



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 APRIL 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 18/0294/08 (CHJ)  
**APPLICANT:** Ramboll on behalf of RCTCBC  
**DEVELOPMENT:** Section 73 application to modify Condition 2 of planning consent 17/0131/08 to include the following: amendment of alignment of upper Miskin Road; provision of open eastern backspan to River Cynon and Rail Bridge B1; change of Retaining Wall S2 from vertical concrete to sloping grass; change of Retaining Wall S1 to retain existing masonry wall.  
**LOCATION:** LAND AT MISKIN ROAD AND NEW ROAD, MOUNTAIN ASH  
**DATE REGISTERED:** 21/03/2018  
**ELECTORAL DIVISION:** Mountain Ash East / Penrhiwceiber

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**REASONS:** The amendments proposed are relatively modest (in the context of the scheme) and will have no significant additional environmental impacts on the scheme itself or have any negative impacts on any residential / commercial properties in this area.

As stated in the original report to Committee, the scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion and the creation of new development opportunities and will improve the potential and perception of the town.

While the bridge will have a direct impact on a significant part of the Cynon River Park and its environment, the applicants have satisfactorily addressed any environmental issues in a cogent and comprehensive manner and their findings in this respect are considered to be appropriate.

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**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 DETAILS**

This is a Section 73 application. This type of application is made where an applicant who has previously gained planning consent wishes to amend the consent by

varying one (or more) of the conditions attached to that consent. This is a common type of application and avoids the need to resubmit the whole application.

In this case, the applicant (RCTCBC) wishes to make some relatively minor amendments (but over a large area) and is seeking to modify Condition 2 of Planning Consent 17/0131 – which is the condition that lists the references all of the “approved plans”.

The changes put forward by this application are, arguably, “permitted development”, that is to say that, by virtue of the works that the Council can carry out as the Highway Authority, planning permission may not be required to undertake them however, in the interests of openness and transparency it has been decided to submit the changes to Committee for consideration.

The changes proposed can be summarised as follows:

- Amendment to the alignment of the Upper Miskin Road to move the road generally towards the railway and lower the level by a maximum of 1.5m in order to eliminate the need for “Retaining Wall S4” (a wall catering for the level difference between the new Miskin Road and existing building frontages) and a second footway adjacent to the buildings
- Provision of an open eastern span in lieu of a vertical concrete wall to the River Cynon and “Rail Bridge B1” in order to better balance the spans, prevent construction of large abutments and wing-walls, prevent a large volume of structural fill import (approximately 1000 m<sup>3</sup>) and provide a more attractive open-aspect structure for users of the Cynon Trail
- Change in construction of “Retaining Wall S2”, from a vertical reinforced earth wall with reinforced concrete facing panels to a 70° grass-faced reinforced soil slope
- Amendment to “Retaining Wall S1” involving retaining the existing masonry retaining wall adjacent to the railway, enabling the height of the new reinforced earth wall behind to be reduced by up to 3m

## **SITE APPRAISAL**

The site appraisal remains the same as the original report to Committee which is included as **APPENDIX 1**

## **PLANNING HISTORY**

The planning history remains the same as the original report to Committee other than the addition of consent reference 17/0131 which is included as **APPENDIX 2**

## **STATUTORY CONSULTATIONS**

Committee is advised that the same consultations have been carried out as per the original application (17/0131).

**RCT Transportation Section** - No objections.

**RCT Public Health & Protection Section** - No objections subject to conditions.

**RCT Land Reclamation & Engineering Section** - No objections

Network Rail – no objections. Offers advice on contractual requirements in developing in or around Network Rail land.

NRW - no objections in principle to the scheme however have requested that the applicant updates the FCA to take into account the changes.

Dwr Cymru / Welsh Water - raise no objections subject to conditions and provide detail in respect of the presence of their apparatus in the vicinity of the application site.

Coal Authority – response awaited.

Western & West Utilities - provide detail in respect of the location of their apparatus in the vicinity of the application site.

National Grid - TRANSCO - advise in respect of the location of their apparatus in the vicinity of the application site.

Police Authority - no response received.

## **PUBLICITY**

Committee is advised that the original application was 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 – independent of the LPA.

The intention of this new piece of Welsh Government legislation is to “front-load” the development 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.

This process was carried out between 25th November 2016 and 3rd January 2017. A 56 page Pre-Application Consultation Report was submitted with the application (as required by the 2016 Order).

Committee is advised that a Section 73 application **does not** require the applicant to carry out an additional Pre-Application Consultation exercise.

The statutory planning application consultation process was carried out with the same properties that were consulted as part of the applicant’s pre-consultation process and the original planning application (17/0131) – even though the changes proposed are to only part of the overall scheme.

At the time of writing this report, one letter of concern was received from a resident in Lower Forest Level (Newtown). The concerns relate to the noise being encountered as part of the works and detail their personal ailments.

While the concerns are acknowledged it is not possible to construct such a large scale project without an element of disruption (which includes noise). That said, Committee is advised that the planning consent has not been implemented yet and that the works that are being carried out are pre-construction works that are being undertaken as part of the Council's (as the Highway Authority) "permitted development" rights. A copy of this letter has been passed to the relevant Section within the Council with a request that a response is sent to the complainant.

