assessment is unrealistic in the assessment of alternative modes of travel to the car and the contribution they could make to the development. Trains at Pontyclun are congested and bus services are on, and via the already congested roads, it is also questioned as to whether there will be further engagement with Arriva Trains to establish if services from Pontyclun can be improved as a result of this development.*
- *The claim that traffic impacts can be reduced by new residents using Pontyclun railway station are based on a false assumption, as without significantly increasing car parking capacity at the station new residents will have no alternative other than to use the car with the resultant addition to congestion that it would bring.*
- *The Transport Assessment is unrealistic in its assumption that the majority of amenities are available within 30 minutes walking distance or are easily reached by bicycle, as this takes no account of the propensity for people to make linked rather than single trips and does not take account of the ability of the individual to make such trips on foot.*
- *The site is not readily accessible on foot or more sustainable forms of transport, lacking as it is in walking and cycling connectivity, from the shopping areas of Talbot Green or Pontyclun. The proposed cycle route is a tick box gesture to the active travel measure offering only a route that exposes potential users to the traffic and which would be constrained by the bridging of the River Clun and the A473/A4119 roundabout. Better options exist to the north of the site that could be brought forward as part of this development. This approach would also offer the opportunity for the Council to take ownership of the Coed Yr Hendy and Pant Marsh.*
- *The presence of a school in the development will only serve to exacerbate congestion at key times of the day.*
- *The supporting documentation provided for illustrative purposes illustrate potential pedestrian and cycle links, key pedestrian links , movement plans*

and illustrative masterplan all portray slightly different approaches to non car related movement through the site and between the site and the wider locality which is disappointing as it gives the impression that footpaths are not high on the developers agenda.

- The proposal lacks a strategic approach and the site has been divorced by the applicant from the wider area without due consideration of the need to properly address highway capacity, infrastructure, public transport provision, the capacity of public services and amenities, connectivity and air quality.*
- The proposal does not make provision for park and ride/park and share facilities at Miskin and does not fit with policy SSA20 of the Local Development Plan.*
- Reference is made to the potential cost of dualling the A4119 between Llantrisant and Coedely at Stinkpot Hill and this being a hurdle to the development of the former Coedely coke works site.*
- If there are deaths on the roads as a result of the increased traffic that the development will bring about then the Council should be held responsible.*

Amenity Issues Raised by the Public

- Higher density development and its consequences will adversely impact the appearance of the area.*
- Agreeing to this development will result in a change in character of the area, landscape and green areas will be lost to roads traffic and obstacles to navigate around.*
- The impact of congestion on Pontyclun as a result of the proposed development could result in people avoiding the village and shop closures.*
- Development of the site will result in the loss of green space that residents regularly use for informal; recreational purposes such as walking picnicking and playing. Its development would represent a loss on a physical, emotional and spiritual level – the application should not be considered unless the developers can demonstrate that a substantial and pleasant green space will be available for current and new users.*
- Objection is also raised on the basis that the proposed development does not meet fields in trust standards. For the provision of public open space and play areas.*
- Development of the site will result in the loss of its visual and aesthetic quality and the views that it affords of the wider locality.*
- The green space to be retained between existing and proposed development is not large enough.*
- The sense of openness that existing residents currently benefit from will be lost to development that will present and reinforce a feeling of enclosure.*
- Put simply 460 dwellings is too many for this site and the houses appear crammed in on the high density elements of the proposed development.*
- The development will generate a tremendous amount of noise and dust through the development process.*

- *The development would also have an adverse impact on the Miskin conservation area, increasing the use of the Hensol Road rat run and increasing noise and pollution for local residents.*

Archaeology Related Issues Raised by the Public

- *To recommend as the planning statement does, that no further archaeological work should be carried out during the course of development is unconvincing when the rich history of mining around the area is given full and proper consideration.*

Health Issues Raised by the Public

- *Increases in traffic will lead to increased noise and pollution which will prove detrimental to human health. Receptors in the area are already showing to be above acceptable levels for NO2 and traffic associated with the development of this site will only add to that.*
- *The proposed development lacks sufficient green space to benefit adults and children alike at a time when it is recognised as vitally important in maintaining physical and mental well being.*
- *What consideration has been given to the impacts of the development on air quality in the immediate vicinity of the site and in the wider area with particular reference to the A4119 and A473 – these matters need to be given proper consideration in relation to this planning application.*
- *The conclusion of the Public health and Protection Division that the air quality impacts of the proposed development are acceptable takes no account of the proposed cycle/walking route adjacent to the A4119 and their observations are therefore inadequate.*

Design Related Issues Raised by the Public

- *The scale of the development needs to be reduced so as to lessen its impact on the local community, the area as a whole and commuters from further afield.*
- *The plans propose medium and high density development which too often leads to inadequate provision of parking and garaging facilities to serve the development leading to congestion within the development. The density of development proposed would also be out of keeping with the established development form.*
- *Could the crossings at YGGG Llantrisant be upgraded as the additional traffic generated by the proposed development would increase hazards in proximity to the school?*
- *Could the proposed bus stop be moved closer to YGGG Llantrisant which would be to the benefit of all local residents or could one be added there too?*
- *The area given over to becoming a local centre is too small and of insufficient size to meet the needs of the community.*

- *If the masterplan is implemented in its current format it will lead to overlooking, overshadowing, and a loss of privacy to established housing. This would in places be exacerbated by difference in levels and the bulk and massing of the proposed houses.*
- *The masterplan does not show any playground at the moment provision should be made for such a large development particularly as the current play area at the end of Maes Y Wennol is over used.*
- *The masterplan shows tree lines where there are none and this will result in the development having a far greater impact on existing dwellings than the plan suggests.*
- *Conditions should be imposed on the new development that insist on the same high standard of finish that was applied to barn conversions in the area.*
- *Some residents have suggested that allowing the development would result in a coalescence of settlements.*

Physical & Social Infrastructure Issues Raised by the Public

- *The site should not be developed as it contains mine shafts and shallow mine workings which could cause subsidence to or collapse of homes. The proposals do not appear to take account of solution features associated with limestone in the area.*
- *The proposed development will lead to the development of more houses in an area that lacks a community hub or focal point that would offer services and an opportunity for interaction. This failure will result in the development being no more than a dormitory with residents entirely reliant on the A4119 and their cars for access to facilities.*
- *The promise of shops being provided in earlier phases of development has never materialised.*
- *Health service provision in the area is overstretched. And it would be sensible to reserve land in the proposed development for a primary health care facility in anticipation of the Local health Board being able to respond to increased demand. Further the level of disinvestment at the Royal Glamorgan Hospital means that provision levels cannot support further development.*
- *Schools in the area are oversubscribed and the locality requires 2 English medium primary schools. It is also claimed that the Welsh Medium School near the site is oversubscribed Should this development come forward it should be on the understanding that the new school on site must be properly funded and in place and operational to foundation level.*
- *The final position adopted by the Education Department with regard to school provision is not acceptable as it sets aside the provisions of the Local Development Plan and the provision of the required school places is not specified in terms of location, timing scale and funding.*
- *Allowing the development would increase the risk of flooding to the newly redeveloped Y Pant School.*

- *Leisure facilities in the area (specifically swimming) are already oversubscribed and allowing the development would worsen this situation.*
- *There is a suggestion that the site might not be able to be drained in the manner suggested by the illustrative masterplan and this has consequences for drainage and the adoption of highways and the potential for securing other required consents.*

Ecology Issues Raised by the Public

- *The impact on the habitat of the dormouse (which benefits from favourable conservation status) needs to be properly evaluated in the context of this high density development.*
- *The impact on the Marsh Fritillary Butterfly, which is known to migrate through the green corridors in this area also needs to be properly evaluated and understood.*

Other Matters Raised by the Public

- *Claims that the proposed development has been inadequately advertised the timing of the advertisement exercise has also been criticised.*
- *Loss of light.*
- *Reduction in the current levels of privacy.*
- *Reduction in existing property values.*
- *Has the Council applied a needs analysis demonstrating how the volume and type of housing proposed is appropriate to the area?*
- *Concern is expressed that the same company may be responsible for the retail development (Sainsbury's) currently underway further north and that the project remains unfinished and it is therefore questioned whether or not the Council can rely on a company that has not yet completed a project in the area. It is also questioned if the Council are paying to prevent occupation of this site by Gypsies and Travellers.*
- *Assurances are sought that if consent is granted that the conditions required by NRW, The Coal Authority etc will be applied to any planning permission issued.*
- *Existing shops and retail parks in the locality are already being enlarged and inadequate access and parking facilities along with the addition of new housing will make this worse.*
- *Loss of view.*
- *How can residents be assured that there is no conflict of interest on this issue between senior management at RCT the Welsh Government and the Developers?*
- *Current residents might have purchased their properties with the existing aspect in mind and might not have done so had they been aware of further development taking place.*
- *The applicants efforts in respect of pre application consultation amount to no more than lip service.*

- *The proposed development if allowed should also make provision of public amenities to the properties at Ty Cefn Parc.*
- *Not developing the site would afford the opportunity to develop a parkland area for the benefit of residents that would also have ecological benefits.*
- *Some residents query why the provision of a park and ride facility at the former Highways Authority testing depot has not been included as part of this application.*
- *Consideration has been given to residential development on the former open cast coal site at Llanilid, Llanharan with a new Junction on to the M4 this of itself would solve the problem of meeting housing delivery targets and prevent the creation of further pressure on the A4119 and other local roads.*
- *Earlier applications for the building of 200 houses on this site were rejected 10 years ago and if it was not suitable for 200 houses then it is clearly not suitable for 460 houses now.*
- *It has been suggested that the land subject of the application is greenbelt land.*
- *The Council in considering the application must have regard to the requirements of The Well-Being of Future Generations Act 2016, The Environment Act 2016 and The Localism Act 2011, The Human Rights Act 1998, Wales – a play friendly country, statutory guidance 2014 and the United Nations Convention on the Rights of the Child.*
- *The site is part of the smaller village of Miskin and a development of this size would have an adverse impact on that community. The application should be assessed on this basis and not as part of the wider Llantrisant – Talbot Green proposals.*
- *The developer is also involved in the development north of the river adjacent to the Leekes store as ground works have been undertaken on that site and it is now unlikely to go ahead, if housing has to be provided it should be provided here rather than on a Greenfield site.*
- *Part of the site is covered by the original 1993 section 106 agreement with a requirement to provide up to 1000 sq m of retail floorspace and the Council should enforce that requirement.*
- *The development of the site will also lead to an increase in the Carbon footprint for the area.*
- *RCT officers would be failing in their duty both morally and possibly legally to the Council Tax payers who contribute to their salaries if this flawed application is recommended to proceed.*
- *In allowing this development the Council will only be creating problems that it will fall for future generations to solve and that is unfair.*
- *Has the tenant farmer been consulted with regard to this proposal?*
- *There is some criticism that the application is not accompanied by an agricultural land classification report and comparison has been drawn with earlier proposals promoting development at Ystrad Barwig which did.*
- *In addition to the letters of objection and petition 141 additional submissions have been made outlining how local residents have been using the land for*

amenity purposes over the years. Typically this would have covered activities such as dog walking, children playing various games, jogging, camping bird watching, fruit gathering, bonfire parties and bicycle riding.

Turning specifically to the objections raised by the MP and local AM's the issues raised are largely addressed above though given their position they do afford insight into issues at depth with regard to the transportation situation in particular.

CONSULTATION

Highways – having given careful consideration to the Transport Assessment and Transport Assessment Addendum submitted in support of the planning application no objection is raised to the proposed development subject to conditions contained in the current recommendation and the applicant entering into a Section 106 agreement to secure improvements to parking provision at Pontyclun.

Highway and transportation matters are discussed in some detail below.

Drainage – the applicant has provided relevant information to support development in principle and as such no objection is raised to the current outline planning application subject to appropriate conditions. However the detail of the site drainage layout would be required when undertaking a full planning application.

Public Health & Protection – raise no objection subject to conditions following extensive consideration of the air quality and noise assessments submitted in support of the application.

Housing Strategy – Policy SSA 12 of the adopted LDP requires 20% affordable housing provision on sites of 5 units or more in the Southern Strategy Area. As the proposal concerned is for 460 residential units, 92 units of affordable housing should be secured to satisfy these requirements.

Based on the findings of the Local Housing Market Assessment 2014/15, it is recommended that the following affordable housing mix be secured on site to satisfy these requirements.

- 26 two person one bedroom walk up flats for social rent.
- 18 four person two bedroom houses for social rent.
- 10 five person three bedroom houses for social rent.
- 8 six person four bedroom houses for social rent.
- 20 three bedroom houses for low cost home ownership.
- 10 two bedroom houses for low cost home ownership.

The social rented units should be built to Development Quality Requirements and the developers contribution should equate to 58% of acceptable cost guidance, i.e. the nominated registered social landlord will purchase the units for not more than 42% of acceptable cost guidance per unit less on costs .

The Low Cost Home Ownership units should be built to the same standard as the equivalent open market units made available for sale to Council nominated first time buyers from the homestep register. The developers contribution should equate to

35% of the open market value of each unit, i.e. the nominated purchaser should pay not more than 65% of the open market value per unit.

Housing Strategy recommend planning clusters of 6-8 social rented and 6-8 LCHO units throughout the site. If the developers will be releasing three phases, the best approach is to split the contribution in three across the site.

Natural Resources Wales – express that they have significant concerns with regard to the ecological and contamination survey work submitted in support of the proposed development but ultimately raise no objection to the proposed development subject to the imposition of conditions relating to the protection of wildlife, contamination and the piling of foundations into any planning permission that might be issued.

Dwr Cymru/Welsh Water – no objections subject to condition.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposed development and offer advice regarding the location of their apparatus in the vicinity of the site along with details of safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – no response received.

Cadw – the proposed development will have a low adverse impact on the settings of scheduled monuments Rhiw Saeson Cearau (GM065) and Llantrisant Castle (GM074 but this will not be significant.

Countryside Section – express concern at the level of detail that supports the application and take the view that if the development of the site is to prove successful in ecological terms then any consent will need to be supplemented with a robust management plan for the adjacent Open Space secured through a Section 106 agreement with the express objective of delivering management and mitigation of the SSA8 Local Development Plan allocation. The Management Plan should be a means to ensure monitoring delivery and review of its stated aims and objectives. The management plan must therefore contain and address the following:

- (a) the ecological potential and constraints including key species and habitats features;
- (b) species re-surveys and inspections associated with the period leading up to and including the development of the Site including provision for any necessary species licensing requirements that might arise;
- (c) species and habitat management, mitigation and compensation measures;
- (d) tree, hedgerow and boundary management;
- (e) invasive weed control;

- (f) litter collection;
- (g) details of open space signage and interpretation in relation to public usage of the open space
- (h) management and maintenance of any drainage structures, ditches and watercourses;
- (i) work schedule to include a five (5) year project register, an annual work plan and the means by which the plan will be rolled forward annually;
- (j) triggers for monitoring and remedial measures;
- (k) details of the management company (with the mechanism for reporting any future changes in management company arrangements)
- (l) annual reporting of management, monitoring and remediation to the Local Planning Authority with the offer of an annual site meeting, and an agreed timescale for any resulting Local Planning Authority comments or response.
- (m) integration with existing habitat management schemes operating in the vicinity of the Site;
- (n) details of the management infrastructure (gates, fencing, stock handling areas, watering points and public access)

Furthermore, concern is also expressed from a landscape perspective, not from the point of view of principle but in respect of the supporting detailing of the planning application particularly with the suggested approach involving the incorporation of woodland and hedgerow in to the development scheme with greater effort needed to incorporate these features into areas of public open space. The relationship of the woodland with the residential development needs to be appropriately designed so as not to create conflict between the two. The native buffer strip should be extended the length of the northern boundary. New planting within the proposed development such as street trees as appropriate in terms of species selection and proposed location need to be included in any future detailed submission. The use of wildflower seed mixes should be avoided. Topsoils should be sourced from the site and not imported and should be appropriately stored during the development process. Attenuation features should be appropriately designed to allow appropriate management and aftercare and as such detailed design principles should dictate the land allocation required for the successful development of all such attenuation features. The use of underground storage tanks should be avoided if drainage can be developed for the site without the need for them.

Education – confirm that the Education Department has no objection to this planning application., subject to receiving CIL monies when appropriate to make interim and permanent provision at a school in the area for the Primary aged children that will

reside on this estate. Provision of permanent school provision will be made subject to a successful bid for finance from the Welsh Government, to which any additional monies from our CIL allocation will be added. Education capacity as a result of the development will be catered for through the Council's Schools Programme and supplemented by CIL monies.

Local Health Board – no response received.

Coal Authority – concurs with the recommendations in the applicant's geotechnical desk study and recommends that appropriate conditions be attached to any consent that might be granted requiring intrusive site investigation works before the development takes place and should these investigative works reveal the need for further remedial works to treat any recorded mine entry beneath any part of the site where built development is proposed this should be conditioned to ensure that the site layout is amended to avoid it. Any conditions should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to the commencement of development.

Police Authority – indicate that they would welcome the opportunity to discuss the development with the applicants with a view towards designing out crime prior to a decision being made. Also recommend that secured by design principles be applied in the development of the site.

Glamorgan Gwent Archaeological Trust – both the geophysical survey and the assessment report play down the archaeological potential and significance of these historic assets (ring shaped crop marks, Butt Haematite Works, Lead mining activities site building). However, the site is known to contain an early industrial landscape and Landmap gives its potential as high. It is our opinion that a mitigation strategy should be put in place such that the impact of the development on these assets may be addressed. Therefore it is our recommendation that a condition (19) requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.(Condition 24 in Welsh Government Circular 16/2014 is recommended along with explanatory notes).

Sport Wales – no response received.

The City and County of Cardiff – have requested further time to consider the highway implications of the proposed development. However, considerable time has passed since that request was made and no formal comment has since been received despite repeated reminders.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - promotes sustainable growth in the Southern Strategy Area, that benefits Rhondda Cynon Taf as a whole, to be achieved by,; residential development with a sense of place that respects the principal towns, focusing development within settlement boundaries and realising the importance of Talbot Green / Llantrisant for social and economic growth..

Policy CS3 – Allocates strategic sites, including Mwyndy – Talbot Green for large scale residential, employment, retail and recreational purposes. The same policy also requires proposals for the strategic sites to have regard to the indicative concept plans.

Policy CS4 – Allocates the Mwyndy – Talbot Green strategic site for 500 dwellings (400 at Cefn Y Hendy and 100 at Cowbridge Road).

Policy CS5 – Requires the provision of affordable housing

Policy AW1 – Defines the sources of land for new housing including the allocations in the Local development plan and the provision of affordable housing.

Policy AW2 – Defines sustainable locations for development including sites within settlement boundaries, sites with good transport accessibility, sites with good access to services and facilities, sites that support principal towns key settlements and smaller settlements, sites that support strategic sites and sites that are well served by infrastructure.

Policy AW4 – provides for the securing of planning obligations

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 AW7 – requires that developments which affect Public Rights of Way to enhance or replace that public right of unless there is no need for it

Policy AW10 – requires development proposals to overcome any harm to public health, the environment or local amenity as a result of air pollution, noise pollution, light pollution, contamination, landfill gas, land instability water pollution or flooding

Policy SSA8 - for the Mwyndy-Talbot Green strategic site states that it is allocated for construction of:

- (a) 500 dwellings (400 at Cefn-yr-Hendy and 100 at Cowbridge Road),
- (b) 15 hectares of employment land,
- (c) retail and leisure development,
- (d) a new primary school,
- (e) library-community facility and
- (f) informal amenity space in a landscape setting.

Policy SSA11 – Seeks a minimum housing density of 35 dwellings per hectare.

Policy SSA12 – Seeks an affordable housing contribution of no less than 20%.

Policy SSA13 – Gives general criteria for the consideration of housing development taking place within settlement boundaries, including that any proposed development does not prejudice the development of strategic sites.

Relevant Supplementary Planning Guidance

- Design and placemaking
- Affordable housing
- Nature conservation
- Planning obligations
- Access, circulation and parking
- Flats
- Employment skills.

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

- Chapter 2 (Development Plans),
- Chapter 3 (Making and Enforcing Planning Decisions),
- Chapter 4 (Planning for Sustainability),
- Chapter 5 (Conserving and Improving Natural Heritage and the Coast),
- Chapter 6 (Conserving the Historic Environment),
- Chapter 7 (Economic Development),
- Chapter 8 (Transport),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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 1 Joint housing land Availability Studies
- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 5: Nature Conservation and Planning;
- PPW Technical Advice Note 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- 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:

The key issues in the determination of this planning application are the planning policy position, the impact of the proposed development on the highway network, ecology, infrastructure, the impact of the proposed development on the character and appearance of the area and any consequences of the development for the residential amenity and privacy of existing properties.

Principle of the proposed development

The Local Development Plan remains the key policy document when considering the merits of the current proposal.

The planning policies that will prove key in the determination of this planning application are listed above and given that the site is allocated for residential development in the Local Development Plan policy will presume in favour of the proposed development as long as the proposals as submitted satisfy the various policy criteria that are relevant. Each of the key policy areas are considered in detail below.

In this case development is clearly focussed on land within the defined settlement limits of the principal town of Llantrisant/Talbot Green. The site benefits from reasonable access by car, bus, walking and cycling and relates well to the principal town centre and retail centre. The proposed development does not just support the strategic site but actually implements a significant part of this particular site. Consequently, and despite the misgivings of the objectors to the application on the sustainability issue, in the context of policy AW2 the proposed development would take place in a sustainable location.

Turning to the issue of housing land supply, given that the Council's 2016 housing land supply figure stands at only 1.5 years, it is important to maintain the contribution that this site will make to housing land supply. As a site allocated for housing in an adopted Local Development Plan the site already qualifies for inclusion within the five year housing land supply and is expected to contribute 125 units to the first 5 years with the remaining 275 units to follow in later years. This is considered to be reflective of a realistic completions rate at the site. The grant of outline planning permission for the site would secure rather than increase the site's contribution to the five year housing land supply. The indicative figure of 460 dwellings represents (in terms of the additional 60 units) a welcome windfall but would only increase the housing land supply beyond the present 5 year period.

With regard to affordable housing the proposal currently before the Council offers 62 social rented units and 30 units of intermediate housing giving a total of 92 units which equates to 20% of the total and as such the proposed development is policy compliant in this regard.

In terms of education, the proposal also allows the provision of a 240 place primary school with a 30 place nursery to be provided on site as envisaged in the Local Development Plan concept plan. The illustrative masterplan prepared by the applicants indicates a location near the eastern roundabout which though not central to the current proposals is in an accessible position. Ultimately, it will be for the Council as Local Education Authority to determine how and where additional capacity is delivered.

The current submission also proposes a 200sq m. net sales floorspace class A1 retail outlet which on the illustrative masterplan sits next to the site for the school. The allocation is in accordance with the LDP requirements.