## **PLANNING POLICY**

The planning policies pertinent to the consideration of this application are the same as the original report to Committee and are included within Appendix 1.

## **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.

The two fundamental planning issues in the consideration of the original application are highway safety (as the application is a highway scheme) and ecology (as the highway works span a river and its environment).

Other principal considerations were design (including visual amenity), residential amenity, flood risk and public safety.

These issues were considered against the back drop of the policies within the Council's LDP and National Policy (Planning Policy Wales and TAN 15).

It was also necessary to distinguish between those works which do specifically require planning permission and those that do not.

The current scheme proposes four principal changes:

- Amendment to the alignment of the Upper Miskin Road to move the road generally towards the railway and lower the level by a maximum of 1.5m in order to eliminate the need for "Retaining Wall S4" (a wall catering for the level difference between the new Miskin Road and existing building frontages) and a second footway adjacent to the buildings

- Provision of an open eastern span in lieu of a vertical concrete wall to the River Cynon and “Rail Bridge B1” in order to better balance the spans, prevent construction of large abutments and wing-walls, prevent a large volume of structural fill import (approximately 1000 m<sup>3</sup>) and provide a more attractive open-aspect structure for users of the Cynon Trail
- Change in construction of “Retaining Wall S2”, from a vertical reinforced earth wall with reinforced concrete facing panels to a 70° grass-faced reinforced soil slope
- Amendment to “Retaining Wall S1” involving retaining the existing masonry retaining wall adjacent to the railway, enabling the height of the new reinforced earth wall behind to be reduced by up to 3m

Arguably, the proposed changes may also constitute “permitted development”. While a case could be made that a further consent would not be required it was decided that, in the interests of openness and transparency, an application would be made and presented to Committee for consideration.

While the application made under Section 73 enables Committee to consider the whole application, Members are advised that the original consent remains “live” so, in practise, consideration should primarily be given to the proposed changes.

The proposed changes, of themselves relate only to relatively minor elements of the overall scheme although, due to the nature of the scheme, means that they cover a relatively large (or long) area.

The changes will not affect the ecology of the area any more than the original proposal and the conditions attached to the original consent would still address any concerns advanced by the Council’s Ecologist and NRW.

The changes are also considered to be acceptable in highway safety terms and no objections have been received from the Transportation Section. Again, conditions attached to the original consent would still apply and satisfy any highway safety concerns.

The replacement of a vertical wall with a landscaped bank will also help soften the appearance of the scheme and is considered acceptable subject to the landscaping conditions attached to the original consent.

All of the proposed changes are considered to improve the scheme as well as reduce the amount of retaining and other structures that form part of the scheme.

In light of the above, the only condition that will require an amendment from the original consent is Condition 2 which originally read:

*“The development hereby approved shall be carried out in accordance with the plans and documents listed in “Mountain Ash CVL - List of Planning Documents” (dated 06/03/17) unless otherwise to be approved and superseded by details required by any other condition attached to this consent.*

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

As a result of the proposed changes the revised Condition 2 will read:

*The development hereby approved shall be carried out in accordance with the plans and documents listed in “**MOUNTAIN ASH SOUTHERN CROSS VALLEY LINK – REVISED LIST OF PLANNING DOCUMENTS**” (dated 05/04/18) unless otherwise to be approved and superseded by details required by any other condition attached to this consent.*

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

## **CONCLUSIONS**

In conclusion, a significant part of the proposal lies within the Cynon River Park and the bridge will have a direct impact on this environment. However, the applicants have addressed environmental issues in a cogent and comprehensive manner and their findings in this respect are reflected in the comments made above.

The scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion and the creation of new development opportunities, and will improve the potential and perception of the town.

## **COMMUNITY INFRASTRUCTURE (CIL) LEVY**

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

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

## **RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW:**

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

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

2. The development hereby approved shall be carried out in accordance with the plans and documents listed in “**MOUNTAIN ASH SOUTHERN CROSS VALLEY LINK – REVISED LIST OF PLANNING DOCUMENTS**” (dated 05/04/18) unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until such time as a timescale for the submission of a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.

The Plan shall be submitted in accordance with the approved timescales.

The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland 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 and species could be harmed
- d) Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,
- e) Details of tree and woodland protection measures, and pre-construction tree management works
- f) Details of wildlife sensitive lighting proposals
- g) Details of water pollution control measures
- h) An agreed scheme of progress reporting to the Council during the construction programme.

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management 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) Specific species and Habitat Mitigation measures

vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until such time as a timescale for the submission of a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.