Policy SSA8 proposes that development of the site should take place in a landscaped setting and the supporting text is more specific in requiring a landscape buffer along the northern boundary and this is reflected in the submitted illustrative masterplan. The supporting Landscape and Visual Influence documents and the zones of visual influence diagrams that accompany the proposal illustrate the relative prominence of the application site. While the buffer zone will not screen the development it will mitigate its visual impact from important views. There is therefore a clear need, if this application is to be approved for this particular feature of the proposed development to be secured in the long term, (see also comments below in respect of the ecology of the site and the need to maintain green corridors).

Turning to the issue of density of development, the submitted illustrative masterplan makes no effort to address the issue. However, the supporting planning statement offers an all round figure of 36 dwellings per hectare (dph) which is compliant with the requirements of policy AW11. The Design & Access Statement that accompanies the planning application identifies areas of the site for low, medium and high density development, though no numbers are offered for each component. Though more intricate than the Local Development Plan indicative concept plan, the only resemblances are that low density development is proposed along the northern edge and some high density development is proposed in the south eastern section. Whilst the deviation from the LDP concept plan is not considered to be crucial to the determination of the planning application ensuring low density development on the northern fringe along with developing a mechanism to ensure that overall numbers are delivered is essential. In addition, design principles need to be established to ensure that reserved matters applications comply with the design and placemaking criteria of policies AW5 & AW6. These though are matters that can be addressed through appropriate conditioning of any consent. Some residents have argued that the density of development should be reduced to reflect local plan requirements arguing that increased density of development flies in the face of the objective of delivering a better quality of life. However, the Local Development Plan also places a requirement to achieve a density of 35 dwellings per hectare and this, as the supporting work prepared by the applicants and their professional advisors can be achieved with the amount of development that is being proposed.

Matters pertinent to the impacts of the proposed development on the highway network are dealt with in greater detail below. However there is a need to give some consideration to highways and planning policy at this point. The Transport Assessment prepared in respect of the current planning application addresses in particular the need for the provision of a grade separated junction. The need for such a junction originated in proposals for residential and office development approved at appeal in 2008 where residential development was specifically promoted as enabling development to fund the provision of a grade separated access to the proposed office development. The Local Development Plan mentions the provision of a grade separated junction and that no more than 25% of the dwellings proposed for Cefn Y Hendy should be provided until it is in place, but does not formally propose it and the residential development is now entirely justified on the basis of housing need and no longer as development to enable the provision of a junction (see also below). The Transport Assessment argues that there is spare capacity on

the junctions of the A4119 and that the issue of a lack of capacity at Castell Y Mynach is a strategic one which is not related to the application. The Transport Assessment argues that signal controlled at grade junction on the A4119 could satisfactorily serve both the residential and employment elements of the strategic site. The independent verification of this claim will determine whether or not it would be appropriate to raise a policy based objection to the proposed development on highway grounds.

The Local Development Plan places two phasing requirements on the development of the site though Members should note that these are not formal policies or proposals. The first is that no more than 25% of residential development should take place until the grade separated junction is opened and the second is that no more than 75% of the development should be completed before the local centre is opened. If the grade separated junction is proven to be no longer necessary the requirement falls. In any event, the securing of the local centre can be secured by the imposition of an appropriate condition or through a Section 106 agreement if Members are minded to support the current proposals. Members should note that the provision of school capacity is not subject to phasing.

It has been suggested by the Community Council that in determining this application that the requirements of TAN 1 Joint Housing Land Availability Studies should not be adhered to. The more recent household projections referred to by the Community Council have only limited status as a material consideration in planning, as they have not yet been turned into a dwelling need projection and have not been apportioned between the Local Planning Authorities, and no Local Planning Authority dwelling need projection has been incorporated yet into a Local Development Plan Review to enable it to be examined publicly and independently for soundness. Consequently the Council is obliged to work with the adopted Local Development Plan with regard to this issue and the “considerable weight” that Planning Policy Wales TAN 1 places on the need to increase the housing land supply when dealing with planning applications for housing will inevitably carry much more weight in the decision making process. The requirement to maintain a 5 year land supply is a Policy Requirement set out in TAN 1 and reiterated in a number of policy letters and statements issued by the Welsh Government. The 5 year land supply is a material consideration that must be taken into account when determining this matter and it is a consideration that must be given significant weight. Failure to consider this requirement would leave the Council open to legal challenge on any decision made.

There has been some suggestion in the objections submitted that there was a lack of consultation on this site when the Local Development Plan was prepared. This site along with other strategic sites in the Local Development Plan were the subject of extensive public consultation and scrutiny at the examination in to the plan itself and consultation was carried out in line with the relevant regulations.

The development of the site would not, given its location, represent coalescence of Pontyclun and Miskin as it would given the location of the application site, not make coalescence occur. Though it might be argued coalescence has already taken place this proposal would not make the situation any worse.

Whilst part of the application site is outside of the housing allocation it is clearly within the settlement boundary and unallocated and would form the western access

to the site the fact that a relatively small part of the application site does not form part of the wider allocation would form no basis for rejecting the current proposals.

Policy SSA13 of the Local Development Plan (housing development within settlement boundaries) has been raised as an objection to the proposal. However this policy is specifically aimed at housing development on sites that are not allocated for development in the Local Development Plan but are within settlement limits as such its requirements would not apply in this instance. Furthermore and in any event the application site is not public open space, which is what this policy principally aims to protect.

References made by objectors to planning legislation, policy and guidance that relates only to England is not relevant in the consideration of this planning application.

Residents have raised the issue of compliance with the requirements of policy SSA3 specifically referencing the requirement to reduce congestion through the promotion of sustainable modes of transport. This the proposed development would achieve in a number of ways through the improvement of established public footpaths, the provision of the cycle route, the development of the spine road through the site being able to accommodate bus traffic and through a financial contribution to the improvement of park and ride facilities at Pontyclun.

The proposals would be considered acceptable in planning policy terms provided that:—

- The relevant consultees are satisfied that the junction arrangements proposed for the A4119 are acceptable including those relating to the land east of the A4119
- The relevant consultees can be satisfied with provisions proposed to deal with the ecological impacts of the site.
- The creation of a mechanism through conditions or a Section 106 agreement to ensure that the reserved matters submissions which would follow the grant of outline planning permission deliver the expected number of dwellings
- Design principles for the development of the site are approved that secure low density development on the northern side of the site and the provision of an appropriate landscape buffer.
- The agreement of an appropriate planning obligations package to support the proposed development.

Ecology

The impact of the proposed development on the ecology of the site itself and the wider area has been a source of some concern for many people who have taken the trouble to comment on this planning application particularly with regard to protected species that are known to inhabit the locality and also in terms of the impact of the proposed development on the local Site of Interest for Nature Conservation.

Natural Resources Wales have indicated that they have significant concerns with the information provided by the applicants, but in the final analysis they have not raised objection to the proposed development and have provided a suite of planning conditions that they expect to be applied to any planning permission that might be issued. Similarly the Council's own ecologist has concerns relating to the specifics of

the proposed development and despite those concerns has now reached a position where subject to conditions and the securing of a robust and meaningful management plan through a Section 106 agreement which will ensure the appropriate maintenance management and improvement of the open areas that the proposals would be acceptable. In the final analysis, and despite the concerns that have been expressed by residents and consultee bodies, there is no substantive reason for a refusal of planning permission on ecological grounds.

Infrastructure

The key element of local infrastructure that the proposed development needs to address is its impact on the highways and this is considered in detail elsewhere. Otherwise consultation response has revealed no issues with regard to the provision of public utilities. Similarly, the Coal Authority has indicated that subject to further investigation they have no objections to the approach adopted with regard to ground conditions. The site is not on C1 or C2 floodplain and no objections have been raised in this issue.

The school provision issue will be addressed through the provision as described above in the comments received from the Education department. The final position adopted by the Education Authority will not prevent education provision on site and the school provision remains included in the description of development.

The complaint from some residents that the development would lead to the creation of new houses in an area that lacks any focal point or community hub would carry some weight if the proposal was exclusively a housing proposal. However it also allows for the provision of play areas, retail facility etc that will have the potential to provide that focal point or series of focal points and community hub in the course of development. The fact that earlier phases of the development have not delivered a retail premises on the site is a matter that the current planning application will address if permitted.

Another criticism of the current scheme is that health service provision in the locality is oversubscribed and incapable of accommodating further development and consequently the development should not be allowed until this issue is addressed. Members are advised that the Local Health Board have been consulted on this application and have not provided any comment in respect of the proposal positive or negative. Additionally on this issue it must be kept in mind that the current proposal is not responsible for any shortcomings there might be in healthcare provision now and to expect it to fully remediate an already difficult situation would be at best considered disproportionate.

Members will note the earlier comments of the Police Authority with regard to this proposal. The points raised by the Police all relate to design which is a "reserved matter" and it would be appropriate to consider those issues at that stage should the current application prove successful.

One objector has claimed that allowing the development could lead to flooding at the Y Pant School but no evidence has been offered to support this claim.

With regard to the drainage issue, Members should first note that neither Natural Resources Wales nor the Council's own Drainage department have raised any

concern that would suggest that the site could not be appropriately drained of storm water and as a result it is recommended that the application be allowed subject to conditions with regard to this issue. It lies with the land owner or any future developer to secure any consents necessary outside of the planning process and it is not incumbent on the land owner or developer to secure these consents in order to secure a planning permission.

Impact on the character and appearance of the area

The impact of the proposed development on the character and appearance of the area is difficult to fully evaluate at the outline application stage as the acceptability or otherwise of any proposal in this context will often depend on detailing. However, there is merit in the proposal inasmuch as it is contiguous with the existing built form of Cefn y Hendy and with appropriate detailing it has the potential to become a sympathetic extension of the village. Whether or not it could become a coherent addition to the village will though depend on detailing and developing the physical relationship between the proposed development and existing homes. In this the proposed masterplan is helpful providing as it does an indication of the location of proposed street frontages key buildings and access routes into and through the site by various means and by illustrating how that connects with established development. The constraints imposed by the requirement to vary density with it reducing towards the edges and the need to provide a coherent buffer zone also provide some control in how the development will come forward. Similarly the applicants have been able to demonstrate through the masterplan a density of development that meets the net policy requirement of 35 dwellings per hectare underlining that the proposals could make a meaningful contribution to the housing land supply for the area whilst at the same time ameliorating the concerns expressed by residents at the visual impact of the proposed development. However key to ensuring that this works is the requirement to agree finished levels for the site relative to established property along with precise details of the intended buffer zones and green areas and if Members are minded to support the current application then a suitable condition and/or legal agreement would be appropriate to control this issue.

There has been some comment to the effect that the character of the Public Rights of Way through the site will be irreversibly damaged by the development of the site and that the passive enjoyment of open space that the footpaths facilitate along with the access to informal recreational opportunities that it provides would also be lost. This though would be an inevitable consequence of developing any area of ground through which a Right of Way passes and in light of the overall landscape and visual impact of the proposal which is considered below and the fact that the proposed development would provide substantial amounts of recreational space, this would not be sufficient to warrant the refusal of this application

One of the criticisms levelled at the current proposal by the objectors is that it treats archaeology lightly. To some extent this is also reflected in the observation on the proposal submitted by the Glamorgan Gwent Archaeological Trust, Members should though note their conclusions on the issue and the recommendation that any deficiency can be addressed by the application of suitable planning conditions.

The Landscape and Visual Impact of the proposed development have been the subject of a detailed study by The Urbanists, a specialist landscape and design

company, on behalf of the applicants and the study concludes that overall the site does not result in significant effects on the baseline landscape and visual characteristics of the area, on completion of the development all landscape and visual impacts are reduced to a moderate level at worst with most reduced to a slight or negligible level of significance of visual effect. The rural urban fringe context, field pattern, wider landscape setting and landscape network of hedgerows and trees are to a large extent retained and to some extent enhanced by the creation of the buffer zone and the approach to the density of development and the development would be viewed within the existing landscape context as an addition to/completion of Cefn Y Hendy. The study has used established and accepted methodology and best practice in arriving at this conclusion and the Council's Landscape Architect accepts the overall report findings as robust but identifies a need to establish appropriate detailed landscaping for the site alongside the applicant's submitted proposals through the imposition of appropriate planning conditions to underpin this and ensure that the impacts of the proposed development on the character and appearance of the area remain acceptable.

As such it is considered that the landscape and visual effects of the proposed development can be mitigated within a landscape framework that would accompany the development of the site through the agreement of landscaping details, the details of proposed levels for the development and a clear path in the delivery of housing densities through the development, that is considered acceptable in the context of Local Development Plan policies and the policy considerations of the Welsh Government.

Objectors have levelled criticism at the proposed development in terms of its scale and density being out of step with the established development claiming that this will have an adverse impact on the character and appearance of the area. However the general thrust of the approach taken by the applicants as explained in the section above in respect of planning policy, is not so significantly detached from the intent of the Local Development Plan that it would warrant a refusal of the application on such a basis.

Impact on residential amenity and privacy

Given that this is an outline planning application it is difficult to assess in specific detail what the full impact of the development on residential amenity or privacy would be. However the masterplan that accompanies the application and the detail that it contains illustrates that the site could be developed in a manner where the impact of the proposals on existing dwellings would be acceptable, particularly as the site is for the most part well defined with strong natural boundaries that would inevitably result in the maintenance of good distances between any existing and proposed development. Similarly, the masterplan indicates that the site could be developed in a manner where the levels and distances between homes would demonstrate levels of amenity and privacy not dissimilar to those already established in the newer residential areas of Cefn yr Hendy immediately adjacent to the site which as such would make them acceptable.

With regard to the points raised in consultation with the public on this issue the following comments are offered:–

Issues relating to the density of the proposed development and the potential for it to have an adverse impact on established properties and the wider environment are to a large extent dealt with elsewhere in this report. However, Members should note that these comments are made on the basis of the illustrative detail provided by the developer and the density and layout and other features such as landscaping commented on would be by no means fixed by the grant of outline planning permission. The point with the masterplan is that it is only illustrative and shows what might be achievable in terms of the site.

Similarly the claim of the loss of public open space is largely unfounded, whilst residents clearly have the right to use the Public Right of Way and clearly made use of the wider area for informal recreational purposes the site is ultimately in private ownership and does not benefit from any formal recognition as public open space. Whilst this might be beneficial to local residents on a physical, emotional and even spiritual level, the fact that it has been put to some form of informal use by existing residents carries very little material weight in the consideration and determination of this planning application.

With regard to the issues raised around fields in trust standards it is important to keep in mind that these standards are only guidance and their application in every circumstance is not mandatory. Furthermore the Parks and Countryside Manager has considered the proposals and finds the intended level of provision proposed by the applicants acceptable. For clarity the current proposal will not meet all fields in trust standards but it will provide 0.76 hectare of public open space of which 0.35 hectare will comprise equipped play areas. Additionally there will be 3.3 hectares of informal open space and 0.65 hectare of woodland. This along with the benefits that will be secured through the proposed Section 106 agreement amounts to an acceptable level of formal and informal provision to serve the proposed development.

The comments relating to congestion resulting from the development leading to the closure of shops in Pontyclun is not supported by evidence.

Members will be aware that the loss of view is not a planning consideration. Objectors have sought to broaden the argument by arguing that it will lead to a loss of the visual and aesthetic quality that existing residents currently enjoy and the loss of a sense of openness to a feeling of enclosure. These are all an inevitable consequence of development in a general sense and in this instance these are not views that principally benefit the general public nor are they specific public views of any importance and consequently they can be given little weight in the consideration of the planning application

Noise and dust generated by the development of the site are by their nature transient and can be adequately controlled through the provisions of other legislation. Even though the development of the site will lead to more residents and more associated movement it is considered that this is no more likely to generate nuisance to any greater degree than current arrangements

On the issue of the impact on the Miskin Conservation Area Members should first note that the proposed development is more distant from the Conservation Area than the housing already established at Cefn yr Hendy. Additionally it would not impact in any visual sense on the Conservation Area. Whilst the increase in traffic in recent

years might have impacted on the Conservation Area in that it has resulted in an increase in the amount of traffic using Hensol Road no evidence has been produced that this is in any way unacceptable from a noise and pollution standpoint or to the extent that it would adversely impact the conservation area.

Access and highway safety

The planning application has been the subject of extensive investigation in the form of a Transport Assessment (TA) and associated addendum (TAA) and Travel Plan submitted in support of the proposed development. Additionally elements of the planning statement, Design and Access Statement have also addressed these issues to some degree. The Transport Assessment and subsequent Transport Assessment Addendum have been subjected to independent scrutiny and have been found to be sound.

The Transport Assessment gives consideration to highway capacity on the A4119 and acknowledges that the A4119 south is close to capacity and will continue to experience congestion even if extra capacity is provided at the junctions and that the only way congestion can be alleviated is through additional capacity being provided or through a reduction in vehicle demand.

The Transport Assessment then goes on to consider the following –

- Traffic survey data, automatic traffic counts.
- Trip rate and trip rate generation.
- Traffic/trip distribution.
- The impact of committed development that might affect the analysis.
- Traffic growth.
- Percentage impact assessment/assessment traffic flows.
- Junction assessments Ffordd Cefn Y Hendy/Bryn Dewi Sant/Western Site access 4 arm roundabout.
Ffordd Cefn Y Hendy/Eastern Site Access 4 arm roundabout.
Ffordd Cefn Y Hendy/Unnamed Road (to A4119) 3 arm priority junction
School Road/B4264/Heol Miskin Roundabout .
Heol Miskin /A4222 (Llantrisant Road Mini Roundabout .
A4119/Unnamed Road/Arthur Llewellyn Jenkins Staggered Junction.
- Access.
- Circulation.
- Parking provision.
- Collision analysis.
- Active travel and safe routes in communities.
- Public transport (bus and rail).
- Travel plan.
- Transport implementation strategy.
- Road safety audit.
- Third party representations and the need for commuted sums.

The findings of Council's consultants analysis of the submitted documentation can be summarised as follows:–

The A4119 is a strategic route and is forecast to reach capacity (39,000 AADT) in 2021 unless significant highway improvements are undertaken to provide additional links / lanes to increase capacity or traffic growth is reduced by greater utilisation of sustainable modes of transport including greater use of public transport.

Trip Generation and Traffic Distribution have been reviewed and despite concerns in relation to the complexity of method used to derive the number of vehicle trips is considered acceptable.

It is stated in the TA and the TAA that committed developments have been included by means of the TEMPRO growth factors. The traffic growth factors have been reviewed and are considered acceptable (2016 - 2026 (1.1560 AM and 1.1522 PM)).

The proposed development will increase traffic on the A4119 and have an adverse impact on junctions along the A4119, however, development traffic would only represent a small percentage of the existing and forecast traffic and the A4119 is forecast to be at capacity in 2021 regardless of the impact of development traffic.

A percentage impact assessment of the impact of the proposed development traffic was undertaken and the junctions with impact in excess of 5% were fully assessed and mitigation measures recommended accordingly.

Signalisation of the staggered junction on the A4119 will provide safe access / egress for the proposed development and for existing users, as well as providing safe crossing facilities for vehicles, cyclists and pedestrian movements. MOVA control within the signal control system would increase signal capacity. The provision of SCOOT, hardware, software licences and validation would allow the signalised junction to be incorporated into a SCOOT UTC system incorporating adjacent signalised junctions along the A4119, as future junction upgrades are undertaken.

The introduction of traffic signalisation control incorporating MOVA and SCOOT would represent a considerable improvement for traffic currently utilising the currently un-signalised junction, particularly for right turning traffic by removing the need to utilise the central island area. Signalisation would also ensure that traffic on this junction arm would have an opportunity to leave or join the A4119 as traffic volumes increase as shown by the projected traffic growth.

The proposals consider signalisation of the B4264, A4119 and Mwyndy staggered junction, information within the TAA proposes that the staggered junction be signalised with the exception of pedestrian and cycle facilities and the provision of the left turning lane and junction widening to accommodate the future Mwyndy employment development. Partial implementation of the works to the employment access would require significant alterations to the signalised junction at a later date, to accommodate widening of lanes, relocation of splitter islands and traffic signals which gives cause for concern and therefore the improvements to the highway to provide the left turning lane, widened exit lanes, splitter island and pedestrian/cycle crossing facilities must be implemented to include the full extent of the proposed splitter island at the arm leading to Arthur Lewellyn Jenkins / future Mwyndy employment development.

Highway improvements to the staggered junction will also impact on the existing bus stop and bus pull-in at Mwyndy Cross and measures to accommodate the bus stop must be provided as part of the detailed design.

The proposed shared use pedestrian/cycle facility alongside the A4119 would encourage use of sustainable means of transport such as walking / cycling to access local amenities and facilities at Talbot Green in accordance with the aims of the Active Travel (Wales) Act 2013 to provide a route with natural surveillance, paved surface, drainage and lighting. In anticipation of such a link current improvement works at the A4119 roundabout have incorporated Toucan crossings to accommodate the shared use path. Such a route will require direct links to the development in the vicinity of the signalised junction and access road leading to Cefn Parc Farm, to ensure routes are direct and not overly long in accordance with Active Travel Guidance.

Access to the development site is proposed from existing roundabouts located on Ffordd Cefn-Yr-Hendy. There is some concern regarding the geometry of the roundabouts which also lack facilities for pedestrians in the detail submitted to date, however, these issues can be addressed and secured by suitably worded conditions intended to finalise the design of the roundabouts.

Members will be aware that in recent years there have been a number of road accidents in the area of the A4119 some of which have had a very high profile particularly where fatalities have been involved. Members should note though that the proposals under consideration make provision for a staggered signalised junction which incorporates controlled crossing facilities where currently none exist.

The development traffic will have an impact on the overall capacity of the network without signalisation. However with the introduction of a signalised junction the modelling indicates that the Percentage Reserved Capacity of the Castell Mynach junction improves and the Percentage Reserved Capacity at the School Road junction reduces more significantly. This is considered to be due to the LINSIG model co-ordinating a larger signal controlled network.

In the future year 2026 the proposed traffic signal controlled junction will be close to capacity in the AM peak and over capacity during the PM Peak.

The existing signal controlled junctions at School Road and Castell Mynach are over capacity in the base year 2016 in both the AM and PM Peaks. In future year 2026 the Castell Mynach and School Road junctions will be significantly over capacity in both peaks due to the effect of traffic growth and committed development.

The Council's strategy for dealing with the cumulative effects of the traffic generated by development sites in RCT is via Community Infrastructure Levy (CIL). The proposed development is identified as an allocated site within the Local Development Plan (LDP) and is subject to CIL and the A4119 corridor is highlighted within the Regulation 123 list. It is therefore imperative that pooled developer funding via CIL is committed to support strategic interventions on the A4119 corridor to facilitate planned growth in the County Borough.

The illustrative masterplan is lacking sufficient detail to enable an assessment of internal roads, footways and parking to be carried out. Therefore no weight has been

given to the submitted plan accordingly. In any event such details will be finalised at the reserved matters stage should this application prove successful.