The Plan shall be submitted in accordance with the approved timescales.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;
- ii) A review of the plans ecological potential and constraints (ensuring integration with ecological and tree recommendations);
- iii) Details of the landscaping schemes, including;
  - a. species composition,
  - b. source of material (all native planting to be of certified British provenance and no wildflower rich seeds to be used),
  - c. techniques and methods of vegetation establishment (natural restoration),
  - d. method statements for site preparation and establishment of target habitat features;
  - e. extent and location of proposed works;
  - f. invasive plant control (especially Japanese Knotweed)
  - g. aftercare and long term management;
  - h. personnel responsible for the work;
  - i. timing of the works;
  - j. monitoring;



- k. disposal of waste arising from the works;

All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

5. No development shall take place until details of a method statement for treatment and use of the Cynon Trail during the construction period has been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise any impact of the development on this route.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

7. Prior to commencement of development, a Plan demonstrating:
- How surface and/or ground water is prevented from becoming contaminated with any materials generated on or brought to site, ensuring only clean surface and/or ground water drains in to the River Cynon;
  - Measures to treat any contaminated water generated on site so as to ensure only clean water discharges to the River Cynon (the plan will need to specify which mitigation measures will be deployed throughout the development phases until completion);
  - Measures to ensure mitigation methods deployed are working effectively until completion. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection.

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with any approved scheme.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local

Development Plan.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with the measures for their protection in the course of development.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.

Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to commencement of development, further site investigation shall be carried out in accordance with Paragraph 6.12 of the submitted Ground Investigation Report (Capita, November 2016) and the details submitted to, and approved in writing by, the Local Planning Authority, along with any requirements which need to be carried out as part of the development.

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

Reason: In the interests of public safety and to comply with the requirements of Planning Policy Wales and Policy AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be

sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No surface water shall be allowed to connect (either directly or in-directly) to 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 detriment to the environment.

14. No land drainage run-off will be permitted either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

15. The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

**APPLICATION NO:** 17/0131/08 (CHJ)  
**APPLICANT:** RCTCBC  
**DEVELOPMENT:** New bridge structure, approximately 60m in length, connecting the A4059 (New Road) with the B4275 (Miskin Road). The proposed structure spans the River Cynon, Aberdare-Cardiff railway line. To facilitate these works, a section of the B4275, approximately 385m long will be upgraded. There will be associated retaining structures to enable the B4275 improvement, and there will be improvements to the junction of New Road and the Cwm Cynon Industrial Estate access road.

**LOCATION:** LAND AT MISKIN ROAD AND NEW ROAD, MOUNTAIN ASH

**DATE REGISTERED:** 01/02/2017  
**ELECTORAL DIVISION:** Mountain Ash East / Penrhiwceiber

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**REASONS:** The scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion, improved access for residents to employment areas and the creation of new development opportunities and will improve the potential and perception of the town.

While the bridge will have a direct impact on a significant part of the Cynon River Park and its environment, the applicants have satisfactorily addressed any environmental issues in a cogent and comprehensive manner and their findings in this respect are considered to be appropriate.

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**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.

## **PREFACE**

Committee will note from the PLANNING HISTORY section of this report that substantially similar schemes have already been approved under planning application reference numbers 04/2117 and 10/0555. Both of these approvals have since expired, the schemes having not been implemented. Also the LDP has been adopted and Planning Policy Wales has been updated since the 2010 approval

Committee is also advised that elements of the project are considered to be "permitted development" (*that is to say that by virtue of the fact that the works are being carried out by the Council, Parts 12, 13 & 14 of The Town and Country Planning (General Permitted Development) Order 1995 applies and the works involved do not specifically require planning consent*) but have been included in this assessment for completeness. Further information relating to these elements of the overall proposal is contained later in the report.

## **APPLICATION DETAILS & SITE APPRAISAL**

The application site is comprised of Miskin Road in Mountain Ash and a span eastward there from across the railway, river and the Cynon Trail linking with the northern Cwm Cynon Estate Road.

The proposal represents the second extensive phase in the provision of the Mountain Ash southern cross-valley link as part of a series of improvements to the route of the A4059 and the B4275. The proposal involves not only the construction of the bridge itself but also substantial improvements to facilitate the widening of Miskin Road.

### The Bridgeworks

The bridge will span and rise from the Cwm Cynon development across the Cynon Trail, the Afon Cynon and the Cardiff to Aberdare railway line, to join Miskin Road on the west side of the valley.

The bridge will primarily function as part of the highway network.

The proposed two span structure will have an overall length of 60 metres. The main span over the railway and river is 37 metres long, and the side span over the Cynon Trail is 23 metres long.

The proposed deck will be a continuous span over the intermediate support.

The options considered for the bridge construction and layout are limited by the constraints of the site. The west abutment has to fit into a narrow band between the road junction (with Miskin Road) and the railway.

The final structure is to be an absolute minimum of 4.5 metres offset from the nearest rail. It is desirable to have the intermediate columns as far from the riverbank as possible so as not to affect local flood levels. In addition, the highway alignment and slope of Miskin Road requires the steel plate girders to fan out both vertically and horizontally at the west abutment. The span of the bridge is therefore a composite steel plate/girder/concrete slab construction.

The form of the substructure has also been determined by the position of the railway and the road junction. It is intended to use a reinforced earth retaining wall on the rail side for the majority of the Miskin Road. Therefore, the current proposal for the western abutment is to construct a "bank seat" abutment that bears onto the reinforced wall. To accommodate the increased bearing pressures under the west abutment, the reinforced earth wall is likely to sit on piled foundations to remove any possibility of "heave" and "settlement" which could affect the rail. The intermediate support consists of a single row of bored concrete piles supporting a reinforced concrete pier, which is to be "haunched" at the top to land the steel plate girders and accommodate the significant forces. The eastern abutment is to be of a similar arrangement to the intermediate pier located at the base of the slope with the addition of backfilled wing walls to tie the bridge into the existing road level.

It is intended to make the bridge jointless, which will help reduce maintenance and increase durability. It is also intended that the bridge will be constructed using

weathered steel as it does not require painting, will be in keeping with the landscape and will reduce maintenance costs.

The position of the abutments and intermediate piers should ensure that the bridge does not have a detrimental effect on the flood characteristics of the river.

It is proposed to incorporate ecological measures such as bat and bird boxes into the bridge abutments and supported off the superstructure as required.

The bridge has been designed with sufficient clearances to allow for Network Rail's planned electrification of the Valley Lines.

### The Roadworks

The scheme will provide a two-way three lane link road extending from the Cwm Cynon access to B4275 Miskin Road.

The central lane of the link road will be used for turning vehicles.

A two metre wide footway will be provided to the majority of both sides of the link. Miskin Road will be improved to a two-way full width road with a two metre footway along its western side and between the link road and Penrhiwceiber Road on the eastern side.

The new junction to be formed between the link and Miskin Road would be subject to traffic light controls.

Pedestrian access will be maintained to the residential property rears of Cynon View and Glyngwyn Street and Miskin Road. Minor reconfiguration and extension of Bush Road onto the realigned Penrhiwceiber Road is proposed. Glyngwyn Street's junction with Penrhiwceiber Road is proposed to be closed to traffic due to its close proximity to Penrhiwceiber Road.

Turning facilities and public parking is to be provided in the redundant carriageway in front of Navigation Villas.

The requirement to widen Miskin Road also brings with it the need to provide a series of new retaining walls in four distinct elements:-

### Miskin Road Retaining Wall (retaining Miskin Terrace)

A masonry stone wall approximately 3 metres high currently retains the land and properties adjacent to this section of Miskin Road. The proposed wall is required to widen Miskin Road and will help minimise the effects on residential properties and the adjacent steep embankment. It will retain the remaining parts of the gardens to No.'s 1 & 2 Miskin Terrace and Glyngwyn Street. The proposed wall will be 152 metres long and will have an average height of 3.25 metres. The main construction will either be a cantilever sheet pile retaining wall or a reinforced concrete cantilever retaining wall. The wall will be faced with a mixture of reclaimed local stone and matching Pennant sandstone. A coursed random rubble pattern will be used.

### Miskin Road Reinforced Earth Retaining Wall (retaining Miskin Road adjacent to the railway)

It is proposed to use a reinforced earth retaining wall along the majority of Miskin Road (on the railway side). The wall will be in **two** distinct stages.

The **first** section from the north to the west bridge abutment is to extend down to the rail level. The close proximity of the road to the rail requires the wall to extend to track level to negate the risk of the wall affecting the track bed. Excavating down to rail level will provide the necessary access corridor for the plant and machinery required to pile under the west abutment and therefore minimises the span of the bridge over the river and the railway. The height of the wall increases from an initial parapet ground beam to a maximum height of around 7 metres at the abutment.

The **second** section of the reinforced earth retaining wall extends from the western abutment to Penrhiwceiber Road. As the proximity of the road to the rail increases along this section, the excavation does not need to extend down to rail level. It is therefore intended that the wall will extend down into the ground sufficiently to transfer the forces below the rail. The maximum height of the reinforced earth along this section is approximately 8 metres, reducing to ground level at the southern extent of the scheme.

### Miskin Footway Retaining Wall

The proposed wall is required to maintain pedestrian access to the property rears of Cynon View and Glyngwyn Street. It will preserve the direct pedestrian route from Glyngwyn Street via the existing stepped passage to the new link road. The wall will retain the proposed road and main footway. The reinforced concrete retaining wall will be 62 metres long and has an average height of 2 metres. It will have a plain (smooth) concrete finish. A steel vehicular / pedestrian parapet will be provided to the top of this wall with two horizontal rails and vertical infill bars. A "DDA compliant" footway is also provided to link Penrhiwceiber Road to Miskin Road at a high level along the top of the retaining wall.

The scheme will also necessitate the demolition of the following properties, or includes the site of these properties already demolished:-

- Miskin Cottages;
- Miskin Cottages (unoccupied);
- The Corner Shop, Penrhiwceiber Road (Demolished);
- Ty Cynon, Miskin Road, (Demolished),
- Garages adjacent to 2 Miskin Cottages;
- 4 no. garages opposite Miskin Terrace.

Additionally, part of the front gardens of nos. 1 and 2 Miskin Terrace and garden (opposite No.11) belonging to No.10 Miskin Terrace would also be absorbed by the scheme.

The proposal also provides for drainage by alteration to existing facilities outfalling ultimately to the River Cynon and street lighting in the area will also be improved.