The local residents group opposing the application have employed Carl Tonks Consulting Highway Engineers to appraise the detail contained in the Transport Assessment and in the Transport Assessment Addendum. This has resulted in the submission of a critique by Mr Tonks highlighting what are considered to be the shortcomings of the initial submission. This has subsequently lead to the submission of a rebuttal by Vectos on behalf of the applicants which itself has in turn lead to the submission of further comment from Mr Tonks regarding the rebuttal. The transportation Section remain content with the content of the Transport Assessment and Transport Assessment Addendum.

The signalisation of the staggered junctions with A4119 incorporating MOVA and facilities for SCOOT, the contribution of £90k towards increasing the capacity of Park and Ride at Pontyclun Railway Station, the widening of the existing footway along A4119 to 3m footway/cycleway, the additional pedestrian /cycle linkage between the site and A4119 and provision of footway along Ffordd Cefn-Yr-Hendy and site frontage as well as improvements to bus stops and uncontrolled pedestrian crossings would satisfy the requirements of the Active Travel (Wales) Act 2013 and facilitate sustainable modes of travel.

The proposed development neither promotes nor prevents the provision of park and ride/park and share facilities at Miskin.

Many have argued that the development will not be accessible to sustainable forms of transport and would add to congestion. However, the proposed development will deliver footpath improvements, on the network and to a public right of way it will also deliver cycle way provision and estate spine road of sufficient width to facilitate new bus routes and the delivery of new housing along with the provision of capacity and the increase in critical mass that it would deliver in terms of demand would make the delivery of new route by bus operators more likely, contributing towards the target set down in the CHIT publication "Guidelines For Providing For Journeys On Foot" of having new homes within 400m of at least one or more transport modes.

Health Issues

With regard to the issue of noise it is not considered that a residential development adjacent to areas of well established residential development would prove a source of noise to the point where it would become a nuisance or threat to health. Furthermore the application is supported by a Noise Assessment which concludes that with appropriate mitigation measures in areas where they would be required the development would meet established World Health Organisation requirements with regard to the impact of noise on the proposed development (such measures might include noise attenuating boundary treatments, appropriate orientation of dwellings or specialist double glazing etc). The Council's Public Health & Protection Division have not raised noise as an issue for the proposed development and have not found the report in respect of noise submitted in support of this development wanting.

Turning to the issue of loss of green space and the potential adverse impact on physical and mental health, Members should first note that the illustrative layout provided by the developer makes provision of play areas and public open space that

accords with the requirements of the Council's own Supplementary Planning Guidance. Additionally the applicants have been very clear that Public Rights of Way through the site will be maintained and enhanced which has the potential to improve access to the countryside around the development.

With regard to the air quality issue residential development is not of itself a source of nuisance; indeed the air quality issue here is one that affects the wider locality with the principal source being traffic related pollution on the A4119 and A473. The applicants have supported their planning application with an air quality assessment that justifies the proposed development and with which the Public Health & Protection Division are satisfied subject to the inclusion of conditions in any consent that might be granted. It has also been suggested that the proposed cycle/pedestrian route adjacent to the A4119 would need to be assessed and has not been and as a result the information provided is inadequate. However, Public Health and Protection advise that as the use of such a facility would be transient and short-lived this would not be appropriate.

Some residents have pointed out that should a grade separated junction be provided it would need to be provided with noise and pollution attenuation features. As this does not form part of the current scheme it is not a matter that requires the consideration of Members.

Other Issues:

The following issues have also been taken into account and afforded appropriate weight in considering the application, and they inform the recommendation made below

A number of residents have made reference to various other bodies of legislation, legal guidance and accepted conventions claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows:-

- The Human Rights Act 1998.
- The Localism Act 2011.
- The Wellbeing of Future Generations (Wales) Act 2015.
- The Environment (Wales) Act 2016.
- Wales – A Play Friendly Country – Statutory Guidance 2014.
- The United Nations Convention on the Rights of the Child.

The planning system, by its very nature, respects all legislation that influences it and the rights of the individual and child whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, including children, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

There has been some indication from the public that they believe that the proposals have been inadequately advertised. The application has been advertised by means

of press notice, site notices and neighbour notification letters in accordance with statutory requirements in two separate rounds of consultation. Furthermore, Officers have continued to accept the submission of letters of objection after the deadline for such submissions had passed on both occasions.

Loss of view and the claimed reduction in property values that would result from the proposed development are not planning considerations. Similarly the claimed loss of light is not of itself a planning consideration and is a matter for other legislation. The privacy issue is addressed elsewhere in this report.

Whether or not the applicant company is responsible for nearby retail development and whether or not they have completed that development is not material in the determination of the current planning application.

If Members are minded to approve the application as recommended then the views of all statutory consultees and their recommended conditions will be reflected and applied.

The expansion of existing retail parks and premises in the wider locality will have been adequately assessed when those proposals were considered by Members and any necessary improvement to the highway network as a result of those developments would have been secured through those planning permissions.

The matter of conflict of interest between the Council, Welsh Government and the applicants falls outside of the scope of the consideration of the planning merits of the application and would not influence any decision in the matter.

Whatever might have been in the minds of existing residents when they purchased their property is not a matter that can influence a decision on this planning application.

As far as the applicant's attitude towards pre application consultation is concerned, this is largely a matter for their own conscience, what can be said is that they have complied with statutory requirements in this regard.

The applicants are under no obligation to make utility services available to the residents of Ty Cefn Parc and the grant of planning permission cannot be conditional upon that.

Matters relating to preferred options such as the creation of parkland instead of housing development or the provision of park and ride/share facilities on the former Ministry of Transport site might be desirable but the proposal has to be considered as submitted and on its own planning merit.

The development of the Llanilid site at Llanharan would not address the Council's housing land supply problems on its own and as is the case with this site is part of a suite of strategic allocations.

The current application has to be determined on the basis of the development plan and other material considerations and on the quality of the evidence presented in support of it and not on what might have been required under different circumstances for a different application made in the past.

The Town Centre element of the Llantrisant – Talbot Green proposals has the benefit of a separate planning permission and it would be inappropriate to divert residential development towards that site simply because it has not yet progressed.

The requirement to provide retailing through the original Section 106 agreement is still in place and the whether or not to enforce is at the discretion of the Council. It is understood that the Land Authority for Wales who were in control of the land at the time did try to market the site but there was no market interest in bringing the retail element forward.

The application currently before Members includes retail provision, the quantum of which will have been designed to correspond with market demand. Clearly, if the current application is refused or for some other reason does not go ahead then the Council can revisit the original requirement to deliver retail provision and then decide what action, if any, it will take.

The development of any site would inevitably increase its carbon footprint unless the development is designed to be carbon neutral or negative over its lifetime this could form no basis for refusing the application of itself.

The certification submitted with the planning application has been amended to reflect that there is an agricultural tenant and that fact has been taken into account in the consideration of this planning application.

Prior to the application being submitted the applicants established that the application site was of agricultural land classification 3b. As such there would be no need for further consideration in respect of agricultural land classification issues as the site is clearly not the best or most versatile agricultural land. Ystrad Barwig was a fundamentally different case, notwithstanding that the application site is allocated in the Local Development Plan for development and Ystrad Barwig was not, the latter was known to have been subjected to substantial agricultural land improvement works over the years and the current application site has not. Members should also note that in the case of Ystrad Barwig, Agricultural Land Classification ratings on the site (which were higher than the current application site) were considered to hold insufficient weight to force a negative recommendation on a site that is not allocated for development in the Local Development Plan.

Whilst the extent of the use of the site for recreational purposes by local resident is not disputed the nature of the evidence provided is more appropriate to a claim for village green status than it is relevant to the consideration of a planning application and adds nothing to the claims of usage contained in the extensive objections that have been raised to this proposal.

Some residents might regard the application as flawed as a result of the situation on the local highway network, or because of capacity in local schools, surgeries or hospitals. However, when the evidence directs that the impacts of the proposed development are acceptable in planning terms, with conditions and legal obligations applied, the Council officers are obliged to recommend accordingly.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and,
- fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

- The provision of 20% affordable housing.
- The provision of the local centre on occupation of 75% of the dwellings (345th dwelling).
- The agreement of a long term management programme for the management of the open space to the north of the site and ecologically sensitive areas of the site.
- Provision of green space and play areas for management and maintenance in accordance with the Council's Supplementary Planning Guidance on planning obligations.
- The agreement of an employment skills training plan.
- A financial contribution of £90,000 towards the provision of additional park and ride spaces at Pontyclun railway station.

Conclusion

This planning application has raised a wide range of complex issues in its consideration and it is inevitable that an application of this size and complexity different elements will pull in different directions. The consequence is that any

decision in the matter has to be made “on balance” and in this instance officers take the view that the balance falls in favour of allowing the application. In the final analysis, the application is considered to be in accordance with the relevant policies of the Local Development Plan in respect of the key policy areas in the Local Development Plan and in Planning Policy Wales with regard to the provision of new residential development. Furthermore the proposal, subject to conditions and a legal agreement, has been shown to be acceptable in terms of all other material considerations, particularly in this case, highway impacts, amenity, impact on the character and appearance of the area, ecology, infrastructure provision, and health impacts when the key issues involved are balanced. Consequently, Members are advised that in planning terms the proposal is acceptable and that they accept the recommendation to approve below.

RECOMMENDATION: Grant

1. (a) Details of the appearance, landscaping, layout and scale (hereinafter referred to as "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

(b) Applications for the approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

(c) The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Any submission for the approval of reserved matters shall be accompanied by a detailed site investigation report. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage that might arise as a result of ground conditions. The development hereby permitted shall be carried out in accordance with the approved site investigation report.

Reason: The site may be unstable and as such a stability report is required in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. The proposed development shall proceed on a phased basis in accordance with the details set out in the applicant's letter and accompanying correspondence dated 5th June 2017, with the exception of infrastructure which can form a separate and distinct phase, unless otherwise agreed in writing with the local planning authority.

Reason: To allow for the development of the site in an ordered manner that integrates positively with the existing development in accordance with policy

4. Details of the landscaping scheme to be submitted to and approved by the local planning authority shall include indications of all existing trees and hedgerows within any given phase and details of any to be retained along with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting seeding or turfing in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or the completion of each phase of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development are removed or become damaged or diseased shall be replaced in the next planting season with others of similar size or species unless the local planning authority gives its consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

6. A landscape management plan, including long term design objectives, management response, maintenance schedules for all landscaped areas, other than privately owned domestic gardens within each phase, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of development within that phase for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Before any work is commenced within any given phase, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle around each tree to coincide with the extremity of the canopy of the tree. Within the area so fenced off the existing ground level shall be neither raised nor lowered and no materials or temporary buildings or surplus soil of any kind shall be stored thereon. If any trenches for services are required they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5cm or more shall be left unsevered.

Reason: to protect the existing trees on the site during the course of building in the interests of amenity in accordance with policies AW5 & AW6 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place within any given phase until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- An appropriate scale plan showing wildlife 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;
- A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the wildlife protection zones to all construction personnel on site.

All construction activities shall be implemented in accordance 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 Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

9. Notwithstanding the submitted details, prior to the commencement of housing development within any given phase, a habitat management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Purpose, aims and objectives of the scheme.
- A review of the sites ecological potential and constraints.
- Description of target habitat features to be restored.
- Selection of appropriate strategies for achieving habitat restoration.
- Selection of specific restoration techniques and practices for re-establishing vegetation.
- Sources of habitat material.
- Method statement for the restoration of vegetation.
- Extent and location of proposed works.
- Aftercare and long term management.
- Personnel responsible for works.
- Timing of works.
- Monitoring.
- Disposal of arisings

all restoration works will be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Any amendments to the Habitat Management Plan required as a result of ongoing monitoring shall be submitted to and approved in writing by the

Local Planning Authority prior to their implementation.

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

10. Before any works start on site within any phase of the development, existing and proposed levels (including relevant sections) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

11. Building operations shall not be commenced within any approved phase of development until samples of all external finishes to be used in the proposed development of that phase have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the samples so approved.

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

12. The development of any phase of development hereby permitted shall not begin until a scheme to deal with contamination within or affecting that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless otherwise agreed in writing with the Local Planning Authority:

- A desk top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
- Site investigation shall be carried out to fully effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk top study has been agreed in writing with the Local Planning Authority.
- A written method statement for the remediation of contamination affecting the site.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No dwelling hereby permitted shall be occupied until the measures approved in the scheme referred to in condition 12 above have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority for the relevant phase of development.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work in the vicinity of the encountered contamination shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning Authority.

Reason: In the interests of health and safety and environmental amenity and so as to accord with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development on any phase of housing development until details of a scheme for the disposal of foul and surface water to serve that phase of development has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first use of the development and retained in perpetuity.

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

16. Before the commencement of any works on site, a comprehensive scheme of mitigation for protected species shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include, but not exclusively:

- the preparation of a method statement to detail how protected species will be protected and if presence on site is established, conserved during the site clearance works, including details of the timing and duration of the works, and action to be taken in the event that a protected species is found.
- The timing and phasing of implementation of ecological mitigation.
- The location form and extent of any buffers to be retained and/or newly planted/translocated material, including measures to safeguard habitats (notably the adjacent woodland) from adjacent properties. These buffers must be located outside the curtilage of any individual development plots.
- appropriately scaled and annotated drawings setting out the habitats to be lost, enhanced or created and those retained. Any hedgerow vegetation which is not to be retained within the site should be translocated to create connective corridors or used to help bolster the undisturbed buffer zones.
- a long term habitat management plan to ensure the favourable management of mitigation habitats on site.
- a lighting plan to minimise the impacts of the proposed development on

any protected species present. This should include details of the type and siting of the lighting used, light spillage in key areas for wildlife and any operational measures necessary to ensure wildlife corridors, mitigation habitats are not illuminated. The plan must address both the construction and operational phases of the development.

Reason: In the interests of maintaining biodiversity in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

17. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

18. Piling, or any other foundation design using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to ground water.

Reason: In order to minimise the risk of pollution to controlled waters in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

19. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

20. Prior to the first occupation of the 1st dwelling hereby approved the following works will have been designed, approved by the Local Planning Authority and built.

- Improvements to and the signalisation of the staggered road junction at the junction of the unnamed road with the A4119 and access to the Arthur Llewelyn Jenkins/future employment access; including improvements to the existing highway, relocation of the existing bus stop and provision of pedestrian and cycle crossing facilities. Signalisation shall incorporate MOVA traffic control with linking to the School Road traffic signals. Provision shall be made for hardware , software licences and validation to allow the signalised junction to be incorporated into a SCOOT UTC system incorporating all signalised junctions along the

A4119.

- Shared use pedestrian/cycle path linking the unnamed road with the existing facilities at the A4119/A473 roundabout with links to the development site in the vicinity of the unnamed road/signalised junction and Cefn Park Farm
- Provision of a shared use pedestrian/cycle path along the eastern side of Ffordd Cefn Y Hendy to link the site access with the unnamed road together with uncontrolled crossing improvements and the provision of a bus stop with shelter, flag and pole, raised bus border kerbs and bus stop road markings

All works shall be designed in accordance with current highway design requirements and road safety audits and be implemented in accordance with details to be submitted to and approved in writing by the local planning authority prior to any works commencing on site.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

21. Prior to the commencement of works on site, other than any related site infrastructure works, the developers shall submit a plan for the written approval of the Local Planning Authority confirming the alignment of the site distributor road. Full engineering design and details of the site distributor road including details of improvements to the site access roundabouts, sections, street lighting, drainage, highway structures, traffic management measures, turning facilities, shared pedestrian/cycle facilities, public transport infrastructure, footways, link cycle footpaths, hard margin strips and associated works to serve any identified phase of development, along with a programme for its implementation, shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works on that phase of development. In any event, the distributor road shall be completed and available for use prior to the occupation of the 350th dwelling on the approved site.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

22. Notwithstanding any approved plans no works shall commence on site , for each phase of development , until full engineering design and details of all approach roads, side roads, private shared accesses, including sections, street lighting, drainage, highway structures , traffic management measures, turning facilities, shared pedestrian /cycle facilities, footways, link cycle footpaths, hard margin strips and associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety, free flow of traffic and to encourage sustainable modes of travel.

23. Parking provision shall be in compliance with the Council's latest adopted

Supplementary Planning Guidance and the spaces shall be constructed in permanent materials and retained for the purpose of parking only unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that vehicles are parked off the highway in the interests of road safety.

24. Surface water runoff from roof, yard, drives and parking areas shall not discharge over and on to the public highway drainage system unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and to prevent hydraulic overloading and subsequent flooding.

25. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain information regarding the following: –

- i) Bus/train service providers, their contact details, frequency of service, time table, bus stops/railway stations, current ticket costs and financial incentives to encourage use of public transport.
- ii) Park and ride/park and share facilities and associated costs and restrictions of use of such facilities.
- iii) Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure.
- iv) Local and national cycle routes; and
- v) Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance the relevant national and local planning policies.

26. The developer shall submit for the agreement of the Local Planning Authority a programme of improvements to public footpath ANT/314/. The agreed programme shall be implemented in full prior to the occupation of the 200th dwelling.

Reason: To encourage sustainable movement in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

28. Prior to commencement of the development within phase 1 (as referred to in condition 3), the developer shall provide a detailed construction specification, including noise mitigation properties and position of the barrier to be employed to the eastern site boundary (as detailed in Section 5.2 of Noise Assessment 2016, Job No. A075698), so as to achieve noise levels in private external amenity areas in compliance with BS8233:2014 of 55db(A) T or below. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

29. Prior to commencement of any identified phase of the development, the developer shall provide, detailed information that indicates the glazing and ventilation specifications offered as noise mitigation (both standard and enhanced) throughout the residential development, or any identified phase of the development so as to achieve internal noise levels in compliance with BS8233:2014. The agreed details shall be implemented prior to the first occupation of any dwelling that it is intended to serve.

Reason: in the interests of residential amenity and to comply with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

30. No development shall take place on any identified phase of the development until a site specific Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Plan shall provide a construction method statement for:

- a) the means of access to the site for all construction traffic.
- b) the parking of vehicles of site operatives and visitors.
- c) the management of vehicular and pedestrian traffic.
- d) loading and unloading of plant and materials.
- e) storage of plant and materials used in construction the development.
- f) wheel cleansing facilities.
- g) the sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the local planning authority.

The environmental management element of the plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include but not be limited to:

- Procedures for maintaining good public relations, including complaint management, public consultation and liaison.

- Arrangements for liaison with the Council's Pollution Control Team.
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
- 08 00 hours and 18 00 hours Mondays to Fridays and 08 00 hours and 13 00 hours on Saturdays and at no time on Sundays and Bank or Public Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528:parts 1 & 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of safety and the free flow of traffic and the amenity of surrounding occupiers and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

31. The consent hereby granted relates to the following plans –

- Site location plan 1549 URB UD XX XX GA 90 013 Draft

Reason: For the avoidance of doubt as to the approved plan.

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APPLICATION NO:	17/0249/10 (CHJ)
APPLICANT:	Enviroparks (Wales) Limited
DEVELOPMENT:	Amended phase II development and operation of a sustainable waste resource recovery and energy production park, comprising the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m ² gasification hall; an emissions stack measuring 45 m in height and 3.5 m in diameter; a 2,102.86 m ² fuel storage hall and a 378 m ² turbine hall for electricity generation; and a 4,824 m ² open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting (Additional information relating to the Environmental Statement received 19/09/17).
LOCATION:	FIFTH AVENUE, HIRWAUN INDUSTRIAL ESTATE, HIRWAUN
DATE REGISTERED:	19/09/2017

ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve subject to a S106 Agreement

REASONS:

This application is substantially a revision of the previous schemes approved (by Committee) on this site.

This consent will enable the construction / completion of this £150 million investment in Hirwaun / Rhigos. It is proposed to be operational in 2019.

The development will provide an estimated 200 FTE jobs through the “energy from waste” aspect of the scheme as well as the “high energy user” who will be able to benefit directly from the excess heat that will be generated by the relevant processes.

The proposed development will be integral to the £1 billion of investment in the energy sector that has been made (constructed or consented) in and around the Cynon Valley.

The proposal lies in close proximity to the Blaen Cynon Special Area of Conservation (SAC). While the scheme is still subject to a further consenting regime (Environmental Permitting Regulations – EPR) it is considered that the applicant has reasonably demonstrated that any impacts on the SAC can be appropriately mitigated.

While a number of concerns have been raised through this and previous applications it is considered that the scheme will not have any significant impacts on residential properties in this area.

REASON THE APPLICATION IS REPORTED TO COMMITTEE: The type and scale of the proposed development is not able to be determined under the Council's Scheme of Delegation.

APPLICATION DETAIL

This is a detailed (full) planning application for a revised layout for an approved and partly-implemented sustainable waste resource recovery and energy production park on Hirwaun Industrial Estate. The proposed development comprises:

- the consolidation of the approved gasification yard and pyrolysis building into a 6,270.43 m² gasification hall;
- an emissions stack measuring 45 m in height and 3.5m in diameter;
- a 2,102.86 m² fuel storage hall;
- a 378m² turbine hall for electricity generation; and
- a 4,824 m² open service yard containing ancillary structures including air-cooled condensers for the gasification plant, ancillary fire water tanks and a

fire pumphouse, effluent pumps, gas boosters, transformers and a standby diesel generator and fuel tank, with boundary landscape and planting.

The application comprises the following plans and documents:

- 2008 Environmental Statement (including figures)
- 2008 Environmental Statement Appendices
- 2009 Further environmental and supporting information

The 2017 planning documents comprised the following four volumes:

- Volume 1: 2017 Supporting Planning Documents:
 - Pre-Application Consultation Report
 - Design and Access Statement
 - Location Plan (Ref: ENV_EPT_GEN_DR_A_6017 P1, Scale 1:500 @ A0)
 - Proposed Site Plan (Ref: ENV_EPT_GEN_DR_A_6011 P7, Scale 1:500 @ A0)
 - Proposed Plan Layout (Ref: ENV_EPT_GEN_DR_A_6012 P5, Scale 1:250 @ A1)
 - Proposed Roof Plan (Ref: ENV_EPT_GEN_DR_A_6013 P3, Scale 1:250 @ A1)
 - Proposed Elevations (Ref: ENV_EPT_GEN_DR_A_6014 P2, Scale 1:200 @ A1)
 - Proposed Plant Elevations (Ref: ENV_EPT_GEN_DR_A_6015 p3, Scale 1:200 @ A1)
 - Gasification Hall – Existing FPA Building (Ref: ENV_EPT_GEN_DR_A_6016 P2, Scale 1:200 @ A10)
 - Proposed Site Sections (Ref: ENV_EPT_GEN_DR_A_6019 P0, Scale 1:500 @ A1)
- Volume 2: 2017 Environmental Statement Addendum (including figures).
- Volume 3: 2017 Environmental Statement Addendum Appendices.
- Volume 4: 2017 Environmental Statement Addendum Landscape and Visual Figures and Visualisations.
- 2017 Environmental Statement Addendum Non Technical Summary.