## **PLANNING HISTORY**

51/94/421	Construction of 11 metre wide carriageway with access track to coal yard and turning head	Approved with conditions 25/01/95
04/1227	Business Enterprise Centre 28 no. workshops and associated works	Approved with conditions 12/11/04
04/2117	Construction of the Mountain Ash southern cross valley link – Stage 2 (Bridge)	Approved with conditions 03/06/05
10/0555	Construction of the Mountain Ash southern cross valley link – Stage 2 (Bridge) – Variation of Condition 1 of permission 04/2117	Approved with conditions 02/08/10

## STATUTORY CONSULTATIONS

**RCT Transportation Section** - No objections.

**RCT Public Health & Protection Section** - No objections subject to conditions.

**RCT Land Reclamation & Engineering Section** - No objections

**Network Rail** – No objections. Offers advice on contractual requirements in developing in or around Network Rail land.

**NRW** - No objections subject to conditions.

**Dwr Cymru / Welsh Water** - Raise no objections subject to conditions and provide detail in respect of the presence of their apparatus in the vicinity of the application site.

**Coal Authority** – Response awaited (confirmation of pre-application advice)

**Western & West Utilities** - Provide detail in respect of the location of their apparatus in the vicinity of the application site.

**National Grid - TRANSCO** - Advise in respect of the location of their apparatus in the vicinity of the application site.

## PUBLICITY

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 – independent of the LPA.

The intention of this new piece of Welsh Government legislation is to “front-load” the development 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.



This process was carried out between 25<sup>th</sup> November 2016 and 3rd January 2017. A 56 page Pre-Application Consultation Report was submitted with the application (as required by the 2016 Order).

To avoid confusion, the traditional statutory planning application consultation process was carried out with the same properties that were consulted as part of the applicant's pre-consultation process. This comprised of a formal notice being placed in the Press (Western Mail), site notices displayed in and around the site, and 119 individual neighbour notification letters being sent out.

As a result of this exercise **one** objection response has been received raising the following issues:

- Concern that the traffic surveys were done over a year ago and requesting that new surveys are carried out.
- Concern over structural surveys that have / have not been carried out as part of the application.
- Queries whether there are plans to amend the carriageway / pavement to allow for safe drop off and still allowing the free flow of traffic.
- Queries the term "redistribution" of traffic flow and why the Council is considering this development.
- Concerns over the level of noise at Lower Forest Level as a result of the development.

These issues have been addressed in the REASONS FOR REACHING THE RECOMMENDATION Section of the report.

## **PLANNING POLICY**

### **LDP Policy**

#### Proposals Map

The whole scheme falls within the settlement boundary of the key settlement of Mountain Ash.

The lines of the proposed bridge and Miskin Road improvement are indicated as a proposed major road scheme.

The proposed bridge and the Cwm Cynon North access road are inside the Cynon Valley River Park.

The River Cynon is a Site of Importance for Nature Conservation (SINC).

#### Constraints Map

The proposed bridge and Miskin Road improvement are within the TAN 15 flood

Zone C2 (undefended flood plain).

#### Core Strategy Policy

**Policy CS 1** emphasises building strong, sustainable communities. This includes promoting large-sale regeneration schemes in the key settlement of Mountain Ash (4) and promoting accessibility by securing investment in new roads (5).

**Policy CS 8** provides for highway network improvements to complement the strategic highway network.

#### Area Wide Policy

**Policy AW 5** gives amenity and accessibility criteria for new development, including proposals should not cause or exacerbate traffic congestion (2c).

**Policy AW 6** gives design criteria for new development, including a high standard of design of the built form on major routes (5); the use of public art (6); use of landscaping (7); the protection and enhancement of landscape and biodiversity (14); and use of porous paving (16).

**Policy AW 8** requires mitigation of any impact of development on SINC (such as the River Cynon).

**Policy AW 10** gives public health criteria for new development, including air pollution (1), noise pollution (2); light pollution (3); water pollution (7); and flooding (8).

#### Strategy Area

**Policy NSA 12** gives 4 criteria for development inside the settlement boundaries in the Northern Strategy Area, including protection of open space (1), the highway network (2) and car parking (3), and the avoidance of instability and contamination (4).

**Policy NSA 20** safeguards land for the Mountain Ash Southern Cross Valley Link  
Policy NSA 26 supports development that contributes to the achievement of the Cynon Valley River Park strategy.

#### **SPG**

- Design & Placemaking
- Nature Conservation
- Employment Skills

#### **Evidence Base**

EB68 Mountain Ash Town Centre Regeneration Strategy

#### **National Planning Policy**

##### Planning Policy Wales 9

**Para. 8.1.5** supports necessary transportation infrastructure improvements.

**Para 8.7.1** gives 7 criteria for proposals with transport implications, including impact on travel demand, effect on public transport, provision for different transport modes, impact on the environment and the impact on safety and convenience of transport users.

Technical Advice Note 15 (Development and Flood Risk)

Transport and utilities infrastructure is defined as “less vulnerable development”.

Less vulnerable development, including transport infrastructure, will only be justified where its location in Zone C is necessary for regeneration or to sustain a settlement, or for meeting key employment objectives, and it is previously developed land and the FCA demonstrates acceptable consequences of flooding.