At the end of May 2017 the applicant submitted the following further information:

- Stage 1 Shadow Habitat Regulations Assessment Report.
- Addendum to Atmospheric Dispersion Modelling Assessment, May 2017.
- Drawing: Proposed Phasing Site Plan (Ref: ENV_EPT_GEN_DR_A_6018 P0).
- Wildlife Protection Plan including Reptile Mitigation Strategy, February 2017.
- Arboricultural Survey, February 2017.
- Revised Temporary Wildlife Protection Area – Completion of Mitigation Works, October 2016.
- Soft landscaping works and maintenance details are provided on plan Landscape Strategy Plan (Ref: AJA.2341-02) March 2017.
- Hard Landscape details provided on plan: Proposed Overall Site Layout (Ref: ENV_EPT_GEN_DR_A_6011 Rev. P7).
- Arboricultural Survey, February 2017.

- Explanation of SUDS strategy including implementation, management and maintenance.
- Plan: Proposed Drainage Layout (Ref: CIV SA 90 0500 Rev. E13).
- Calculation of existing surface water runoff rates at Hirwaun.
- Plan: Enviroparks Phase 2 Impermeable Areas (Ref: DQ80023C101 Rev. P3).
- Enviroparks Phase 2: Revision to Surface Water Drainage Model (22 March 2017).
- Plan: Enviroparks Attenuation Pond Proposals (Ref: DQ80023C110 Rev.P3).
- Plan: Construction Details (Sheet 2 of 4) (Ref: CIV SA 90 0004 Rev. A06).
- Plan: Construction Details (Sheet 3 of 4) (Ref: CIV SA 90 0005 Rev. A04).
- Supplementary Soil Sampling, Phase 2 Development, Enviroparks Wales, Hirwaun (Letter dated: 24 February 2017, Ref: LQ80023/G001).
- Supplementary Groundwater Sampling, Phase 2 Development, Enviroparks Wales, Hirwaun (Letter dated: 24 March 2017, Ref: LQ80023/G002).
- Geo-environmental Assessment Report, Phase 2 Development, Enviroparks Wales, Hirwaun (Ref: RQ80023G001B).
- Construction Method Statement (4 May 2017).
- Plan: Existing Site Survey (Ref: 8016 PL 002, May 08).
- Plan: Proposed Site Levels (Ref: ENV-KPP-EXW-EXT-SKE-EXT-SK1 Rev. P01, 28 April 17).
- Fencing Drawing (Ref: ENV_EPT_DR_A_6032 Rev. P1).
- Pro-sure Fencing specification (Ref: MP-PS-202).
- External Lighting Planning Report (Bouygues) 4 May 2017.
- External Lighting Lux Layout Plan (Ref: ENV-BYES-EXL-EXT-GA-EXT-0001, Rev. P01, 21 April 2017).
- Foundation Proposal (Piling) Details (JPG, Ref: ENV-JPG-S++-ALL-REP-FON-0002-R02) 26 May 2017.

Much of this information would conventionally be submitted by an applicant in response to planning conditions, after a planning permission is granted. In the current context the applicant decided to submit the information prior to its planning application being determined, to reinforce confidence that environmental mitigation and safeguards will be in place, and to reduce the need for planning conditions requiring discharge before development can commence.

In August, the applicant submitted the following further information:

- Shadow Habitat Regulation Assessment: Stage 1 Screening Report, Rev A - August 2017.
- Atmospheric Dispersion Modelling Assessment of Proposed Emissions from Enviroparks Wales Ltd, Issue 1 - August 2017.
- Health Impact Assessment for the Enviroparks Facility at Hirwaun, August 2017.
- Enviroparks Phase 2: Flood Consequence Assessment, December 2016.

On 19 September 2017, the applicant submitted the following further information:

- Revised Application Plans and Drawings
 - Proposed Site Plan (Ref: ENV_EPT_GEN_DR_A_6011 Rev. P9)
 - Proposed Roof Plan (Ref: ENV_EPT_GEN_DR_A_6013 Rev. P5)
 - Proposed Elevations (Ref: Ref: ENV_EPT_GEN_DR_A_6014 Rev. P4)

- Proposed Plant Elevations (Ref: Ref: ENV_EPT_GEN_DR_A_6015 Rev. P4)
- Proposed Site Sections (Ref: Ref: ENV_EPT_GEN_DR_A_6019 Rev. P1)
- Shadow Habitat Regulation Assessment: Stage 1 Screening Report, Rev B – September 2017 (Middlemarch Environmental)
- Atmospheric Dispersion Modelling Assessment of Proposed Engine Emissions from Enviroparks Wales Ltd, Hirwaun Industrial Estate, Aberdare. Report Issue No. 1. Report Date September 2017 (Environmental Visage Limited)
- Update to the Health Impact Assessment Undertaken for the Enviroparks Facility, Hirwaun to Reflect Changes in the Operational Performance Due to Design Improvements, 18 September 2017 (GF Environmental Limited)
- Revised Environmental Statement Addendum chapter 12: Landscape and Visual Effects
 - Revised Chapter 12: Landscape and Visual effects
 - Figure 12.1 Rev. a: Zone of Theoretical Visibility
 - Visualisation Ca Rev. b: View southwards from northern edge of Penderyn Reservoir (wireline)
 - Visualisation Cb Rev. b: View southwards from northern edge of Penderyn Reservoir (photomontage at year 1)
 - Visualisation Cc Rev. b: View southwards from northern edge of Penderyn Reservoir

The applicant is Enviroparks (Wales) Limited (Enviroparks), an energy company that has developed a concept of co-locating waste recycling, energy recovery and associated commercial operations on the same site. The company's approach is to recycle diverse waste streams using integrated advanced technologies to maximise recycling and energy generation, ensuring high levels of efficiency in fuel preparation and electricity production.

In 2008, Enviroparks submitted planning applications to Rhondda Cynon Taf County Borough Council and Brecon Beacons National Park Authority (BBNPA) for the development of a sustainable waste resource recovery and energy production park and associated infrastructure at the Enviroparks site. Planning applications were made to two planning authorities because the boundary between the two crosses the application site. Planning permission was granted by both authorities on 21 December 2010 (RCT reference 08/1735/10 and BBNPA reference 08/02488/FUL) following the completion of a planning obligations agreement under Section 106 of the Town and Country Planning Act 1990.

Those planning permissions have been implemented through the construction of the first phase of the Enviroparks development.

Enviroparks wishes to proceed with the second phase of development. However, since the original scheme design was prepared in 2008, advances in waste recovery technologies and a much-changed policy and commercial landscape for waste recovery and renewable energy generation have necessitated a review of the original master plan for the Enviroparks site. This has resulted in this revised planning application being prepared for the site.

Proposed operations

The objective of the proposed development is to recover the energy from the non-hazardous residues that remain after recyclable materials have been removed from the waste stream and to supply low carbon electricity to customers on and off site. To this end, the proposed development includes the following main processes and elements.

Waste management

Waste will be brought to the site by lorry in two forms for processing:

- Refuse-derived fuel (RDF) - comprising pre-processed waste that has already been sorted, shredded and prepared off-site. The RDF would be brought to the site in sealed bales or loose-loaded in specialist vehicles.
- Commercial and industrial waste (C & I) – sourced from other waste contractors and businesses in South Wales. This would also be brought to the site in sealed bales or loose-loaded in specialist vehicles.

No hazardous waste or untreated municipal solid waste ('black bag waste') will be processed on the site.

Waste reception

Waste delivery vehicles would enter the site from Ninth Avenue. A waiting area is provided within the site boundary for lorries to park temporarily whilst undergoing the booking-in process. Having been weighed and booked in at the gatehouse, the imported waste would be delivered to the waste reception area in the existing Fuel Preparation Hall in the south-east part of the site. The waste would undergo a quality analysis in an enclosed environment to ensure it is of appropriate quality and consistency for further processing. Both waste streams would be sorted to remove remaining recyclables such as metals or unacceptable materials such as gas bottles, which will be taken to appropriate facilities off-site for recycling or safe disposal.

The remaining waste would be further processed using mechanical means and tested to ensure it meets the fuel specification required by the gasifier equipment.

Fuel preparation

Fuel for gasification would finally be shredded to a sub-75mm particle size and conveyed to the Fuel Storage Hall on the Fifth Avenue frontage of the site. Any metals recovered from the waste stream would be separated and sent for recycling off-site, and any remaining inert waste such as grit would be extracted and disposed of at a suitably-licensed landfill site or as an aggregate for construction use. The remaining material is the fuel for the gasifiers and would be conveyed to fuel bunkers inside the consented Fuel Storage Hall on the Fifth Avenue frontage of the site. The bunkers provide a steady supply of fuel for the gasifiers with reserves available for times when fuel is not being prepared such as weekends and bank holidays.

Gasification

There would be three gasification units in the proposed development, housed in a central Gasification Hall. These would use advanced conversion technology to convert refuse derived fuels into a combustible gas, known as 'syngas'.

Within a gasifier, the waste-derived 'fuel' would be heated to over 1,000 degrees centigrade, initiating the gasification process. As the fuel heats up it undergoes a sequence of changes involving drying, chemical change caused by heating known as 'pyrolysis', and finally gasification, in which the syngas is liberated and the fuel reduced to an inert non-combustible ash. Ash produced during the process would be sent off-site to a specialist company that further processes the ash converting it into building products. As such, nothing is wasted.

Renewable energy generation

The syngas would be piped to a large sealed chamber and combusted. The heat created passes through a superheater and boiler system to boil water efficiently, and the resulting steam from all three gasifiers would drive a single steam turbine, located in the Turbine Hall on the Fifth Avenue frontage, that generates electricity. The electricity generated would be fed via an on-site high voltage substation located towards the eastern end of the Fifth Avenue frontage to the local electricity distribution network operated by Western Power Distribution. The scheme would have a generation capacity of 11 megawatts (MW) and would generate electricity equivalent to the average demand from approximately 26,000 homes. Having driven the turbine, the steam would be piped to air-cooled condensers in which the water is recovered for reuse, minimising the need for further inputs.

The renewable energy produced on site can be made available on suitable commercial terms to future users of the consented High Energy User B1/B2 industrial unit on the northern part of the Enviroparks site. It is envisaged that the availability of renewable energy will be particularly attractive to inward investors.

Control of emissions

The exhaust gases from the superheater would pass through a boiler and 'economiser' system that recovers heat for use around the process. The exhaust gases would then be cleaned by the following combination of methods before being discharged under constantly monitored conditions through the stack at the centre of the site.

On leaving the final secondary combustion chamber, the gases enter a reaction duct where chemical additions are made to the flue gases to abate pollutant emissions. The emissions are filtered to remove air pollution control residues and other particulates (small particles) and discharged under constantly-monitored conditions through the main stack at the centre of the site. Emissions would be controlled under an Environmental Permit issued by NRW.

Proposed development

In summary, the main differences between the approved development in 2010 and the amended scheme proposed are as follows (a plan which illustrates the changes in the scheme is attached as **APPENDIX 1**).

- The open gasification yard, pyrolysis building and engine house shown separately in the 2010 scheme would all be consolidated into a single building. This would be achieved by raising the height of the consented but unbuilt building on the Fifth Avenue frontage of the site by two metres to an eaves height of 14.1 metres and a ridge height of 16.1 metres to accommodate a Fuel Storage Hall and Turbine Hall, and building a Gasification Hall to the north of this revised building, extending towards the centre of the site, with an eaves height of 16.5 metres and a ridge height of 18.5 metres. A clerestory void over the central-southern part of the proposed Gasification Hall would have an eaves height of 21.25 metres and a ridge height of 23.4 metres, meaning an increase of 4.75 metres above the main body of the gasification hall.
- Raising the height of the consented but unbuilt emissions stack at the centre of the site from 40 metres to 45 metres to ensure the effective dispersion of atmospheric emissions without interference to air flow from the proposed Gasification Hall. The stack would also be increased in diameter from 2.5 metres to a maximum 3.5 metres, which would enhance both its operational performance and structural integrity.
- Deletion of the consented anaerobic digestion tanks inside the western boundary of the site. This is because a similar facility has opened at Bryn Pica, nearby.
- The replacement of the consented but unbuilt green wall inside the south-western corner of the site with a belt of tree and shrub planting. The green wall had been proposed to conceal the open gasification yard. However, with the gasifiers located in the proposed Gasification Hall, this requirement falls away.

It should be noted that Phase 1 of the Enviroparks development commenced in 2015 and is well advanced. This includes the Fuel Preparation Hall in the south-east part of the site, a gatehouse, an access road running across the site between Ninth Avenue and Fifth Avenue, temporary construction lay-down and parking areas and foul and surface water drainage works.

The new and amended buildings would use the same elevational treatment and building materials approved for the development that was granted planning permission in 2010.

SITE APPRAISAL

The planning application site lies within the consented Enviroparks site on Fifth Avenue in Hirwaun Industrial Estate, to the north of the A465 'Heads of the Valley' east-west trunk road and close to its junction with the A4059 / A4061 north-south route between Brecon and the Rhondda Valley. Road access to the Enviroparks site is gained from the A465 (T) Heads of the Valley road via the A4061 Rhigos Road, which leads onto Fifth Avenue. The Enviroparks site has existing road accesses from Fifth Avenue to the south and Ninth Avenue to the east, built as a part of the Phase 1 development.

The nearest large settlements in the area are Merthyr Tydfil, 11km to the east and Aberdare, 7 km to the south east. Local settlements include Hirwaun, 2 km to the south east of the site, the village of Penderyn 2 km to the north-north-east and

Rhigos, which lies 1.7 km to the south-west of the application site. There are isolated smaller dwellings closer to the site, and two hotels.

The site is located in an area of varied terrain. Whereas the Hirwaun Industrial Estate occupies a generally level area of land, the land rises gently to the south and east and more steeply to the west and north. Established land uses in the locality are also diverse, with a variety of manufacturing, storage and waste reclamation activities taking place on the industrial estate itself, and with a large area to the south-east of the industrial estate occupied by the workings of the former Tower Colliery. Across Ninth Avenue from the application site stands a large industrial complex operated by Eden UK. On the southern side of Fifth Avenue to the south east of the site there is a storage yard. The area to the north and west of the planning application site is more rural in character, comprising woodlands and well-defined fields used for pasture.

This urban-rural distinction is reflected in local authority boundaries and it happens that the boundary between Rhondda Cynon Taf County Borough Council and the Brecon Beacons National Park Authority bisects the planning application site. For this reason, Enviroparks' planning application has been submitted to both planning authorities.

Water storage, transfer and treatment facilities are a notable feature of the locality. Immediately to the north of the planning application site is the Penderyn reservoir, a lake formed by high artificial embankments. The reservoir is used for fishing by the Mountain Ash Fly Fishing Association (MAFFA). In addition to the reservoir there are operational pumping station and treatment facilities at the northern end of Ninth Avenue and on both sides of Fifth Avenue to the south-west of the application site.

The boundaries of the planning application site are clearly defined on the ground, comprising Fifth Avenue to the south, Ninth Avenue to the east, a woodland screen below the reservoir embankment to the north, and wooded hedgerows on the western side. A stream on the western side of the site flows into the River Camnant nearby.

The planning application site is roughly square in shape and approximately seven hectares in area. Until the development of the first phase of the Enviroparks development began in 2015 the site comprised flat grassland with scrub vegetation. The site is classified as previously developed land, and ground investigations have identified made ground overlying the natural geology. The site has a well-defined network of drainage ditches in a regular herringbone pattern.

A plan showing the application site and the respective administrative jurisdictions between RCTCBC and BBNPA is included as **APPENDIX 2**.

PLANNING HISTORY

Planning:	Date:	Description:	Decision:
08/1735/10	21/12/2010	Development of a sustainable waste resource recovery and energy production park (additional information received 13/05/09).	Approved

15/1226/39	08/10/2015	Application for non-material change to planning permission to include the following elevation plan as an approved plan attached to planning permission 08/1735/10): Proposed Elevations (Drawing Ref: 10438 2100 Rev C).	Approved
15/1227/39	08/10/2015	Application for non-material change to planning permission to include the following elevation plan as an approved plan attached to planning permission 08/1735/10: Gatehouse Floor Plan, Section and Elevations (LPA Plan Ref: NP15v1, Drawing Ref: 8016 PL 020) with new elevation plans: Gatehouse Building, Proposed Elevations (Drawing Ref: 10438 2010 Rev B). Gatehouse Building Proposed Ground Floor Plan & Roof Plan (Drawing Ref: 10438 2010 Rev B). Gatehouse Building Model Views (Drawing Ref: 10438 4100). To allow small amendments to the consented building.	Approved
15/1346/10	25/01/2016	Erection of a building measuring 2,368.47 square metres to enclose apparatus of consented gasifier unit (under planning permissions BBNPA 08/02488/FUL and RCT 08/1735/10) on the Enviroparks Hirwaun site to form an extension and continuation to the consented Fuel Preparation Area Building. Landscaping and external gasifier plant equipment.	Approved.
15/1353/39	14/06/2016	Application for non-material change to planning permission to include FPA Phase II Drawing Ref: 10455-2004 as an approved plan attached to Planning Permission 08/1735/10 to allow minor changes to the external appearance of the Phase II section of the FPA Building to reconfigure the elevations and roof light configuration to match Phase I non-material amendments and allow uniform integration with proposed Gasifier Building elevations.	Approved.
15/1361/39	14/06/2016	Application for non-material change to planning permission to add a new condition to planning permission 08/1735/10 to include the plans originally submitted to accompany the planning	Approved

application as a set of approved plans.

The list of originally submitted plans to be included as approved plans is:

- Drawing Ref: 8016 PL 001 'Site Location Plan'
- Drawing Ref: 8016 PL 002 'Existing Site Survey'
- Drawing Ref: 8016 PL 010 'Existing Site Sections'
- Drawing Ref: 8016 PL 011 Rev C 'Proposed Site Sections'
- Drawing Ref: 8016 PL 051 Rev B 'Engine House Elevations'
- Drawing Ref: 8016 PL 050 Rev B 'Engine House Floor Plans'
- Drawing Ref: 8016 PL 081 'High Energy User Elevations'
- Drawing Ref: 8016 PL 080 'High Energy User Floor Plans'
- Drawing Ref: 8016 PL 041 Rev A 'Fuel Preparation Area Elevations'
- Drawing Ref: 8016 PL 040 Rev A 'Fuel Preparation Area Floor Plan'
- Drawing Ref: 8016 PL 030 'Visitors Centre Floor Plans'
- Drawing Ref: 8016 PL 031 'Visitors Centre Elevations'
- Drawing Ref: 8016 PL 071 'Pyrolysis Elevations'
- Drawing Ref: 8016 PL 070 'Pyrolysis Floor Plan'
- Drawing Ref: 8016 PL 020 'Gatehouse Floor Plan, Section and Elevations'
- Drawing Ref: 8016 PL 060 Rev A 'Biomax Floor Plan'
- Drawing Ref: 8016 PL 061 Rev A 'Biomax Elevations'
- Drawing Ref: 8016 PL 003 Rev I 'Proposed Site Plan'

17/0232/39	30/03/2017	Application for non-material change to planning permission to relocate the HV (High Voltage) substation from its approved location on the eastern site boundary fronting Ninth Avenue to a new south eastern location within the site fronting Fifth Avenue.	Approved.
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PUBLICITY

The Committee is advised that this application has been one of the first received by the Council (as Local Planning Authority) to be subject to the requirements of Article 1 of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. This requires an applicant (on 'major' schemes) to carry out pre-application consultation on the proposal – independently of the LPA.

The intention of this “new” Welsh Government legislation is to ‘front-load’ the planning process so that when an application is submitted, all interested parties (including both the public and consultees) will have had the opportunity to comment and any changes are made prior to the application itself being submitted. For the current application this pre-application consultation took place between 20 January 2017 and 20 February 2017. A 27 page Pre-Application Consultation Report plus appendices was submitted with the application, in accordance with the 2016 Order.

Enviroparks undertook pre-application consultation for more than 28 days. Site notices were erected, owners or occupiers of land and premises adjoining the proposed application site were written to, a copy of the draft application documents were made available at Hirwaun Library and specialist consultees were provided with a CD containing the draft application documents. A dedicated website was set up allowing people to view the draft application documents online. Those consulted were provided with a postal and email address so that they could write to Enviroparks and its Planning Agent with comments on the proposed application.

The Pre-application consultation process resulted in four comments from members of the community, including community councils, and nine comments from specialist consultees.

The familiar statutory planning application consultation process was also undertaken once the planning application was submitted. This comprised a formal press notice in the Western Mail, notices posted in the vicinity of the application site and 10 properties being individually notified of the proposal by letter.

As a result of this exercise, no written representations have been received at the time of writing the report. A summary of the material planning considerations have been included for the Committee’s information.

As noted earlier in this report, a further period of public consultation took place in June 2017 following the submission of further environmental and planning information, including a Shadow Stage 1 Habitat Regulations Assessment report and a range of site and construction details. The applicant then submitted further environmental and planning information in both August 2017 and September 2017, including revisions to the Shadow Stage 1 Habitat Regulations Assessment report. Additional formal press notices were published in the Western Mail following the submission of each batch of further environmental information by the applicant. Notices were also placed on the application site and within the village of Rhigos.

As a result of these exercises, no further comments were received.

CONSULTATION

Council departments and organisations consulted include the bodies listed below. A summary of responses have also been included for Committee’s information.

External

- Hirwaun and Penderyn Community Council – concerns raised / object.
- Rhigos Community Council – objection received.
- Brecon Beacons National Park Heritage Officer (Archaeology) – no objection.
- Brecon Beacons National Park Planning Ecologist – no objection.
- Health and Safety Executive – no comments on proposal.
- Glamorgan Gwent Archaeological Trust – no objection.
- Cadw Ancient Monuments – no objection.
- Dŵr Cymru/Welsh Water – no objection (subject to conditions).
- Natural Resources Wales – no objection.
- Fire and Rescue Service – no objection.
- Welsh Government Network Management Division Transport – no objection (subject to condition).
- Welsh Government Department for Economy and Infrastructure – no objection (subject to condition).
- The Coal Authority – no comments on proposal.

Internal

- RCT Transportation Section – no objection (subject to conditions).
- RCT Spatial Planning and Policy – no objection.
- RCT Flood Risk Management – no objection.
- RCT Countryside (Ecology) – no objection (the environmentally sensitive designations are located within the BBNP administrative area).

Summary of consultee responses

Hirwaun and Penderyn Community Council

Hirwaun and Penderyn Community Council provided the following comments:

‘The documents provided are extensive but do not answer fundamental issues regarding public health, in terms of site testing and also do not satisfy the local communities that this type of development is appropriate so close to residential areas.

The emissions from the site which potentially could be extensive have not been proven to have ‘nil’ health consequences for the local population.

The current surrounding areas already host an open cast coal mine, along with a cement/stone quarry, the dust levels are significant and already cause residents distress, which has led to consultations by environmental health regarding, dust, noise and water pollution.

The report by Enviroparks says

‘Development proposals will not be permitted where they would cause or result in a risk of unacceptable harm to health and / or local amenity because of:-

1. Air pollution; 2. Noise pollution;

3. Light pollution; 4. Contamination;
5. Landfill gas; 6. Land instability;
7. Water pollution; 8. Flooding'

I cannot locate any evidence to mitigate these effects. This is not adequate protection for residents and prior to any development the safety implications of this development should be tested.

The results of sampling and monitoring must be included in this application and in the event permission is granted a "long-term monitoring and maintenance plan" must be agreed beforehand. As a community we intend to protect our environment and will not tolerate industrial pollutants that may damage public health.

Concern regarding reservoirs and ground water in relation to waste must be tested and thoroughly explored to satisfy the concerns of all residents in all areas of the community.

Air quality monitoring of the local area should be carried out in the immediate vicinity rather than from inappropriate locations far from the communities that will be most affected. This monitoring should take place over a period of time as opposed to a single visit, this should allow for readings during different conditions and give the development an assured response to community concerns.

The impact of dust on the community maybe excessive with all communities Rhigos, Penderyn and Hirwaun affected. Figures regarding certain health conditions such as COPD, Asthma, Bronchitis etc should be reviewed in order to establish if the local population suffers disproportionately due to the industrial and geographical situation of the villages.

Included in the planning supporting documents the following files should be included for public scrutiny, OMP (Odour Management Plan), Noise Management Plan and Dust Management Plan.

As there is a review currently being undertaken, I would like to bring attention to this excerpt,

'Minimum emissions, monitoring and process operating standards will be set by Chapter IV requirements of Industrial Emissions Directive. You should be aware that the review of the current Best Available Techniques (BAT) reference (Bref) document for incineration and co-incineration plant has recently started and the outcome of this review may result in tighter mandatory BAT Associated Emission Levels (AELs) applying to this proposed development. Attention should therefore be given to the progress of the Bref review and the development of BAT AELs during the preparation of planning and permit applications.'

A concise document to outline how the development meets the new standards would certainly clarify precautions taken; these should be added to the public document section.'

Rhigos Community Council

Rhigos Community Council objected to the proposals for the following reasons:

'The meteorological data used to assess the impact that the stacks will have on the local environment was gathered from Sennybridge which is approximately 20 miles from Hirwaun Industrial Estate.

The weather conditions of the 2 locations have very little in common as the Rhigos area is often subject to prolonged periods of low cloud, which was recently taken into account when the Tower colliery Opencast had to amend its working hours.

The development is also very close to a reservoir which is the major source of drinking water for the Cynon Valley. Therefore it surely must necessitate accurate specific meteorological data as the plant could have a major impact of the health of residents of Rhigos and the surrounding areas.'

Brecon Beacons National Park Heritage Officer (Archaeology)

No objection raised. The Heritage Officer commented as follows:

Archaeological sensitivity and significance of the site

The proposed development site is located on the site of a former Royal Ordnance Factory, which is recorded by the regional HER as operating between approximately 1940 and 1945. The site is depicted on 1945 RAF aerial photographic sources, and depicted on Ordnance Survey mapping into the 1960's. The factory is recorded as having been an engineering works, producing 303 cartridges and other metal based components.

Prior to this, historic mapping shows the site as located within an agricultural pastoral landscape, divided by field boundaries. The historic parish boundary passes through the site. Streams and scrub woodland are located within the wider vicinity and the Penderyn reservoir was constructed 1911-1920, to the north of the site.

Consultation of the Regional HER records that a cairnfield is recorded within 60 m to the south of the site. this complex consists of seventeen mounds in an area 165m long from E to W by 69m wide. Several cairns were excavated in the 1940s, with none of the excavated examples yielding any certain signs of burial or grave goods.

Archaeological Impact of the development

The site has been subject to extensive previous ground disturbance, associated with the construction and demolition of the former Royal Ordnance Factory, and landscaping of the former site following demolition.

Mitigation required

It is considered that previous ground disturbance and landscaping associated with the construction and demolition of the Royal Ordnance Factory is likely to

have substantially truncated any surviving remains in this area. No archaeological mitigations are considered necessary.'

Brecon Beacons National Park Planning Ecologist

(Committee is advised that the view of the BBNP Ecologist has been included as the SAC and other environmentally important designations lie within the National Park rather than within RCT (as the LPA designation would apply).

The National Park Ecologist has responded as follows:

'I have visited the site on numerous occasions over the past few years in relation to the monitoring of the previously approved scheme. I have also reviewed the documents and drawings submitted with the application - the Environmental Statement (October 2008) and the Environmental Statement Addendum (February 2017); these include the following ecological information:

- *Original ES Chapter 13: Ecology*
- *Addendum ES Chapter 13: Ecology*

Some works have already been undertaken at the site with regard to implementing the previously approved scheme (08/02488/FUL), including the construction of the large building associated with Phase 1 of the development as well as the road around the periphery of the current application site. A temporary Wildlife Protection Zone has been established that is bounded by a reptile fence to prevent reptiles spreading to the current working area. Phase 3 of the development will result in part of the temporary WPZ being developed, but the permanent Wildlife Protection Zone that was agreed as part of the original scheme is still proposed for retention.

The current application site relates to Phase 2 of the development, most of which was proposed for development works in the previously approved scheme, apart from the stream corridor along the western boundary. The development footprint now proposed is broadly similar; the on-site construction mitigation measures will therefore remain broadly the same.

There is an additional area of landscaping between the proposed built development and the existing road to the west; this is described as a 'high-density landscape belt'. This should include a mix of native species and a planning condition can be imposed to secure the implementation of this. The land to the east of the Phase 1 building is outside the BBNP, but I note that the tree planting appears to have been omitted from the car parking area.

The main ecological impacts of the development relate to atmospheric emissions from the proposed pyrolysis and emissions stack and how these will affect the nearby designated sites. The nature of these impacts is outside my area of expertise and the BBNPA will be reliant on expert advice from Natural Resources Wales. NRW have provided their consultation response and recommended that an Appropriate Assessment (AA) will need to be undertaken by this Authority before this application can be approved. The AA will need to address potential impacts on all European designated sites either

alone or in-combination with other plans or projects. The Special Areas of Conservation (SACs) potentially affected are:

- a) Blaen Cynon SAC*
- b) Coedydd Nedd a Mellt SAC*
- c) Cwm Cadlan SAC*
- d) Brecon Beacons SAC*
- e) River Usk SAC*

The previously approved scheme was also subject to an Appropriate Assessment (AA) in which it was concluded that Adverse Effects on the Integrity of the Sites could be avoided; however, the scheme now proposed is sufficiently different that a new AA is required. I understand that the applicant will provide further information regarding the atmospheric emission impacts as well as a draft AA for our consideration and adoption. It will need to be approved in consultation and agreement with NRW. The applicants should also note that additional ecological mitigation and compensation measures may be required to offset any additional harm that may be identified.

Section 6 of the Environment (Wales) Act 2016 requires public authorities to seek to maintain and enhance biodiversity. Provided that the previously agreed biodiversity enhancement measures can still be accommodated, this should be sufficient. This is in addition to any biodiversity mitigation and compensation measures.

Recommendations

Further information is required regarding the impacts of emissions on nearby designated sites.

Following the receipt of this additional information from the applicants, I recommend that a meeting is arranged with NRW officers in order to discuss the conclusions of the applicant's draft Appropriate Assessment.

The planning conditions that were previously imposed to secure appropriate working methods can be re-imposed. A new planning condition should be imposed to secure the details and implementation of the revised landscaping scheme.

Reasons:

- To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and Policies SP3, 3, 4, 6 and 7 of the adopted Local Development Plan for the BBNP*
- To comply with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 (as amended) and the Environment (Wales) Act 2016.'*

Health and Safety Executive

The Health and Safety Executive commented as follows:

'The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay in submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.'

Unidentified Pipelines

There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding. The details HSE have on record for these pipelines is as follows:

- 13412_ Dow Corning Ltd Chlorosilane line between Dow Corning & Cabot site

HSE's Advice

Your development does not intersect a pipeline or hazard zone, HSE Planning Advice does not have an interest in the development.'

Glamorgan Gwent Archaeological Trust

The Glamorgan Gwent Archaeological Trust reviewed the application and raised no objection. Their comments are:

'The information in the Historic Environment Record curated by this Trust shows no recorded archaeological features within the area of the proposed development, although a sepulchral cairnfield composed of 10 cairn, five of which have been excavated, is located approximately 600m to the west. However, a Royal Ordnance Factory was previously located on the proposed site between 1940 and 1945. Such a development will likely have an adverse affect on any previous archaeological remains that may have been present. Similarly the construction of the phase 1 building and associated infrastructure will also have an adverse effect on any potential remains.'

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisers to your Members, we have no objection to this positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.'

Cadw

The Welsh Government's Historic Environmental Service (Cadw) responded and do not object to the proposal. It commented:

The proposed development is located within the vicinity of the scheduled monument known as BR157 Site of Hirwaun Ironworks.

The information submitted with this application indicates that the development will have no more impact on the setting of any scheduled monuments including BR157 than the current plant and we concur with this assessment.

Dŵr Cymru/Welsh Water (DCWW)

A response has been received from DCWW. The response suggests conditions to be attached to a planning permission.

'There are a number of assets and an outfall from our Water Treatment Works traversing the proposed site. Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. The applicant is aware of these assets and are actively working with us to design a solution that ensures our assets are protected / and or diverted.

The proposed development would be situated in close proximity to our assets where it will result in damage to the public infrastructure and / or our ability to maintain it. No development including the raising or lowering of ground levels will be permitted within the safety zone which is measured 5 metres either side of the centre line of the 300mm and 450mm public foul sewer, and 3 metres either side of the centre line of the outfall from our Water Treatment Works which runs along the eastern and southern side of the site and 3 metres either side of the 100mm public foul sewer. However, it may be possible to overcome these constraints if the developer applies under Section 185 of the Water Industry Act to divert these assets.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru/Welsh Water's assets.

Conditions: No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include protective measures of any public sewerage assets and the sludge main from our Water Treatment Works. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply

Dwr Cymru/Welsh Water has no objection to the proposed development.

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The proposed development is crossed by a 300mm distribution water main, the approximate position being shown on the attached plan. Dwr Cymru/Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Water main(s). It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh/Water before any development commences on site.'

Natural Resources Wales (NRW)

NRW provided pre-application advice in a letter dated 20 February 2017. In its response dated 28 March 2017, NRW had no further comment to make in respect of the proposed development and confirmed that the comments made in their pre-application advice letter remained relevant.

NRW requested that a HRA was required to accompany the application. The applicant completed a Shadow Habitat Regulations Assessment: Stage 1 Screening Report (sHRA) and this was advertised and provided to NRW in May 2017. The May 2017 sHRA report was revised and a replacement sHRA dated August 2017 was submitted to NRW and advertised. As the applicant worked with NRW and its technology providers throughout the planning determination process, further revisions were made to the technology that the applicant would employ at the Enviroparks site and refinements were made to the scheme to include a clerestory void over the central-southern part of the proposed Gasification Hall. An additional gas flare stack in the service yard in the south-western quarter of the site was also included. The August 2017 sHRA was updated in light of revised gasification technology, improved emissions profile and proposed on-site ecology mitigation. A September 2017 sHRA was submitted to NRW and advertised on 18 September 2017. This provided NRW to make further consultation comments dated 28 September 2017. These comments state:

'The position presented in the amended HRA Screening Report is that the Applicant has taken account of concerns raised in relation to the potential for adverse effects to be caused to the SACs and has revised the technology which reduces the emissions of concern to the SAC habitats considerably.

The 'Enviroparks' site and, in particular the nature of the proposals with their associated emissions to air, raises difficulties due to the very close proximity to sensitive SAC and SSSI features. We therefore welcome the additional effort made to seek better approaches, which the Applicant indicates can achieve emissions at the stack that are lower than the current Industrial Emissions Directive (IED) requirements. The cited modelled levels and loads of potentially harmful substances at SAC and SSSI features are much reduced compared to the original planning application submissions.

Special Areas of Conservation

Table 12 of the modelling report summarises the substances where significant effects cannot be screened out on SAC features. Only Blaen Cynon SAC remains screened in, for Acid Deposition both alone and in-combination with other projects, and for in-combination impacts only with regard to Nutrient Nitrogen Deposition. The stated process contribution percentages of the critical loads are small. Whilst there is no nationally accepted threshold for in-combination assessment currently, 1% is used as a level below which individual process contributions can be considered not significant. Therefore, if in-combination Process Contributions (PCs) were less than 1% of the appropriate critical load, it would seem reasonable to screen them out as not significant. As in-combination process contributions are above 1% for Blaen Cynon SAC (1.29% for nutrient nitrogen, 2.79% for acid), as is the individual acid deposition load (1.74%) we advise that an Appropriate Assessment should be undertaken by the Planning Authorities.

With the cited low individual and in-combination PC percentages, there would be very little remaining doubt that the small potential effects on the vegetation of the SAC site, would not lead to adverse effects on the marsh fritillary butterfly population that comprises the feature of Blaen Cynon SAC. This small remaining doubt relates principally to the small additional acid deposition inputs and the difficulties stemming from the limited scientific literature and the ability to predict the degree of change that would be caused to the supporting vegetation by this small addition.

We note that the Applicant is now proposing to manage a parcel of land which is in their control to bring it into a condition that supports vegetation suitable for the marsh fritillary butterfly. NRW officers have visited the site with the Applicant and consider that it is technically feasible to achieve something that would, in due course, be of some benefit to the marsh fritillary butterfly. This would however take a number of years with suitable management, including additional planting. Whilst this site should not be presumed to be able to provide frequent or a high level of usage, it should provide a useful role in the long term metapopulation dynamics in the wider landscape due to its location.

The Applicant indicates they would have two years to develop the habitat prior to the start date for process emissions. In our view, it is likely that 5 years may be a more reasonable timescale over which to develop the vegetation to a suitable form. However we do not believe that this precludes it as a reasonable option for mitigation. We note, that whilst the vegetation may start changing at year 2, any effect on the marsh fritillary population would likely take longer and therefore consider the site could start to play a role in mitigation before the adverse effect that it would need to mitigate is likely to start. If, as the Applicant proposes, the above management was secured for the lifetime of the development (and potentially beyond), via a deed of variation to the Section 106 agreement, the secured management under that Section 106 agreement could also be considered as part of the later HRA that is undertaken as part of the EPR permit process.

Summary - *We consider that the Applicant provides a reasonable proposal to offset any remaining doubts regarding the potential for adverse effects. It*

would appear, therefore, that if the modelling can be relied upon, and the mitigation proposed can be secured for the lifetime of the development, adverse effects to Special Areas of Conservation can be avoided.'

The applicant has identified approximately 0.79 hectares of land within the Enviroparks site for a permanent on-site habitat mitigation area for the marsh fritillary butterfly. This will be secured through a deed of variation to Enviroparks existing Section 106 Agreement.

Following NRW's response an Appropriate Assessment has been completed by Brecon Beacons National Park as a competent authority and applies across the Enviroparks site. The Appropriate Assessment determines the potential effects of the proposed development upon the integrity of the Blaen Cynon Special Area of Conservation. It confirms that with the inclusion of on-site habitat mitigation land for the marsh fritillary butterfly, the proposed development will not adversely affect the Blaen Cynon SAC.

Fire and Rescue Services

The South Wales Fire and Rescue Service provided comments stating that the developer should consider the need for the provision of '*(a) adequate water supplies on the site for firefighting purposes; and (b) access for emergency firefighting appliances.*'

Welsh Government Network Management Division

A Route Engineer from the WG's Network Management Division provided the following comments:

'We would consider the proposals would not impact on the A465 with regard to daily operation. However a Construction Traffic Management Plan will be required to demonstrate that disruption to the travelling public will be minimised. It should be noted that sections 5 and 6 of the A465 are likely to be improved in the future and that construction management would need to take this into account depending on when the works are programmed.'

Welsh Government Department for Economy and Infrastructure

The Department for Economy and Infrastructure's comments require a condition seeking the developer to prepare a Construction Traffic Management Plan. Their comments in full are:

'I refer to your consultation of 14/03/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A465 trunk road directs that any permission granted by your authority shall include the following conditions:

- Prior to any development on site, a Construction Traffic Management Plan shall be submitted to the Local Planning Authority in consultation with Welsh Government (Transport) for approval in writing.*

The above conditions are included to maintain the safety and free flow of trunk road traffic.'

The Coal Authority

The Coal Authority confirms that the *'application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area'*.

The Coal Authority recommends the following to the LPA:

'In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.'

RCT Highways Development Control

RCT's Highways Development Control and Adoptions Manager reviewed the applicant's Transport Statement submitted with the applicant's 2017 Environmental Statement Addendum. The Highways Assessment by RCT Highways response advises that:

'The TS outlines changes to the local and strategic highway network which have taken place since the original TA was undertaken in 2008 which include upgrades to the A465 heads of the valleys due to commence in 2018 and the development of sites at Hirwaun Industrial Estate including:-

- i) Green Frog Connect Ltd, Main Avenue, Hirwaun Industrial Estate. A standby embedded Short Term Operating Reserve (STOR) power plant with a connection to the National Grid.*
- ii) Hirwaun Energy Centre, Unit 43 - 44 Seventeenth Avenue, Hirwaun Industrial Estate. A renewable energy generation production facility, treating waste wood.*
- iii) Hirwaun Power, Hirwaun Industrial Estate. A gas fired 'peaking' power generating plant providing 50 - 299MW.'*

The Highways Development Control response included a summary, which is repeated below:

'The TS submitted at pre-application to supplement the original TA undertaken in 2008 to consider changes in terms of local development, trip generation, traffic growth, accident analysis, and local transport provision is considered acceptable.

The TS assesses the impact of construction traffic on the local and strategic highway network and identifies that the greatest impact will occur at the access and industrial estate roads at Hirwaun Industrial Estate. The maximum number of daily movements during construction is estimated to peak at 495

two way trips per day consisting of approx 396 car / light vehicle movements and 100 HGV movements in June 2018.

Additionally 63 wide load deliveries spread over a 24 week period, (Approximately 3 per week) would be required to deliver specialist process equipment required in the construction phase between February and July 2018. Such abnormal load deliveries would be subject to approval and escort by the police with times and dates of deliveries approved in advance and arranged to limit adverse impact on the local and strategic highway network.

Once operational, traffic to the site would consist of 160 Heavy goods vehicle movements per day to bring waste / fuel to the site and to dispose of waste process materials. This represents a reduction in heavy goods vehicle trips from the currently consented proposal by a total of 58 heavy goods vehicle movements per day.

A further 116 two way movements by cars and light vehicles belonging to the 58 site staff in accordance with a shift system would also occur.

The Industrial Estate is served by regular bus services although these will be of limited benefit to staff working the proposed shift system.

Internal circulation within the site is designed to accommodate access, loading, unloading, parking and turning of refuse vehicles and articulated vehicles.

The proposal provides for 104 car parking spaces (including 6 disabled bays) to cater for a maximum daily workforce of 58. Provision is also made for the secure parking of 6 motorcycles and 20 bicycles on site. Whilst the parking provision is less than the requirements of the Councils SPG based on floor areas and use, the proposal is not a typical manufacturing unit and the provision of 104 car parking spaces to cater for 58 employees and visitors is considered acceptable.

The industrial estate is served by bus services 7 and 8 with access to rail at Aberdare but will be of limited benefit to employees not working regular week day shifts.

The proposal will result in fewer heavy goods vehicle movements than that approved under application 08/1735 with less impact on the highway network. The proposal provides adequate parking for cars, motorcycles, bicycles and visitors.'

The Highways Development Control response concludes that there are 'no highway objections are raised' subject to two conditions. The two conditions are set out later in this Report.

In addition, two notes are provided by Highways Development Control which state:

'The developer would be required to enter into a legally binding agreement (S106 of the Town and Country Planning Act) to provide:-

- i) *A Green Travel Plan which sets out proposals and targets together with a timescale, to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel that are acceptable to the local planning authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Highway Authority. The financial penalties to be applied for non-compliance with the targets set out in the Green Travel Plan should be £90,000.*
- ii) *Make a financial contribution of £18,000 towards improving and upgrading existing public transport infrastructure in relation to 2 nearby bus stops including the provision of raised kerbs, shelters, flagpoles etc. and their future maintenance (£7,000 plus £2,000 future maintenance for each stop).'*

RCT Spatial Planning and Policy

The Spatial Planning / Policy Section has no objection to the proposal on policy grounds and provided comments in respect of the proposal. A selection of those comments are provided below:

'Consideration

The proposal is for a waste resource recovery and energy production of 9,711 sq m floorspace, on 5.00 hectares of reclaimed brownfield land allocated for industrial development and in an area regionally important for waste management, estimated to generate 69 full time jobs.

The site is on the boundary of the Brecon Beacons National Park and a Special Area of Conservation. Therefore environmental impacts have to be considered alongside the economic benefits. An Environmental Statement Addendum has been submitted.

The proposal is a revision of plans permitted on 21/12/10 (08/1735/10), of which the Phase 1 Materials Recycling Facility has been built and operational since 2016. Therefore there is extant permission for the Phase 2 Gasifier (as well as for the Phase 3 AD plant, which is no longer planned). This is a material consideration for the current application.

The proposed fuel storage hall would be increased in height from 14 to 16m (to accommodate a crane). The proposed gasification hall at 18.5 m high is a consolidation of the approved gasification yard and 2 other buildings. The proposed stack would be increased in height from 40 to 45m (and width from 2.5 to 3.5 m). Therefore the visual impact of the changes compared to the approved scheme is a mixture of benefit from the enclosure of the gasification plant and detriment from the increased heights. The impact of the stack cannot be mitigated by landscaping. The ES addendum includes visualisations from 14 viewpoints. On balance, it is considered that the changes are beneficial visually.

Summary

Waste resource recovery and energy production, on a brownfield site prepared and allocated for industrial development and in an area regionally important for

waste management, estimated to generate 69 full time jobs, is acceptable in principle.

Although the edge of the National Park is a sensitive area visually, on balance the proposals are considered to be an improvement on the extant planning permission for Phase 2.

Provided other relevant consultees are satisfied, especially in regard to ecological and public health impacts, there is no policy objection.'

RCT Flood Risk Management

The Engineering Section (Floods and Taps Risk Management) has commented on the proposal. The response does not object to the proposal and suggests one condition is included. The response in full is below:

'In regards to the below application I would suggest conditioning the development with the below.

Condition: No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been approved in writing by the Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage.'