Technical Advice Note 5: (Nature Conservation and Planning)

states (paragraph 6.3.7) that the LPA should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats, otters or great crested newts on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

## **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.

The two fundamental planning issues in the consideration of this application are highway safety (as the application is a highway scheme) and ecology (as the highway works span a river and its environment).

Other principal considerations are design (including visual amenity), residential amenity, flood risk and public safety.

These issues are to be considered against the back drop of the policies within the Council’s LDP and National Policy (Planning Policy Wales and TAN 15).

It is also necessary to distinguish between those works which do specifically require planning permission and those that do not.

### **Permitted Development**

Committee will be aware that not all building works require planning consent. Work that can be done without planning consent is known as “permitted development”.

What does and does not require planning consent is set out in The Town & Country Planning (General Permitted Development) Order 1995.

As the Local Authority, the Council enjoys a significant number of permitted development rights that do not exist for other developers. Of particular relevance is Part 12 (Development by Local Authorities), Part 13 (Development by Local Highway Authorities) and Part 14 (Development by Drainage Bodies).

The effect of this means that not all aspects of the proposed development of this site specifically requires planning consent. Should Committee approve this planning application, these can be undertaken independently of the rest of the development (although the nature of this development means that these works would be unlikely to be carried out should the scheme as a whole not be approved).

While Committee is entitled to consider the development as a whole the aforementioned elements have been included in the application for completeness so that the local community can see and understand the full extent of the redevelopment proposed.

### **Ecology**

In respect of ecology, both NRW and the Council's Ecologist were consulted in respect of the development.

Members will note that there are similarities between the comments of both consultees. Although their respective roles and responsibilities are discrete, the nature of their subject area means that this is largely inevitable.

### **RCT Ecologist**

- **Phase I Habitat Survey and NVC Survey**

The application has been supported by appropriate habitat survey work. This has confirmed that the direct impacts of road/bridge construction is the loss of areas of small areas of relatively diverse and typically eclectic 'brownfield' grassland habitats with areas of planted and self seeding mixed woodland, and scrub.

The bridge will span the River Cynon (which is part of a Site of Importance for Nature Conservation 57). There are also some ponds in the vicinity of the assessment area. The loss of grassland woodland/scrub is not significant given the extent of such habitat in the immediate vicinity. Loss of riverside woodland cover is inevitable, but this shouldn't have any significant impact on habitat connectivity along the river, and again, considerable areas of similar habitat occur up and down stream of the proposed road bridge.

The ponds do not appear to be physically affected. Mitigation will be required, although the proposal to re-seed with wildflower rich grass seed is not necessary and is addressed through the condition below.

- **River Habitat Survey**

A specific River Cynon habitat assessment has also been submitted. This is again an appropriate level of survey assessment and was subject to agreement with NRW. The bridge spans the river and from the details submitted there are no physical construction works proposed in the river. Invasive plants (Japanese Knotweed and Himalayan Balsam) infestation is rife. There are however a series of mitigation recommendations identified, including pollution prevention measures, general otter mitigation, invasive plant control, sensitive clearance of vegetation in relation to protected species and fish mitigation. In terms of the main river NRW comments are of key pertinence. All of the mitigation required is addressed in the conditions below.

- Otter

The survey work confirmed that otter use the river section (one otter “spraint” found in four site visits).

The survey also confirmed that suitable otter habitat occurs in the immediate survey area. No otter “holts” were recorded, although the report recognises that construction works might cause temporary disturbance to any otters in the area.

The assessment also identifies the potential implications of water pollution and inappropriate lighting on otter use of the river. To counter these concerns the report submitted includes a series of otter mitigation measures, including a further pre-construction survey, tall box talks, construction precautions, pollution controls controlled lighting, an otter ledge and appropriate landscaping. Again, NRW observations are of primary importance in relation to otter however it is considered that with mitigation the impacts on otter can be acceptably mitigated.

- Bats

A “common” and “soprano pipistrelle” roost was found in No’s 1 and 2 Miskin Cottages, with an assessment of low numbers probably representing satellite or male roosts. Demolition of these buildings will require a (separate) European Protected Species licence from NRW. The scheme includes provision for new roost sites in the bridge construction, which is the only built structure which can accommodate alternative roost sites.

No trees with “moderate” or “low” bat potential are identified as being removed. Precautionary measures are recommended.

Six species of bats were recorded in survey work and the report concludes minimal impact on foraging/commuting areas. The lighting plan of the new road is identified as the most significant concern, and a “bat friendly” lighting plan is the subject of the condition below.

- Great Crested Newts

Four ponds within the immediate vicinity of the road/bridge construction were surveyed for Great Crested Newt (GCN). Although palmate newt were recorded in three of the ponds no GCN were recorded, and the ponds were assessed as “poor” to “average” as potential GCN ponds.

There are no GCN records within 2KM of the site. The submitted report concludes that GCN is therefore not a species concern, and the Council's Ecologist supports that conclusion.

The report does identify the need for incidental movement of amphibians found during any reptile translocation works, and a condition is proposed to this effect.

- Reptiles

An appropriate reptile survey has been completed, which has identified a good population of slow worms within parts of the area affected by construction.