POLICY CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets the fundamental principle of the planning process that all applications are determined in accordance with the development plan in force for the area unless material considerations indicate otherwise.

In addition to the development plan policies, other material consideration is contained within Planning Policy Wales and Technical Advice Notes (TANS).

This section deals with the principal policies to be taken into account when considering this application.

The principal policies in the foregoing publications are reproduced (or summarised as appropriate) below for Committee's consideration.

Rhondda Cynon Taf Local Development Plan (2006-2021)

According to paragraph 4.19 of the plan, *'The strategy seeks to mitigate and adapt to the impacts of climate change by ensuring the efficient use of resources, supporting renewable energy resources, protecting biodiversity, managing waste effectively, promoting development in accessible locations, focussing new housing away from*

areas of flood risk and improving energy efficiency in the design of new buildings. Equally important is the need to protect the countryside and unique landscape of Rhondda Cynon Taf from urbanisations and incremental loss'.

Policy CS1 - *Development in the North* confirms that, in respect of the Northern Strategy Area, the emphasis will be on building strong sustainable communities. The policy lists nine ways that this will be achieved. These include (3) ensuring the removal and remediation of dereliction by promoting the re-use of under used and previously developed land and buildings, (6) encouraging a strong, diverse economy which supports traditional employment and promotes new forms of employment in the leisure and tourism sectors, and (7) protecting the cultural identity of the Strategy Area by protecting historic built heritage and the natural environment.

Policy CS9 - *Waste management* confirms that Hirwaun Industrial Estate is 'able to accommodate a range of waste management options, including recycling and composting, at a regional level'. Part 2 of this policy specifically includes Hirwaun Industrial Estate as a location for waste management development, with a caveat that this should be 'in-building process only'. The enclosure of the proposed gasifiers in buildings, as opposed to the open yard as permitted under the proposals granted planning permission in 2010, accords with the requirements of this policy.

Supporting paragraph 4.80 states that '*Existing and allocated B2 employment sites are also considered appropriate locations of new waste facilities to accommodate the range and size of facility types identified within the RWP.*'

Policy NSA14 - *Employment allocations* specifically relates to the application site, identified as '*North of Fifth Avenue, Hirwaun Industrial Estate, Hirwaun*', allocated for '*employment development on non-Strategic Sites*'. The site is allocated for B2 (general industrial) and B8 (storage or distribution) use.

Paragraph 6.63 confirms the application site '*is in close proximity to the Blaen Cynon SAC. Any proposals will be subject to assessment under Regulation 48 of the Habitats Regulations*'. A Habitat Regulation Assessment (HRA) has been completed by the applicant and submitted with the application. As with the existing consent for development at the Enviroparks site, the HRA confirms that mitigation measures are proposed to mitigate any potential effect on the Blaen Cynon SAC. These mitigation measures will be secured through a Section 106 Agreement under which a sum of money would be available for appropriate mitigation measures and ensure that the Enviroparks proposal would not be detrimental to Blaen Cynon SAC.

Policy AW5 - *New development* sets out general criteria for new development, including the effect of development on a site and surrounding area (criteria 1a.), the impact upon the amenities of neighbouring occupiers (criteria 1c), and compatibility with other uses in the locality (criteria 1d).

Policy AW6 - *Design and place-making* supports development proposals which are a high standard of design, appropriate to the local context, and where extensions to buildings are proposed they reflect the form, materials, details and character of the original building.

Policy AW8 - *Protection and enhancement of the natural environment* seeks to protect the natural heritage of the plan area by only permitting development that

would not adversely affect features of importance to landscape or nature conservation.

Policy AW10 - *Environmental protection and public health* does not permit development proposals that would cause or result in an unacceptable risk of harm and / or local amenity because of issues such as noise, air, light and water pollution.

Policy AW12 - *Renewable and non-renewable energy* permits the development of renewable and non renewable energy schemes such as energy from biomass and anaerobic digestion, where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage and landscape importance, public health and residential amenity. Development proposals should be designed to minimise resource use during construction, operation and maintenance.

Planning Policy Wales (Edition 9, November 2016)

Paragraph 1.1.1 of Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs).

Paragraph 1.2.1 of PPW states that the planning system manages the development and use of land in the public interest contributing to improving the economic, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It aims to reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.

Paragraph 1.4.4 of PPW affirms that the Welsh Government is required to make a contribution to the International, EU and UK targets for greenhouse gas emission reduction. It explains also that the planning system will play an important role in tackling climate change and reducing greenhouse gas emissions.

Paragraph 3.1.3 of PPW states that *'in line with the presumption in favour of sustainable development'* applications for planning permission *'should be determined in accordance with the approved or adopted plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies'*.

PPW Paragraph 3.1.4 states that *'when determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits'*.

Section 3.5 provides general advice on the use of planning conditions and planning obligations.

Paragraph 4.1.2 notes that the Welsh Government is one of the few administrations in the world to have a distinctive duty in relation to sustainable development.

Paragraph 4.1.3 of PPW confirms that the Well-being of Future Generations (Wales) Act 2015 places a *'duty on public bodies (including Welsh Ministers) that they must carry out sustainable development.'*

Figure 4.2 of PPW defines sustainable development in Wales:

'Sustainable development' means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the well-being goals.

Acting in accordance with the sustainable development principle means that a body must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Paragraph 4.2.2 of PPW states that *'the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when: preparing a development plan; and in taking decisions on individual planning applications'.*

Paragraph 4.3.1 in PPW, advises that tackling climate change is one of a number of principles in undermining the Welsh Government's approach to its planning policy for sustainable development.

According to paragraph 4.4.3, planning policies, decisions and proposals should, amongst other requirements, support and facilitate development that provides for renewable and low carbon energy sources at all scales.

Section 4.5 gives advice on planning for climate change. Paragraph 4.5.1 of PPW states that *'tackling for climate change is a fundamental part of delivering sustainable development.'*

Paragraph 4.5.2 states that *'The Welsh Government has set out to achieve annual carbon reduction-equivalent emissions reductions of 3 per cent per year from 2011 in areas of devolved competence, which include land use planning. We are also committed to achieving at least a 40% reduction in all greenhouse gas emissions in Wales by 2020 against a 1990 baseline.'*

Chapter 5 sets out the Welsh Government's position in seeking to conserve and improve natural heritage and the coast.

Paragraph 5.5.2 of PPW advises that when considering development proposals, local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment.

Chapter 6 sets out the Welsh Government's position to conserving the historic environment of Wales.

Chapter 7 deals with Economic Development. Paragraph 7.7.1 explains that *‘for planning purposes the Welsh Government defines economic development as development of land and buildings for activities that generate wealth, jobs and incomes.’* It also confirms that *‘the construction and energy sectors are also important to the economy and are sensitive to planning policies.’*

PPW paragraph 7.4.1 advises that *‘Local planning authorities should support the shift towards a low carbon economy, for example by encouraging the development of clusters of industrial and commercial uses deriving environmental benefit from co-location, especially through the development of waste stream technologies and practices (i.e. eco-industrial networks). They should look favourably on proposals for new on-site low carbon energy generation including, for example, high efficiency energy recovery from waste, as well as generally facilitating the provision of an integrated network of waste facilities, provided that there are no unacceptable impacts on local amenity.’*

Chapter 12 of PPW sets out the Welsh Government’s position in respect of Infrastructure and Services. Section 12.5 deals with planning to manage waste and Section 12.8 within deals specifically with renewable and low carbon energy.

Under the heading *‘Planning to manage waste’*, paragraph 12.5.3 states that:

The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- *minimising adverse environmental impacts and avoiding risks to human health;*
- *protecting areas of designated landscape and nature conservation from inappropriate development; and*
- *protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.*

According to PPW paragraph 12.8.2, planning policy at all levels should facilitate delivery of both the ambition set out in *Energy Wales: A Low Carbon Transition* and UK and European targets on renewable energy.

Paragraph 12.8.6 states that *‘the Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.’*

PPW paragraph 12.8.9 advises that *‘Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change’.*

Technical Advice Note 21: Waste (TAN21)

Alongside PPW the Welsh Government has published a series of Technical Advice Notes (TANs), several of which are relevant in the current context. *TAN21: Waste* (2014) explains the interactions between the national waste strategy and national planning policy. It provides advice on the framework and principles for waste management in the planning system, strategic planning for waste, waste planning assessments and detailed planning considerations in the waste sector.

TAN21 Paragraphs 2.6 – 2.7 explain the importance of the waste hierarchy and affirm that gasification fits into the ‘*other recovery*’ stage of the hierarchy once recyclable materials have been extracted from the waste stream.

Section 2.7.4 of TAN21 explains the ‘recovery’ stage of the waste hierarchy in further detail. Where wastes cannot be recycled, other waste recovery operations should be encouraged. The Welsh Government considers the recovery of energy from mixed municipal waste in high efficiency facilities to be a vital component of the waste management system in Wales. Such facilities are currently considered to represent the most sustainable outcome for mixed municipal waste.

Paragraph 3.27 of TAN 21 advises that ‘*industrial areas, especially those containing heavy or specialised industrial uses*’ with, amongst other things, suitable transport links and existing planning permissions or environmental permits are suitable places to search for waste development.

REASONS FOR REACHING THE RECOMMENDATION

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

This section of the report considers the proposals in the light of relevant development plan policies for the purposes of S38 (6) and discusses the other policy and material considerations which apply to this development. It then provides an assessment of the proposals against the Development Plan policies and material considerations.

Principle of development

The application site lies within a wider area of the Hirwaun Industrial Estate identified as suitable for employment development. The site is allocated for B2 (general industrial) and B8 (storage or distribution) use.

The current proposal is to alter the original waste recycling and treatment facility consent (08/1735/10) following advances in waste recovery and renewable energy generation. In assessing the previous application, the Council balanced the impact on the wider locality against the Council’s and Government’s responsibilities for recycling and composting of waste. The Committee concluded that, subject to appropriate safeguarding planning conditions and S.106 obligations, the development would incorporate appropriate protection for the environment and local amenity and was acceptable in terms of its landscape and visual effects.

The proposed development is for a use considered appropriate on Hirwaun Industrial Estate, the principle of which is already established by the existing, partly-implemented, planning permissions. The proposed enclosure of all waste preparation and energy generation processes in a single building would ensure that the development is more neighbourly than the partly open plant layout approved in 2010. The development would be consistent with Policy NSA14: *Employment allocations* in this regard.

Socio-economic effects

The ES Addendum submitted with the application identifies the socio-economic effects of the development proposals. These indicate a significant benefit to the community, particularly at a time where RCT has suffered a decline in mining and manufacturing jobs. 69 full-time-equivalent jobs would be created as a result of the development proposed specifically in the current application, in a range of sectors. The applicant proposes to source its workforce from the local area where possible, and similarly to use local suppliers during the construction period. Enviroparks proposes training and job preparation initiatives to this end.

It should be noted that, overall, the Enviroparks site will generate a higher level of employment. The current application excludes the consented 10,240 m² B1/B2 building on the northern part of the site, which Enviroparks remains committed to delivering.

Enviroparks has already set up a Community Interest Company, called Enviroparks (Community Liaison) Ltd and will invite members of the local community to sit on the board along with two directors from Enviroparks (Wales) Ltd. The company pledges to distribute funds raised (up to £600,000 over the first ten years of operations) towards local needs relating specifically to energy poverty.

Enviroparks has specified further measures including job training initiatives with local employers, schools and colleges in order to help local people develop new skills and to strengthen good public relations with the scheme. Local purchasing initiatives in terms of construction firms and manufacturers based in RCT will also be implemented.

Visual effects

A detailed assessment of the effects of the construction activities and the proposed development of the Enviroparks scheme was included in the 2008 Environmental Statement, which was approved in 2010. The ES Addendum submitted as part of this application provides an assessment of the differences in landscape and visual effects between the 2010 consented scheme and the current proposals.

Whilst the landscape effects are significant in the first year of development, these effects are restricted to the site and localised parts of the surrounding landscape. These comprise the Penderyn Visual and Sensory Aspect Area and the Brecon Beacons National Park and Cultural Landscape Area. Over time, the impact reduces as the trees and shrubs planted around the Enviroparks site mature and reduce views of the proposed buildings. Furthermore, the external materials of the buildings, in particular the wood cladding, will weather in over time and become less apparent.

Similarly, the ES Addendum reports significant visual effects on the majority of close range viewpoints (including the Penderyn Reservoir and the nearby public footpath) during the first year, but there would be a reduction of visual effects to a insignificant level once the boundary trees and shrubs have grown to maturity and the building facades fade. The development would, however, still be visible to anglers using the reservoir.

The overall master plan for the Enviroparks site has been updated in the light of the evolving operational requirements, whilst seeking to remain sympathetic to its industrial function and the site's position in relation to the Brecon Beacons National Park. In light of the previous consent and the lessening impact of the proposals over time once the planting matures, it is considered that the proposals will fit in with the landscape successfully.

The proposed buildings would continue to apply the established architectural treatment and palette of building materials used in the phase I development of the site, providing a relatively high standard of finish for what are ultimately industrial shed structures. The scale, massing and siting of the buildings would also be appropriate for this location.

Subject to the following conditions, the proposals are considered to comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

The development shall be carried out in accordance with the following site levels information submitted on 26 May 2017:

- i). Existing site levels plan ref. 8016 PL 002, dated May 2008;
- ii). Proposed site levels plan ref. ENV_KPP_EXW_EXT_SKE_EXT_SK1 rev. P01, dated 28 April 2017

Reason: To maintain control over the overall height of the development, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

The materials to be used in the construction of the external surfaces of the proposed fuel storage hall and gasification hall shall match those used in the existing fuel preparation hall building.

Reason: To ensure consistency in the elevational treatment of buildings in the interest of visual amenity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Prior to the commencement of development, a revised landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be based upon the details shown on drawing AJA.2341-02 Issue 03 but shall also include provision of habitat and landscaping for marsh fritillary butterflies.

Reason: In the interest of visual amenity and biodiversity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6 and AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority prior to the first receipt of waste at the site. The landscape management plan shall be carried out as approved.

Reason: To protect retained trees on the site in the interest of visual amenity and biodiversity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6 and AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

Prior to the occupation of buildings on the application site, the site boundary treatment shall be completed in accordance with the plans and specifications submitted on 26 May 2017:

- i). Fencing drawing ref. ENV_EPT_DR_A_6032 rev. 1
- ii). Pro-sure fencing specification ref. MP-PS-202

Reason: To maintain control over the development and appearance of the boundary treatment for the site in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Affect on the Brecon Beacons National Park

The BBNP (like RCT) have previously approved the proposed development on this site and the current variations to that scheme are also being considered under a separate application. However, there is a statutory responsibility for this Council (as LPA) to have regard to any potential effect on special qualities the Park (i.e. its reasons for designation).

To assist in the consideration of this aspect, the BBNP originally (as part of the first application) engaged White Associates to carry out an independent landscape and visual assessment.

As part of the consideration of this and previous applications, there has been close liaison with officers from the Park Authority and it is considered that the standards of design of the buildings and associated landscaping would be an appropriate form in this location and any impact from the stack is considered not to be unduly prominent.

At the time of writing this report it is understood that the Park Authority are recommending that the application (within their administrative area) be approved.

Final confirmation of this is still being awaited and any further developments (sic) will be reported orally at Committee.

The proposed development (in respect of its impact on the BBNP) is therefore considered to be in accord with National Planning Policy.

Design

The amendments to the consented scheme are intended to afford a range of operational and amenity benefits. Placing all process elements into a single building is operationally efficient. Plant and equipment would be protected from the weather and operational monitoring would be assisted. Enclosing the gasifiers in a building is intended to assist amenity by improving noise attenuation and odour containment. It would also avoid light pollution and overall presents a more visually coordinated feature in views from outside of the site, including from the elevated terrain in the Brecon Beacons National Park to the north.

The new and amended buildings would use the same elevational treatment and building materials approved for the development that was granted planning permission in 2010.

The proposed Gasification Hall is positioned at the centre of the site with the lower fuel storage hall and the turbine hall for energy generation fronting Fifth Avenue. Whereas buildings on the Fifth Avenue frontage would be two metres higher than those already with planning permission, they would be set back from the road frontage behind a landscaped area and would not be obtrusive. It is considered that the variety in building sizes and heights would add visual interest.

The amended development proposals would integrate effectively with Hirwaun Industrial Estate. The proposals follow the building lines of neighbouring development and the proposed materials compliment the character of the area and create visual interest in terms of colour and texture. The use of cedar cladding boarding provides a contrast to the panels of metal cladding and help to reduce the massing of buildings.

Seen from the National Park (to the north), the replacement of uncovered plant, machinery and tanks and smaller individual buildings by a single, albeit larger, building would approve the visual coherence of the development.

The site will feature hard and soft landscaping to help it integrate into the surroundings. This also provides some visual interest within the site. As well as planting around the perimeters of the site, the proposal retains a landscaped area at the south-eastern corner which helps to create a focal point to the proposed development and provides a legible entrance to the site. The space can also be utilised by visitors and staff.

According to the applicant's ES Addendum, *'lighting for the development phase now proposed will be designed to be compatible and complementary to the existing approved design and will have particular regard to the landscape setting.'* A lighting scheme condition (as set out below) can be imposed to safeguard residential amenity.

Subject to the following conditions, the proposals are considered to comply with Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

The materials to be used in the construction of the external surfaces of the proposed fuel storage hall and gasification hall shall match those used in the existing fuel preparation hall building.

Reason: To ensure consistency in the elevational treatment of buildings in the interest of visual amenity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

The construction and operational lighting scheme shown in the following plans submitted on 26 May 2017 shall be implemented in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority:

- i). External lighting planning report, Bouygues, dated 4 May 2017;**
- ii). External lighting lux layout plan ref. ENV-BYES-EXL-EXT-GA-EXT-0001 rev. P01, dated 21 April 2017.**

Reason: To minimise light pollution and to maintain control over the appearance of the development at night, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policy AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Impact on residential amenity

Physical impact

The proposed waste resource recovery and energy production park is located on a long-established industrial estate. The nearest residential properties are Tai-Cwplau which is sited approximately 170 metres to the north-west of the application site beyond rising ground, and Fifth Avenue House, which is approximately 220 metres to the west of the application site. The site would comprise buildings and structures ranging in height from 14 metres to 23.4 metres maximum (Gasification Hall). The Gasification Hall would be sited centrally within the site and largely concealed by the other buildings.

Environmental Impact

Waste and energy proposals have the potential to affect the environment and this is a material planning consideration.

The applicant's ES Addendum includes chapters on air quality, noise and ground conditions.

In relation to noise, during the operational phase of the development, the proposal is not predicted to generate significant levels of noise or ground-borne vibration, partly because the proposed gasifiers would be inside a building. Noise associated with off-site vehicle movements is assessed as being of neutral significance. During construction, operations can be controlled by means of a Construction Method Statement in the same way as the current consent.

The air quality assessment concludes that the overall pollutant concentrations that would result from the combined background and process related emissions remain within the assessment level for the protection of human health and the protection of vegetation and ecology. An assessment of the pollution from increased traffic movements during construction phase was also undertaken and considered to have a negligible impact.

The assessment of air quality also considered issues of nuisance from the site in the form of dust and odour. It confirms that there would be a low negative impact potential for emissions of dust during building works and a short term, medium potential for odour risk. This would be controlled by careful works management. Consideration of the air quality effects are addressed in more detail later in this report.

In terms of drainage, the latest Enviroparks proposals would be integrated with the drainage system that the applicant has already constructed. The proposals introduce a number of additional and improved drainage features that would provide additional and more substantial mitigation against contamination and flooding of downstream receptors. This is addressed further in the drainage and flood risk section of the report.

Subject to the following conditions, the proposals are considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

The development shall be carried out in accordance with the following approved plans numbered (note: phasing plan highlighted):

- ENV_EPT_GEN_DR_A_6011 P9
- ENV_EPT_GEN_DR_A_6012 P5
- ENV_EPT_GEN_DR_A_6013 P5
- ENV_EPT_GEN_DR_A_6014 P4
- ENV_EPT_GEN_DR_A_6015 P4
- ENV_EPT_GEN_DR_A_6016 P2
- ENV_EPT_GEN_DR_A_6017 P1
- ENV_EPT_GEN_DR_A_6018 P0
- ENV_EPT_GEN_DR_A_6019 P4

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

Notwithstanding the provisions of Schedule 2, parts 4 and 8 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings, plant and machinery other than those expressly authorised by this permission and shown in the plans identified in condition 2 of this planning permission

Reason: To maintain control over the development and appearance of the site, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Construction should take place in accordance with the following documents submitted on 26 May 2017:

- i). Construction Method Statement dated 4 May 2017**
- ii). Construction details plans refs. CIV SA 90 0004 rev. A06 and CIV SA 90 0005 Rev. A04**

Reason: To protect the local environment and amenity during construction, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

There shall be no external screening, shredding or crushing of material on the site at any time during the operational phases of the development. Any screening, shredding or crushing of material shall take place solely within the buildings on site unless otherwise agreed in writing with the local planning authority.

Reason: In order to minimise noise and dust to other industrial users of the estate and in the interests of the amenities of the area, in accordance with policy AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Construction works (other than the internal fit-out of the buildings hereby approved) shall not take place outside the hours of 0800 to 1900 hours on Mondays to Saturdays and at no time on Sundays or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect local amenity during construction, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Prior to the first receipt and processing of any waste to the site, an Odour Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Odour Control Management Plan shall be fully implemented throughout the life of waste delivery and processing and energy generation operations at the site.

Reason: To safeguard the environmental health and amenity of the locality in accordance with policies AW5 (1) (c and d) and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Deliveries of waste or material derived from waste shall not be taken at or dispatched from the site outside the hours of 0600 to 2200 Monday to Friday, 0600 to 1700 on Saturdays and at no time on Sundays or public holidays.

Reason: To protect local amenity during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

No waste materials or by-products from the processing of waste shall be stored outside unless in sealed containers, the details of which shall be first submitted to and approved in writing by the local planning authority.

Reason: To protect local amenity during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

No materials or substances shall be burnt or incinerated within the application site during constructional or operational development.

Reason: To safeguard residential amenity and prevent pollution, in accordance with policies AW5 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Air Quality

In the ES addendum accompanying the application, Enviroparks has undertaken an assessment of the main site releases to atmosphere to determine the likely effects of the proposed development on the local air quality. Information on the current background levels of pollutants in the area has been presented, and has been included in a modelling exercise to assess the overall pollutant concentrations which will result from the combined background and process related emissions.

The ground level concentrations of all of the modelled pollutants were within the relevant assessment level for the protection of human health and for the protection of vegetation and ecology. The overall risk from the emissions to air is considered to have a medium negative impact.

In terms of the emissions from traffic movements created during the construction of the proposed development, modelling demonstrates that concentrations of pollutants are negligible.

There is limited potential for dust and odour emissions as work is to be conducted internally.