The report highlights the needed for a mitigation strategy with translocation of reptiles into adjacent undisturbed areas. Given the large areas of similar and retained potential reptile habitat on adjacent areas of the Industrial estate and river bank, the impacts of development on reptile habitat are very low. However mitigation is needed and this is secured by a condition.

- Breeding Birds

The bird survey has identified 41 bird species of which 2 were confirmed, 27 "probably" and 3 "possibility". These included probable kingfisher (Wildlife and Countryside Act, Schedule 1 Protected Species) breeding. There are also 14 species of conservation concern (including kingfisher) this included a territorial pair of dipper and grey wagtail. The report concludes that while a diverse bird community exists, the impacts on birds can be successfully mitigated through the implementation of a scheme of controlled habitat clearance, too-box talks, pollution controls, landscaping, and bird boxes. The Council's Ecologist is satisfied that, provided this mitigation is secured, then the assessment conclusions are acceptable.

- Badger

Survey work identified an outlier badger sett and badger activity on the hillside on the hillside on the eastern side of the Valley. However no badger evidence was found in (or immediately adjacent) to, the road/bridge construction area, or west of the A4059.

The report concludes that badger impacts associated with construction and operation of the road are low. Again, the Council's Ecologist accepts the evidence and rationale for this conclusion subject to precautionary badger measures to be secured by a condition.

- Tree Report

A tree survey has also been submitted. As would be expected with the wooded riverbanks situation/context, there is quite a significant tree removal required. However, as identified in the Tree Report this is mainly young or early mature tree growth comprised mainly of planted and self seeded trees in mixed groups (alder, ash, willow, hazel, elm, sycamore, rowan, hawthorn, hazel, birch, oak, pine, apple and horse chestnut).

In garden areas there are Lawson's Cypress affected and some Leylandii. One group G41 (goat willow, hawthorn, hazel, oak and Scot's pine) is assessed as higher B2 retention value, the rest are lower value C quality trees.

The report recommends tree protection measures for retained trees, a scheme of tree works to retained trees (adjacent to the new road), and a recommendation for replacement planting.

While, the road construction will involve an inevitable loss of tree cover, the tree report has not identified any trees of significant Tree Preservation Order potential, and trees affected are either young or early mature, so no mature trees or ancient woodland areas are affected.

The immediate context of the bridge development site is also well woodland, and the great majority of this will be retained, and will continue to develop. With appropriate conditions the Council's Ecologist is satisfied that the tree impact can be successfully managed to an acceptable standard.

- Summary

Provided NRW are satisfied with the ecological assessment and impacts, it is considered that with implementation of the conditions proposed below, the ecological impacts of this application can be adequately mitigated.

***No development shall take place until such time as a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.***

***The plan shall include:***

- a) An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland 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 and species could be harmed***
- d) Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,***
- e) Details of tree and woodland protection measures, and pre-construction tree management works***
- f) Details of wildlife sensitive lighting proposals***
- g) Details of water pollution control measures***
- h) An agreed scheme of progress reporting to the Council during the construction programme.***

**Persons responsible for:**

- i) Compliance with legal consents relating to nature conservation;**
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);**
- iii) Installation of physical protection measures and management 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) Specific species and Habitat Mitigation measures**
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.**

**All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan**

**No development shall take place until a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.**

**The Landscape Mitigation Plan shall include details of;**

- i) Purpose, aim and objectives of the scheme;**
- i) A review of the plans ecological potential and constraints (ensuring integration with ecological and tree recommendations);**
- ii) Details of the landscaping schemes, including;**
  - a) species composition,**
  - b) source of material (all native planting to be of certified British provenance and no wildflower rich seeds to be used),**
  - c) techniques and methods of vegetation establishment (natural restoration),**
  - d) method statements for site preparation and establishment of target habitat features;**



- e) extent and location of proposed works;**
- f) invasive plant control (especially Japanese Knotweed)**
- g) aftercare and long term management;**
- h) personnel responsible for the work;**
- i) timing of the works;**
- j) monitoring;**
- k) disposal of waste arising from the works;**

**All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.**

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

#### Ecology (NRW Response)

Based upon the information provided, NRW recommend that the Council (as LPA) should only grant planning permission if conditions are attached to any permission granted. These would address significant concerns that they have identified and NRW have concluded that they would not object provided these conditions were attached to any permission.

- European Protected Species

NRW welcome the submission of the following documents 'Mountain Ash Cross Valley Link - Bat Surveys', 'Mountain Ash Cross Valley Link - Otter Survey' and 'Mountain Ash Cross Valley Link - Great Crested Newt Survey', produced by Capita, dated November 2016, that have been submitted to support this pre-application. From these documents, NRW note the following:

- Common and soprano pipistrelle bats were found to be roosting within 1 and 2 Miskin Cottages, which are to be demolished.
- Up to six species of bats were observed using the site or its boundaries for commuting and/ or foraging.
- Evidence of otter presence in the form of spraints was found in the River Cynon within circa 250 metres from the development site, but no potential or confirmed Holt sites were found.
- No great crested newts were found to be present in any of the ponds affected by the development.