Enviroparks will need to secure an Environmental Permit for the site from NRW prior to the commencement of waste handling operations on the site and the Permit will ensure that operations at the site are secure and comply with relevant environmental standards for the protection of land, air and water.

Natural Resources Wales (NRW) has been consulted on the application and has provided the following comments:

If dust mitigation can avoid dust depositions of 200mg/m²/day at the nearest designated site then that should be sufficient to reduce the potential risk of damage to the features. It is generally accepted that dust depositions of 200mg/m²/day are considered nuisance deposition at residential receptors. Therefore, we ask that a condition be imposed on any permission granted that a Dust Management Plan (covering both the construction and operational phases) be submitted and agreed with the LPAs prior to any development commencing.

Subject to the following conditions, the proposals are considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

Prior to the first use of the development, a Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. This shall cover dust management during the operational phase of the development and shall be implemented as approved.

Reason: To protect local amenity during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Effects on ecology and nature conservation

In the vicinity of the site there are several areas of land protected for nature conservation purposes. These include the Blaen Cynon Special Area of Conservation (SAC) and the Coedydd Nedd a Mellte SAC, which is located 1.1km to the west of the application site. There are seven ancient woodlands within two kilometres of the site. Protected species records within that two kilometre radius include nationally scarce invertebrates, various bird species, toad, frog and common lizards, bats, pine martin and bluebells. Species surveys indicate that the site supports populations of butterflies, a small population of slow worms and breeding birds and provides foraging areas for bats.

The applicant also completed a 2009 shadow Habitats Regulations Assessment report which accompanied the original Enviroparks application. This 2009 report concluded that with the mitigation proposed at the time in place, the Enviroparks scheme would have no likely significant effect on any of the Natura 2000 sites. A Biodiversity Scheme was agreed with Countryside Council for Wales and Rhondda Cynon Taf County Borough Council (RCT) and Brecon Beacons National Park Authority (BBNPA), and secured through a Section 106 agreement as part of a mitigation, compensation and enhancement package.

With respect to the current planning application, the applicant has submitted a 2017 shadow Habitats Regulation Assessment: Stage 1 Screening report (2017 sHRA report) to consider the potential effects that the changes to the scheme compared to the previously consented scheme will have in relation to Natura 2000 sites which are within 10km of the proposed development.

The 2017 sHRA report includes consideration of the in-combination effects of a number of committed projects within the local area, which have the potential to also have air quality impacts.

In its review of the 2017 sHRA report, NRW noted that the applicant proposes to manage a parcel of land which is in its control and to bring it into a condition that supports vegetation suitable for the marsh fritillary butterfly. NRW officers visited the site with the applicant and consider that it is technically feasible to achieve something that would, in due course, be of some benefit to the marsh fritillary butterfly.

NRW consider that the applicant provides a reasonable proposal to offset the potential for adverse effects. As recommended by NRW, the applicant is will provide mitigation land for the lifetime of the development in order to avoid adverse effects to Special Areas of Conservation. The mitigation land will be secured via a Deed of Variation to the existing Section 106 Agreement.

NRW recommend that an Appropriate Assessment should be undertaken by the local planning authorities. This has been completed by BBNPA's Ecologist. The Appropriate Assessment covers the whole Enviroparks site. The Appropriate Assessment details the inclusion of the mitigation land and the applicant has provided a plan showing the location of the permanent on-site habitat mitigation area for the marsh fritillary butterfly.

In the Appropriate Assessment, mitigation land within the site is considered an integral part of the scheme as its inclusion is able to avoid adverse effects to Special Areas of Conservation (SAC). The Appropriate Assessment has ascertained that the proposals as a whole which include mitigation measures will not adversely affect the integrity of a Natura 2000 site.

The proposed changes to the approved Enviroparks scheme lie within the development red line boundary of the consented scheme. The effects on wildlife are therefore unlikely to change. As with the previous consent, the Council requires a Wildlife Management Plan to be submitted to confirm how the recommended ecological mitigation measures would be implemented. An existing Wildlife Management Plan for the site has been operational for over two years. The Council will require the Wildlife Management Plan to be updated to allow for the layout changes within the site, any alteration to the construction phases and to secure mitigation land for the marsh fritillary butterfly through a condition imposed accordingly.

Subject to the following conditions, the proposals are considered to comply with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

No development shall take place until an amended Wildlife Protection Plan has been submitted to and agreed in writing with the Local Planning Authority. The Plan shall include:

- a) details of the Reptile Mitigation Strategy
- b) the provision of habitat and appropriate management for at least 0.5 hectares of land for marsh fritillary butterfly
- c) timetables for implementation and long-term management

The Plan shall be implemented as approved.

Reason: For the protection of wildlife in accordance with policy AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

Cultural heritage

An assessment of the likely effects of the development on features of archaeological or cultural importance has been undertaken and submitted in support of the application. It concludes that given the lack of likely archaeological or historical features on or around the site, and the distance of the proposed development from any significant features of interest, the potential effects of the proposed development on the cultural heritage of the Hirwaun or Brecon Beacons area would be negligible.

There are no listed buildings or Scheduled Monuments, historic parks and gardens, registered battlefields or Conservation Areas that would be directly affected by the proposed development.

The Welsh Government's Historic Environment Service (Cadw) concurs with the applicant's assessment that the development would have no more impact of the setting of any scheduled monuments.

The Brecon Beacons National Park Heritage Officer has confirmed that no archaeological mitigations are considered necessary.

Hydrology, geology and hydrology

The current scheme has a larger floor area of buildings compared to the previous consented schemes, but the associated drainage systems provide an improved foul and surface water drainage system for the site. All buildings and external operational areas will have a solid impermeable floor surface to prevent pollution to the ground. The scheme also includes provision for enlarged sustainable drainage systems incorporating ponds and swales in the landscaped area along the southern boundary of the site.

The application is accompanied by an assessment of the current and proposed conditions of the land and drainage as well as a Flood Risk Assessment. The measures imposed in the previous Enviroparks proposals included a number of additional and improved drainage features which provided substantial mitigation against contamination and flooding of downstream receptors. These measures are retained in the current scheme.

Dwr Cymru/Welsh Water has commented on the application proposals as follows:

'There are a number of assets and an outfall from our Water Treatment Works traversing the proposed site. Dwr Cymru/Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. The applicant is aware of these assets and are actively working with us to design a solution that ensures our assets are protected / and or diverted.'

The proposals require the diversion of an existing Dwr Cymru/Welsh Water 300mm diameter foul water sewer into the Fifth Avenue. Welsh Water advises the developer to apply under Section 185 of the Water Industry Act to divert the sewer.

The original Enviroparks proposals approved in 2010 were the subject of s.106 planning obligations concerning, amongst other things, the protection of Dwr Cymru/Welsh Water's operational assets at Penderyn reservoir. The applicant has confirmed that all relevant protective provisions will continue to apply in respect of the current proposals.

Subject to the following conditions, the proposals are considered to comply with Policy AW8 and AW10 of the Rhondda Cynon Local Development Plan.

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- protective measures of any public sewerage assets and the sludge main from the Dwr Cymru/Welsh Water Water Treatment Works; and
- the implementation, maintenance and management of the site sustainable urban drainage scheme (SUDS)
- a timetable for its implementation, and a management and maintenance plan for the SUDS system.

Reason: To ensure the implementation and maintenance of a SUDS system in the interests of effective surface water management and the implementation of a biodiverse landscape treatment around the edges of the site, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Contaminated land and groundwater on the application site shall be assessed, mitigated and monitored in accordance with the following information submitted on 26 May 2017:

- Geo-environmental Assessment Report, phase 2 development, Pell Frischmann ref. RQ80023G001B, dated February 2017;
- Supplementary soil sampling, phase 2 development – Pell Frischmann letter dated 24 February 2017, ref. LQ80023/G001;
- Supplementary groundwater sampling, phase 2 development – Pell Frischmann letter dated 24 March 2017, ref. LQ80023/G002.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason: Given previous land uses on the site there is potential for contamination, and as the Local Planning Authority considers that the controlled waters at this site are of high environmental sensitivity due to its close proximity to several surface water features, the risk of polluting controlled waters must be managed. The condition accords with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Within three months of the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Foundations and piling for the proposed development shall be undertaken in accordance with the foundation proposals (Piling) details ref. ENV-JPG-S++-ALL-REP-FON-0002-R02, dated 26 May 2017.

Reason: There is an increased risk of pollution of controlled waters from inappropriate methods of piling, This scheme will manage this risk, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

Traffic, transport and highway safety

The ES Addendum identifies a likely increase in construction vehicle movements compared to what was originally assumed in the 2010 Enviroparks scheme over a two year construction period. However, the overall contribution of the operational Enviroparks site to the road network has reduced, with daily movements of commercial vehicles reducing by 58.

RCT Highways Development Control has reviewed the application and the applicant's Transport Statement accompanying the ES Addendum. RCT Highways confirms that the Transport Statement is acceptable. The Transport Statement concludes that the greatest impact would occur on local roads at Hirwaun Industrial Estate. Once operational, traffic to the site would consist of 160 heavy goods vehicle movements per day to bring waste / fuel to the site and to dispose of waste process materials. This represents a reduction in heavy goods vehicle trips from the currently consented proposal by a total of 58 heavy goods vehicle movements per day.

RCT's Highways Department confirms that:

The proposal provides for 104 car parking spaces (including 6 disabled bays) to cater for a maximum daily workforce of 58. Provision is also made for the secure parking of 6 motorcycles and 20 bicycles on site. Whilst the parking provision is less than the requirements of the Council's SPG based on floor areas and use, the proposal is not a typical manufacturing unit and the provision of 104 car parking spaces to cater for 58 [actually 69] employees and visitors is considered acceptable.

The industrial estate is served by bus services 7 and 8 with access to rail at Aberdare but will be of limited benefit to employees not working regular week day shifts.

The proposal will result in fewer heavy goods vehicle movements than that approved under application 08/1735 with less impact on the highway network.

The proposal provides adequate parking for cars, motorcycles, bicycles and visitors.

Whereas the provision of 104 parking spaces for 69 employees might appear excessive, this level of car parking provision caters also for the unimplemented administration building on the south-east corner of the site and the unimplemented Biomax waste processing building in the north-east corner of the site. These buildings were granted planning permission as a part of the original development in 2010 but lie outside the red line boundary for the current proposals.

The applicant's ES Addendum confirms that noise from construction traffic movements would have a neutral effect and the contribution to air quality pollutants from construction traffic movements was considered to have a negligible effect.

The applicant is committed to retaining established s.106 planning obligations for current proposals, including a financial contribution for a new bus stop and shelter on Fifth Avenue, the implementation of a green travel plan and a commitment to prevent HGVs from using Halt Road or Rhigos Road leading west to Glynneath.

Subject to the following conditions, the proposals are considered to comply with Policy AW5 of the Rhondda Cynon Local Development Plan.

The means of access and parking areas shall be laid out in accordance with the submitted layout plan, Drawing No. ENV_EPT_GEN_DR_A_6011 Rev P7, prior to the first use of the development hereby given full planning permission. The parking areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate visibility is maintained, in the interests of highway safety, in accordance with policy AW5 (2) (c) of the adopted Rhondda Cynon Taf Local Development Plan.

Prior to any development on site, a Construction Traffic Management Plan shall be submitted to the Local Planning Authority in consultation with Welsh Government (Transport) for approval in writing.

Reason: In the interests of highway safety and the freeflow of traffic on the public highway in accordance with policy AW5 (2) (c) of the adopted Rhondda Cynon Taf Local Development Plan.

CONCLUSION

The proposed development has been considered against the policies contained in the Rhondda Cynon Taf Local Development Plan (2006-2021) and Planning Policy Wales (Edition 9, November 2016). It is considered that the proposed development accords with the relevant policies of the Development Plan and Planning Policy Wales.

It is not anticipated that the proposals would have undue physical impact on nearby residents. In visual terms and through the enhanced containment of odour and noise, the development should result in improvements to local amenity in comparison with the consented scheme at the site.

In relation to highway matters, the Council is satisfied that the development could be accommodated in the area without causing detrimental harm to the local highway network, subject to a number of planning conditions.

All ecological and flooding concerns can be dealt with through applying conditions to the permission.

Subject to planning conditions and the retention of established s.106 obligations where of continuing relevance, the following recommendation is made:

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 CIL rate for this type of development as set out in the Charging Schedule is £0 (nil) and therefore no CIL is payable.

S106 Agreement

The 2010 planning permission for the Enviroparks development was subject to a comprehensive S.106 agreement between the Applicant, the Council, Brecon Beacons NPA, the Welsh Ministers, Dwr Cymru and Butterfly Conservation.

The agreement included safeguarding provisions for Dwr Cymru's assets at Penderyn Reservoir, provisions for a green travel plan and a community energy scheme, routing provisions for HGVs, along with financial contributions for footpath improvements (£10,000), the provision of a bus stop(s) on Fifth Avenue (£16,000), a biodiversity scheme administered by Butterfly Conservation to identify and manage local grasslands as butterfly habitats (£205,031), a Biodiversity Scheme Monitoring Fee ((£11,750) and a construction phase monitoring fee (£12,000).

Committee is advised that each of these financial contributions was made by the applicant prior to the implementation of Phase 1 of the Enviroparks development.

The applicant is proposing to update and "roll forward" the S.106 agreement by means of a Deed of Variation, at the same time including a new provision to ensure that an area of land on the northern and western boundary of the wider Enviroparks site is dedicated specifically for on-site habitat creation for the marsh fritillary butterfly.

Having inspected the site, NRW is agreeable to this provision. The area concerned is outside the red line boundary of the current planning application but is owned by EWL and thus inside the blue line (land within the ownership or control of the applicant).

It is considered that the provisions contained in the 2010 Section 106 agreement together with the additional on-site habitat creation area are necessary to make the development acceptable and meet the requirements of the Community Infrastructure Levy Regulations 2010.

RECOMMENDATION: Approve subject to conditions (and subject to a S106 Agreement).

1. The development shall begin not later than five years from the date of this decision.

Reason: To comply with section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans numbered:

- ENV_EPT_GEN_DR_A_6011 P9
- ENV_EPT_GEN_DR_A_6012 P5
- ENV_EPT_GEN_DR_A_6013 P5
- ENV_EPT_GEN_DR_A_6014 P4
- ENV_EPT_GEN_DR_A_6015 P4
- ENV_EPT_GEN_DR_A_6016 P2
- ENV_EPT_GEN_DR_A_6017 P1
- ENV_EPT_GEN_DR_A_6019 P1

unless otherwise to be approved and superseded by details required by any other condition attached to this planning permission.

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

3. Notwithstanding the provisions of Schedule 2, parts 4 and 8 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings, plant and machinery other than those expressly authorised by this permission and shown in the plans identified in condition 2 of this planning permission shall be erected, extended, installed or replaced without the prior written approval of the local planning authority.

Reason: To maintain control over the development and appearance of the site, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

4. No development shall take place, including any groundworks, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including

decorative displays and facilities for public viewing, where appropriate

- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling and or disposing of waste resulting from demolition and construction works.
- viii. the timing and phasing of the above elements.

Reason: To comply with Section 5 of Planning Policy Wales (2016), Technical Advice Note 5 and to protect the local environment and amenity during construction, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

5. Prior to the first use of the development, a Dust Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. This shall cover dust management during the operational phase of the development and shall be implemented as approved.

Reason: To protect local amenity during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

6. Prior to operation of the development hereby approved, a scheme detailing technologies to reduce emissions to the levels identified in the Atmospheric Dispersion Modelling report dated September 2017 shall be submitted to the Local Planning Authority. The scheme shall be implemented as approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the local environment during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

7. The development shall be carried out in accordance with the following site levels information submitted on 26 May 2017:

- i) Existing site levels plan ref. 8016 PL 002, dated May 2008;
- ii) Proposed site levels plan ref. ENV_KPP_EXW_EXT_SKE_EXT_SK1 rev. P01, dated 28 April 2017.

Reason: To maintain control over the overall height of the development, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf County Development Plan.

8. The construction and operational lighting scheme shown in the following plans submitted on 26 May 2017 shall be implemented in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority:

- i) External lighting planning report, Bouygues, dated 4 May 2017;
- ii) External lighting lux layout plan ref. ENV-BYES-EXL-EXT-GA-EXT-0001 rev. P01, dated 21 April 2017.

Reason: To minimise light pollution and to maintain control over the appearance of the development at night, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policy AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

9. There shall be no external screening, shredding or crushing of material on the site at any time during the operational phases of the development. Any screening, shredding or crushing of material shall take place solely within the buildings on site unless otherwise agreed in writing with the local planning authority.

Reason: In order to minimise noise and dust to other industrial users of the estate and in the interests of the amenities of the area, in accordance with policy AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

10. Construction works other than the internal fit-out of the buildings hereby approved shall not take place outside the hours of 0800 to 1900 hours on Mondays to Saturdays and at no time on Sundays or Public Holidays unless otherwise agreed in writing with the local planning authority.

Reason: To protect local amenity during construction, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

11. The materials to be used in the construction of the external surfaces of the proposed fuel storage hall and gasification hall shall match those used in the existing fuel preparation hall building.

Reason: To ensure consistency in the elevational treatment of buildings in the interest of visual amenity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

12. Prior to the installation of the external plant and static machinery hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the plant and machinery shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To maintain control over the development and appearance of the site, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of development, a revised landscaping plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be based upon the details shown on drawing

AJA.2341-02 Issue 03 but shall also include provision of habitat and landscaping for marsh fritillary butterflies.

Reason: In the interest of visual amenity and biodiversity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6 and AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

14. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the local planning authority prior to the first receipt of waste at the site. The landscape management plan shall be carried out as approved.

Reason: To protect retained trees on the site in the interest of visual amenity and biodiversity, having regard to its location on the boundary of the Brecon Beacons National Park, in accordance with policies AW5, AW6 and AW8 of the adopted Rhondda Cynon Taf County Borough Local Development Plan up to 2010.

15. None of the existing trees within the site that are identified for retention in the Arboricultural Survey submitted on 26 May 2017 shall be removed, felled, lopped or pruned or damaged in any way without the prior written consent of the Local Planning Authority.

Reason: To protect retained trees on the site in the interest of visual amenity and the protection of the landscape, in accordance with policy AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

16. Trees and hedges identified within the Arboricultural Survey submitted on 26 May 2017 shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason: To protect retained vegetation on the site in the interest of visual amenity and the protection of the landscape, in accordance with policy AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

17. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- protective measures of any public sewerage assets and the sludge main from the Dwr Cymru Welsh/Water Water Treatment Works; and
 - the implementation, maintenance and management of the site sustainable urban drainage scheme (SUDS)

- a timetable for its implementation, and a management and maintenance plan for the SUDS system.

Thereafter the scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Prior to the occupation of the development the drainage scheme shall be implemented and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To ensure the implementation and maintenance of a SUDS system in the interests of effective surface water management and the implementation of a biodiverse landscape treatment around the edges of the site, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

18. Contaminated land and groundwater on the application site shall be assessed, mitigated and monitored in accordance with the following information submitted on 26 May 2017:
 - i) Geo-environmental Assessment Report, phase 2 development, Pell Frischmann ref. RQ80023G001B, dated February 2017;
 - ii) Supplementary soil sampling, phase 2 development – Pell Frischmann letter dated 24 February 2017, ref. LQ80023/G001;
 - iii) Supplementary groundwater sampling, phase 2 development – Pell Frischmann letter dated 24 March 2017, ref. LQ80023/G002.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Reason: Given previous land uses on the site there is potential for contamination, and as the Local Planning Authority considers that the controlled waters at this site are of high environmental sensitivity due to its close proximity to several surface water features, the risk of polluting controlled waters must be managed. The condition accords with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

19. Within three months of the commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

20. Foundations and piling for the proposed development shall be undertaken in accordance with the foundation proposals (Piling) details ref. ENV-JPG-S++-ALL-REP-FON-0002-R02, dated 26 May 2017.

Reason: There is an increased risk of pollution of controlled waters from inappropriate methods of piling, This scheme will manage this risk, in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

21. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the local planning authority and they shall be retained in perpetuity.

Reason: To ensure the encouragement of alternative methods of transport to use the site in accordance with policy CS1 of the adopted Rhondda Cynon Local Development Plan.

22. Prior to the first receipt and processing of any waste to the site, an Odour Control Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Odour Control Management Plan shall be fully implemented throughout the life of waste delivery and processing and energy generation operations at the site.

Reason: To safeguard the environmental health and amenity of the locality in accordance with policies AW5 (1) (c and d) and AW10 of the adopted Rhondda Cynon Taf County Borough Plan.

23. Any chemical, oil or fuel storage containers on the site shall be sited on an impervious surface with bund walls; the bunded areas shall be capable of containing 110% of the container's or containers' total volume and shall enclose within their cartilage all fill and draw pipes, vents, gauges and sight glasses. There shall be no drain through the bund floor or walls.

Reason: To minimise the risk of pollution of watercourse or aquifers in accordance with policies AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

24. Deliveries of waste or material derived from waste shall not be taken at or dispatched from the site outside the hours of 0600 to 2200 Monday to Friday, 0600 to 1700 on Saturdays and at no time on Sundays or public holidays.

Reason: To protect local amenity during the operation of the development,

25. No waste materials or by-products from the processing of waste shall be stored outside unless in sealed containers, the details of which shall be first submitted to and approved in writing by the local planning authority.

Reason: To protect local amenity during the operation of the development, in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

26. The means of access and parking areas shall be laid out in accordance with the submitted layout plan, Drawing No. ENV_EPT_GEN_DR_A_6011 Rev P79, prior to the first use of the development hereby given full planning permission. The parking areas shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: To ensure that adequate visibility is maintained, in the interests of highway safety, in accordance with policy AW5 (2) (c) of the adopted Rhondda Cynon Taf Local Development Plan.

27. Prior to the occupation of buildings on the application site, the site boundary treatment shall be completed in accordance with the plans and specifications submitted on 26 May 2017:

- i) Fencing drawing ref. ENV_EPT_DR_A_6032 rev. 1
- ii) Pro-sure fencing specification ref. MP-PS-202

Reason: To maintain control over the development and appearance of the boundary treatment for the site in accordance with policies AW5, AW6, AW8 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

28. No development shall take place until an amended Wildlife Protection Plan has been submitted to and agreed in writing with the Local Planning Authority. The Plan shall include:

- a) details of the Reptile Mitigation Strategy
 - b) the provision of habitat and appropriate management for at least 0.5 hectares of land for marsh fritillary butterfly
 - c) timetables for implementation and long-term management
- The Plan shall be implemented as approved.

Reason: For the protection of wildlife in accordance with policy AW8 of the adopted Rhondda Cynon Taf Local Development Plan.

29. No waste materials defined as hazardous in the list of Wastes (Wales Regulations 2005 (Sl. 2005 no. 1820) shall be received and processed in the development hereby approved.

Reason: To maintain control on the type of waste materials processed on the site in the interests of public health and environmental amenity in accordance with policies AW5, AW6, AW8 and AW10 of the adopted

30. No materials or substances shall be burnt or incinerated within the application site during constructional or operational development.

Reason: To safeguard residential amenity and prevent pollution, in accordance with policies AW5 and AW10 of the adopted Rhondda Cynon Taf Local Development Plan.

31. Prior to any development on site, a Construction Traffic Management Plan shall be submitted to the Local Planning Authority in consultation with Welsh Government (Transport) for approval in writing.

Reason: In the interests of highway safety and the freeflow of traffic on the public highway in accordance with policy AW5 (2) (c) of the adopted Rhondda Cynon Taf Local Development Plan.

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ENVIROPARKS: PROJECT EVOLUTION

2010

In the Enviroparks proposals approved in 2010, the gasifiers were in an open yard (1) with separate fuel storage (2), pyrolysis (3) and energy generation (4) buildings in the centre of the site. The anaerobic digestion plant (5) can be seen on the left.

Also visible at the back of the site is a high energy user building (6) to attract new employers with high energy demand to the area (7), and the Biomax process building.



2016

In 2015-16 planning permission was granted to enclose the gasification yard in an extended building on the Fifth Avenue frontage of the site (1) and to increase the roof heights of the pyrolysis building (3) and energy generation building (4). A reconfigured anaerobic digestion plant with fewer, larger, tanks (5) was retained in the scheme.

During 2015-16 the Fuel Preparation Hall (8) was constructed.

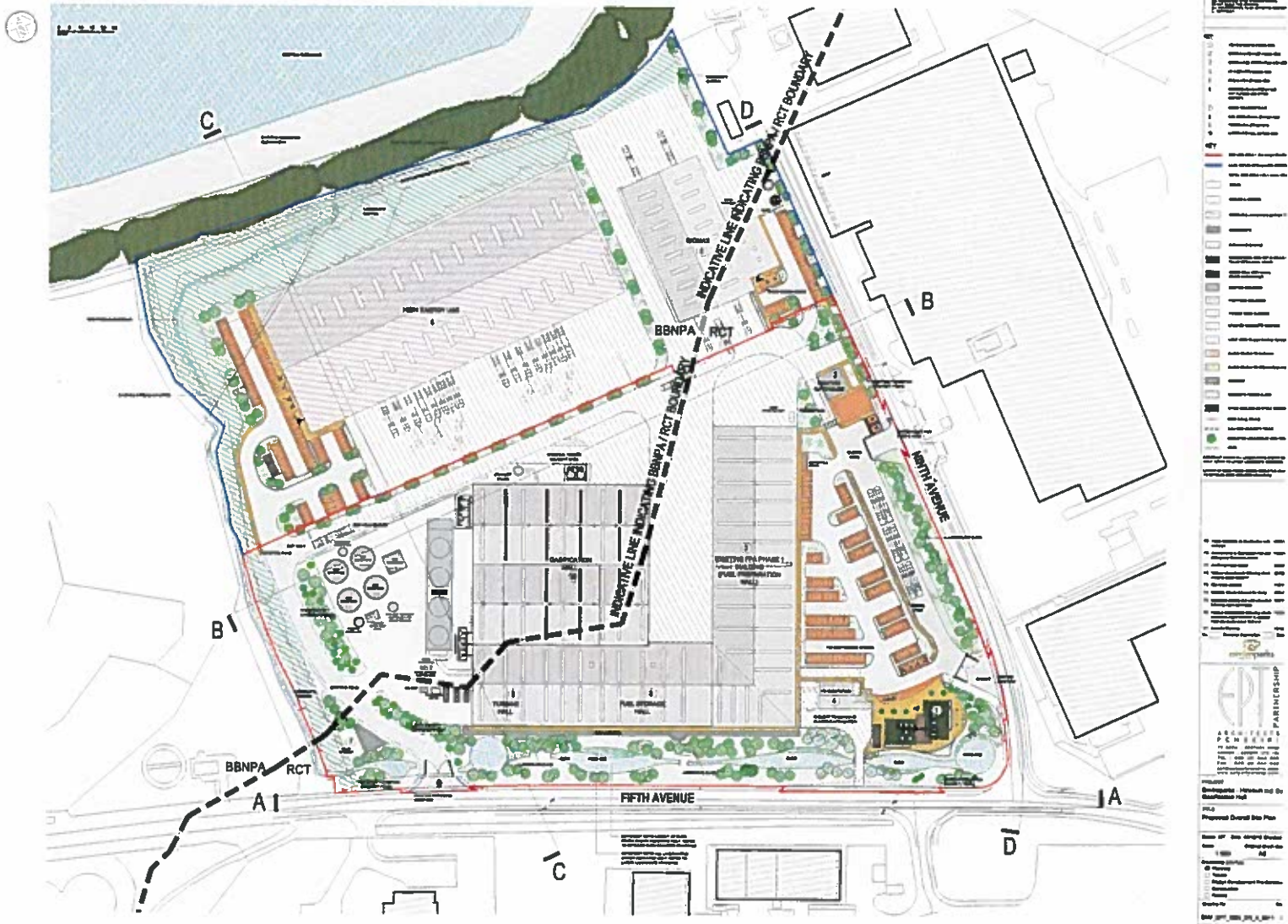


2017

In the current proposals the building on the Fifth Avenue frontage is raised by two metres to increase the space for fuel storage (A) and accommodate the energy generation in a turbine hall (B). A gasification hall is proposed near the centre of the site (C) with a service yard to the west (D) containing water and other tanks. The stack (E) stays in the same position with an increased diameter and a five metre addition in height. The anaerobic digestion plant is deleted.



Appendix 2



APPLICATION NO: 17/0801/10 (GD)
APPLICANT: Persimmon Homes East Wales
DEVELOPMENT: A residential development with associated works (amended site plan and engineering layout received 06/09/17).
LOCATION: LAND OFF CARDIFF ROAD, CWM CYNON NORTH, MOUNTAIN ASH
DATE REGISTERED: 06/09/2017
ELECTORAL DIVISION: Mountain Ash East

RECOMMENDATION: Approve, subject to a S106 Agreement.

REASONS:

The principle of the proposed development is acceptable and presents the opportunity to address the current shortfall in housing land supply as a windfall housing site within the settlement limits of the town and to bring forward new housing in the heart of Mountain Ash.

REASON APPLICATION REPORTED TO COMMITTEE The proposal is not covered by determination powers delegated to Service Director Planning;

APPLICATION DETAILS

This planning application seeks full planning permission for the construction of 110 dwellings at the northern Cwm Cynon plateau in Mountain Ash. The development will comprise of 60 link houses (in groups of 3 -5 units), 14 semi detached houses, 34 detached houses and 2 flats. The house types are largely conventional two storey units though some of the semi detached and link properties will be slightly taller (two and half storey height) with bedrooms built into the roof space. The properties will be finished in a red brick with occasional use of render on front elevations, slate grey roof tiles and uPVC doors, windows and rainwater goods.

The site will for the greater part be accessed via the existing access road at the southern end of the site which serves the Cwm Cynon Estate and the southern end of Cardiff Road, a new road access into the site will be formed at its south eastern corner and the site access spine road leads northwards in to the site, a second access point on to Cardiff Road will be formed to the north of a row of garages which are themselves immediately north of number 52 Cardiff Road.

Additionally, six of the properties serviced from the south will be accessed directly off Cardiff Road with a further four serviced from a mews court type access arrangement from Cardiff Road. Much of the housing will front onto the spine road with culs de sac and private drives formed off it. Seventeen of the proposed houses will be orientated so as afford views over the river and will be served off private shared accesses and drives. For the greater part the housing will be served with frontage parking, with the exception of some of the larger detached properties which will benefit from parking space to the side along with detached garages.

The highway layout also allows for the provision of a 4.1m wide access lane that will service the rear of 1 – 4 The Laurels and 52 – 78 Cardiff Road as well as plots 11 – 28 of the proposed development. Eight of the properties located at the northern tip of the site will be serviced from the north via Cardiff Road, three with direct access on to Cardiff Road itself and five via an on site mews court.

The application is accompanied by the following:

- Planning Statement;
- Design and Access Statement:
- Pre Application Consultation Report.
- Construction Method Statement.
- Cultural Heritage Desk based Assessment.
- Drainage Strategy and Flood Risk Assessment.
- Japanese Knotweed Management Plan.
- Biodiversity Enhancement and Management.
- Construction Phase Environmental Management Plan.
- Extended Phase 1 Habitat Survey.
- Bat Tree Assessment.
- Reptile Survey.
- Transport Assessment.
- Framework Travel Plan.
- Site Investigation Cover Letter.
- Summary Earthworks Specification.
- Clean Water Hydraulic Modelling Assessment.
- Tree Survey, and
- Arboricultural Impact Assessment.

SITE APPRAISAL

The application site comprises 3.2 hectares of reclaimed land at the Cwm Cynon North Plateau on the floor of the Cynon Valley. The site is formed in an irregular shape with a maximum width of approximately 170m and a maximum length of approximately 395m. The site narrows moving from south east to north west. The site is bounded by the Afon Cynon and its embankment to the west, car parking and industrial units beyond its short northern boundary, established residential property on its eastern Cardiff Road boundary and open ground and the business park access road on its southern boundary.

Beyond the immediate site boundaries to the east and north lie the riverside park, town centre and railway station, all of which are accessible on foot from the application site. Immediately west of and parallel with Cardiff Road is the A4059 New Road which is the principal classified road serving the Cynon Valley.

PLANNING HISTORY

04/1227	Business enterprise centre, 28no. workshop units, new access road, associated parking and external works	Approved 12/11/04
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Members should note that the above planning approval was never implemented. All earlier planning history relates to the former use of the site as a colliery and railway sidings and the subsequent part reclamation of same, which given its purpose and age has little or no bearing on the consideration of the current proposal.

PUBLICITY

The application has been twice advertised by press notice, site notices and neighbour notification letters and has resulted in the submission of one letter raising the following issues.

- The road to be provided to the rear of the properties on Cardiff Road would be higher than the existing rear gardens of those properties and would therefore prevent the use of any rear access
- Residents claim to own part of the land to the rear of their property and to have made use of it for the past 30 years
- Loss of privacy.
- An increase in traffic using Old Cardiff Road and the proposed cross valley link road
- The lack of time provided to view the plans given the difficulties experienced in accessing these details on the Council's website and in acquiring hard copies.

CONSULTATION

Highways – no objections subject to conditions.

Drainage – the principal of the surface water disposal method would be acceptable. However details of the pond structure, maintenance arrangements will need to be agreed. The connection for the surface water pond into the existing network will need to be surveyed to ensure condition and capacity. No objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Education – have no comments to make in respect of the current planning application.

Countryside Section – no objections subject to conditions.

Corporate Estates – no comment to make in respect of the proposals.

Housing Strategy – have confirmed that they are satisfied with the proposed arrangement of affordable housing units comprising 5 two bedroom units, 3 three bedroom units and 2 one bedroom flats.

Waste Services – have no comments to make in respect of the proposals.

Natural Resources Wales – no objections subject to conditions.

Dwr Cymru/Welsh Water – no objections subject to conditions.

Western Power Distribution – no response received.

Wales & West Utilities – raise no objections to the proposal and advise with regard to the location of their apparatus on and in the vicinity of the application site and in respect of safe working practices to be adopted when working in proximity to it.

Network Rail – no response received.

Police Authority – raise no objection to the proposed development and make a series of recommendations with regard to compliance with secured by design standards and indicate that they would welcome the opportunity to discuss the proposals with the applicants.

South Wales Fire & Rescue Service – no objections subject to adequate provision being made for access for fire fighting vehicles and the provision of an adequate water supply for fire fighting purposes.

Coal Authority – final observations on the matter are awaited.

Glamorgan Gwent Archaeological Trust – no objections subject to conditions.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 – places an emphasis on building strong and sustainable communities in the northern strategy area and sets out criteria for achieving regeneration through sustainable growth.

Policy AW1 – promotes the delivery of housing target through amongst other means the development of unallocated land within the defined settlement limits.

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

Policy AW4 – sets out contributions that might be required to be provided under a planning obligation when dealing with development proposals.

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 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Policy NSA2 – supports development in key settlements that supports and reinforces the role of centres as key settlements and promotes accessibility to services by a range of sustainable modes of transport.

Policy NSA10 – requires a minimum density of 30 dwellings per hectare.

Policy NSA11 – requires the provision of 10% affordable housing on sites of more than 10 dwellings in the northern strategy area.

Policy NSA12 – sets out criteria for the consideration of housing proposals within and adjacent to settlement boundaries in the northern strategy area.

Policy NSA16 – Supports proposals for the redevelopment of former industrial sites subject to the proposed development being compatible with surrounding land uses and having a positive effect in regeneration terms.

Policy NSA26 – supports development that will make a positive contribution towards the Cynon Valley River Park.

Supplementary Planning Guidance

- Design and Placemaking
- Affordable housing
- Planning Obligations
- Access, Circulation and Parking
- Development of Flats
- Employment Skills

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),
- Chapter 9 (Housing),
- Chapter 12 (Infrastructure and Services),
- Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

set out the Welsh Government's policy on planning issues relevant to the determination of this application.

Other relevant policy guidance consulted:

- PPW Technical Advice Note 2: Planning and Affordable Housing;
- PPW Technical Advice Note 12: Design;

- PPW Technical Advice Note 15: Development and Flood Risk;
- 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:

In considering the determination of this planning application the key issues for determination are the principal of the proposed development, the impact of the proposals on the character and appearance of the area, the impact of the proposed development on residential amenity and privacy and the implications of the proposals for access and highway safety.

Principle of the proposed development

The current development plan is Rhondda Cynon Taf Local Development Plan, adopted on 2 March 2011. In the Local Development Plan, the site is:

- Wholly within the settlement boundary of Mountain Ash;
- Wholly within the Cynon Valley River Park; and
- Not allocated for a particular purpose.

As such the current proposals are in accordance with the key local development plan policies outlined above.

Though the site has to a large extent been claimed by nature it is ultimately a reclaimed colliery site and could be considered brownfield, the development of which should, in accordance with Welsh Government policy, be favoured ahead of the development of less favourably located greenfield sites.

Furthermore, given that the Council currently only benefits from a 1.3 year housing land supply where the Welsh Government requires it to maintain a five year housing land supply, the proposed development could make a valuable contribution towards addressing that particular shortfall.

Whilst the site is affected by Policy NSA26 relating to the Cynon Valley River Park, the replacement of underused land with new housing and the opportunity that the

proposed development affords to better address the eastern bank of the river represents a significant improvement over the existing arrangements.

Consequently the proposed development is acceptable in principle and as long as the specifics of the current proposal are acceptable in the context of the other main issues identified above, then the development will be acceptable in planning terms.

Impact on the character and appearance of the area

Prior to its reclamation the site was occupied by the tips, rail sidings and assorted small buildings associated with the nearby colliery. Since the creation of the existing plateau in the late 1980's and early 1990's the site has remained vacant with many areas substantially overgrown and a series of linked desire line footpaths cross the site, which in turn link with the established walking and cycling route on the western side of the site.

The immediate locality is characterised by traditional stone built dwellings along with some smaller industrial/commercial units along Cardiff Road and to the north. Mountain Ash town centre with all that it offers in the way of services and amenities lies to the north of the site with the river park occupying some intervening ground. It is within this wider context that the site would be developed and while the development would undoubtedly alter the character and appearance of the area, such impacts are positive and the development would only be read as part of the wider urban mix. New housing would replace the increasingly overgrown site, bringing with it some clarity and order to the overall appearance of the neighbourhood and as such the impacts of the proposed development on the character and appearance of the area are considered to be positive. The nature of the layout respects the established residential property and also provides development fronting the river providing oversight and passive surveillance of the existing footway and riverside park.

Impact on residential amenity and privacy

Given that the application site has lain undeveloped for a considerable number of years its development will clearly have an impact on the level of residential amenity and privacy that existing residents currently enjoy. The issue though is whether or not the proposed arrangement would remain acceptable in planning terms given the relationship it would have with existing property, particularly as these are issues that have been raised in comment by local residents. The impact of any proposed development in terms of privacy and amenity is most pronounced when new dwellings are proposed back to back with established properties. This arrangement will occur in relation to properties at the Laurels and Cardiff Road. However at the very minimum this distance would be maintained at 21 metres and in most cases would be considerably more. This taken together with the fact that the site is relatively flat and finished levels for the site will be of a similar nature to those of the established residential properties makes the impact of the proposals acceptable in planning terms.

There are currently houses under construction on the site of the former Robbins Transport Yard and back to back distances between the proposed site and the site currently under construction would be in the order of 21 metres given the latest revisions to the layout plans. Within its boundaries the proposed development

maintains similar standards in terms of distances which are acceptable. Additionally, the general arrangement also makes the most of the necessarily linear arrangement and exploits the best aspects of the site maximising the number of properties with views over the river.

Access and highway safety

The planning application is accompanied by a Transport Assessment and framework travel plan. The proposals have been considered in depth by the Highways and Transportation Section and subject to conditions they have no objections to the proposed development. In arriving at this conclusion the Highways and Transportation Section have given careful consideration to the following issues: –

- Access and Circulation
- Access from Cardiff Road (north and south)
- Internal access arrangements.(including private shared accesses)
- Engineering layouts submitted to date
- Parking provision
- Collision analysis
- Active travel and safe routes in communities.
- Bus and rail transport
- The travel plan framework
- The construction method statement, and
- Transport implementation strategy.

Having considered the above matters the proposed development is found to be generally acceptable though there is a need to secure full engineering details of the highway design, a detailed travel plan and construction method statement; these though are issues that can be addressed through the appropriate application of planning conditions.

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.

One resident has claimed ownership of a small area of land within the application site. Since the receipt of the claim (and notwithstanding that this is application civil matter), the applicants have submitted a revised plan to show the land in question being outside of the application site.

Members should note that though the site lies on the floor of the valley it is outside of the floodplain and as such Natural Resources Wales have not raised objection to the proposals in respect of this issue. Drainage related matters are acceptable in principle and subject to appropriate conditions in this regard the development of the site can proceed.

As a reclaimed site that has to some extent regenerated naturally it is unsurprising that over that time it has gained ecologically to the point where it now has some importance albeit at a local level. However in this instance, these are matters that can be appropriately dealt with through the application of appropriate conditions

Community Infrastructure Levy (CIL) Liability

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

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Section 106 Contributions / Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

- 1) necessary to make the development acceptable in planning terms;
- 2) directly related to the development; and,
- 3) fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the following matters will need to be addressed through the legal agreement –

- The provision of 10% affordable housing.
- The agreement of an employment skills training plan.

Conclusion

Despite not specifically being allocated for residential development, the application is considered to comply with the relevant policies of the Local Development Plan in all key policy areas and is also compliant with the requirements of Planning Policy Wales. The Proposed development is also acceptable in terms of all other material planning considerations and makes good use of underused land in the heart of Mountain Ash.

RECOMMENDATION: **Approve subject to no objection being raised to the**

proposed development buy the Coal Authority, the completion of the Section 106 agreement and the following conditions.

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

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

2. The consent hereby granted relates to the following plans as modified by other conditions of this consent:

- Site plan drawing no. SP-01 Rev P.
- External finishes plan drawing no. EF-01
- Site location plan drawing no. SI-01
- The Rufford house type plan no. RF-WD10
- The Moseley house type drawing no. MS-WD10
- The Morden House Type drawing no. MR-WD10
- The Chedworth house type drawing no. CD-WD10
- The Clayton house type drawing no. CA-WD10
- The Bickliegh house type drawing no. BK-WD10
- The Hanbury house type drawing no. HB-WD10
- The Longthorpe house type drawing no. LG-Wd10
- The Clayton Corner house type drawing no. CCA-Wd10
- The Alnick house type drawing no. AN-WD10
- The Hatfield house type drawing no. HT-WD10
- 2.1.1. brick drawing no. 2.1.1.-WD10
- Single garage detail drawing no. RSG-G01
- Brick screen wall detail drawing no. D01-Rev A
- 1.8m close boarded fence drawing no. D02-Rev A
- 0.45 – 0.6m timber knee rail drawing no. D13
- 1.8m close boarded gate drawing no. D07
- 1200mm post and wire fence drawing no. D35

Reason: for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
- d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife 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.

5. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with Policy AW7 of the Rhondda

6. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme set out in the Site Investigation Report 11877/JJ/17/SIRevA, Intégral Géotechnique (Wales) Ltd, August 2017 (have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the LPA. Any validation report shall be carried out by a competent person.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local development Plan.

7. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the LPA prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local development Plan.

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

Reason: In the interests of health and safety and environmental amenity and to accord with policy AW10 of the Rhondda Cynon Taf Local development Plan.

9. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

10. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the works to the existing public highway as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, uncontrolled pedestrian crossing facilities, traffic calming, traffic bay/layout allocation, surface water drainage, service

diversions, and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

11. Notwithstanding the approved plans, no dwelling shall be occupied until full engineering design and details of the internal road layout as shown on the approved layout plan, including longitudinal and cross sections, street lighting details, traffic calming, parking bay layout/allocation, surface water drainage and details of private shared accesses and associated bin storage including construction details have been submitted to and agreed in writing with the Local Planning Authority. Details submitted in respect of these details must also include a detailed programme for their implementation.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

12. Within 3 months of the date of this decision a construction method statement has been submitted to and approved by the Local Planning Authority to provide for;

- The means of access into the site for all construction vehicles.
- The parking of vehicles of site operatives and visitors.
- The management of vehicular and pedestrian traffic.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- Wheel cleansing facilities.
- The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of the safety and free flow of traffic.

13. The developer shall provide the occupier of each dwelling with a travel plan/welcome pack which should contain the following -
- Bus/train service providers their contact details frequency of service timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport.
 - Park and ride/park and share facilities and associated costs and

- Pedestrian links to public transport services to local facilities, areas of employment, education and leisure.
- Local and national cycling routes.
- Any other measures that would encourage the use of sustainable modes of transport.

Reason: to ensure the reduction of road traffic and promotion of sustainable modes of travel in accordance with national and local planning policies.

14. Prior to the construction of the properties on plots 3 to 15 precise details of existing and proposed levels (including cross sections) in relation to the properties at 1-4 The Laurels and the ongoing development at the former Robbins Transport yard shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan 2006 – 2021.

15. 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.

16. Within 3 months of the date of this decision a tree management plan for construction has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details agreed in that plan.

Reason: to afford appropriate protection to animal and plant species in accordance with policies AW5 & AW8 of the Rhondda Cynon Taf Local development Plan.

17. Within 3 months of the date of this permission details of the landscape, tree and hedgerow mitigation plan has been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To protect residential and visual amenity in accordance with

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

PLANNING & DEVELOPMENT COMMITTEE

19 OCTOBER 2017

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 494758)**

See Relevant Application File