NRW advise that bats, otters, great crested newts, and their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Where these species are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

A licence may only be authorised if:

- The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats, otters or great crested newts on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the information provided, NRW are of the view that the proposed development is likely to give rise to the need for a European Protected Species licence application in respect of bats. However, they do not consider that the development is likely to be detrimental to the maintenance of the population of any of the species concerned at a favourable conservation status in its natural range, provided that suitable mitigation measures are implemented.

Therefore, NRW do not object to the proposal, subject to:

The scheme being implemented in accordance with the mitigation measures described in the survey reports titled 'Mountain Ash Cross Valley Link – Bat Surveys', 'Mountain Ash Cross Valley Link - Otter Survey' and 'Mountain Ash Cross Valley Link - Great Crested Newt Survey', by Capita, dated November 2016. NRW advise that this should be secured through planning conditions and / or a Section 106 agreement;

and

Inclusion of a planning condition on any planning permission that prevents the commencement of any demolition/ development works, which could affect structures that contain bat roosts, until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/ development to go ahead.

NRW advise that they may wish to discuss aspects of the proposed mitigation with the applicant in more detail during the European Protected Species licence application stage. They further advise that any changes to plans or proposed mitigation between the application stage and the EPS licence application may affect the outcome of the licence application.

***Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.***

***Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.***

### **Highway Safety**

As part of the application process, the Council's Transportation Section was consulted. As this is a Council scheme, that Section has been heavily involved in helping to shape the scheme into its final submission. As a result it is concluded that the proposal is acceptable subject to detailed design and road safety audits being carried out. Accordingly, no highway objections are raised or conditions suggested.

### **Cynon Trail NCN478**

This cycle path/trail runs along the eastern bank of the River Cynon. The new bridge proposals will over-fly the route, however during construction works there is likely to be a need to close this route for periods of time, and some appropriate diversions may be needed. Accordingly, the following condition is proposed:

***No development shall take place until details of a method statement for treatment and use of the Cynon Trail during the construction period has been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved scheme.***

**Reason: To minimise any impact of the development on this route.**

### **Public Safety**

#### **Past Mining Activity**

The site is partially located within a "High Risk" area for past mining activity. A Ground Investigation Report (GIR) has been submitted with the application. At the time of writing this report no response has been received from the Coal Authority although the applicant's Pre Application Consultation with them concludes that the applicant has

*".....obtained appropriate and up-to date coal mining information for the proposed development site and has used this information to inform the Ground Investigation Report (dated November 2016)".*

*“The Ground Investigation Report has been informed by an appropriate range of sources of information; including previous ground investigations. Based on this review of existing sources of geological and mining information, the Ground Investigation Report acknowledges that further site investigations are required”*

*“The Coal Authority concurs with the recommendations of the Ground Investigation Report and we would recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring the site investigation works as detailed in paragraph 6.12 of the report prior to commencement of the development. Subject to the imposition of such a condition we would have no objection to the proposed development.”*

Due to the previous consents on this site for substantially the same development, it was not anticipated that there would be any significant issues with this development but Members will be updated at Committee in respect of any formal response.

In light of these comments, the following condition is proposed:

***Prior to commencement of development, further site investigation shall be carried out in accordance with Paragraph 6.12 of the submitted Ground Investigation Report (Capita, November 2016) and the details submitted to, and approved in writing by, the Local Planning Authority, along with any requirements which need to be carried out as part of the development.***

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

***Reason: In the interests of public safety and to comply with the requirements of Planning Policy Wales and Policy AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.***

#### Land Contamination

NRW have reviewed the following documents:

- Mountain Ash Cross Valley Link Preliminary Sources Study Report, produced by Capita, dated September 2016.
- Mountain Ash Cross Valley Link Ground Investigation Report, produced by Capita, dated November 2016
- Mountain Ash Cross Valley Link - Design and Access Statement, produced by Capita, dated November 2016.

NRW note from the above documents the recommendations made to undertake additional site investigation works, primarily for geotechnical engineering reasons, to inform the detailed design of the viaduct and road. Based on the information submitted, NRW request that the following condition is imposed on any planning permission granted.

***If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in***

***writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.***

***Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.***

#### Pollution Prevention

Due to the nature of the development, NRW request that a suitably worded condition for a Silt Management Plan to cover the matters below, along with emergency/contingency plans in the event of pollution, is included on any permission granted. This is to protect the water environment.

The Council's Public Health and Protection Section have also reviewed the submitted documents and have offered no objection.

#### General Concerns

Other than for its impact on flora and fauna there are other environmental considerations that need to be taken into account and these tend to focus in the areas of noise, congestion and air quality.

The scheme will inevitably result in an increase in traffic volumes; the impact on air quality will be mitigated to a large extent by the traffic becoming more free-flowing as a result of the scheme thereby maximising engine efficiency and reducing pollution, and by traffic being diverted from the residential areas of Glyngwyn Street and Bailey Street. The proposed two way realignment of Miskin Road will reduce the number of residential properties within 50 metres of the B4275 from 230 to 175 and it is also anticipated that properties between the site and the town centre would also benefit from an improvement in air quality. This though would be the end result of the scheme and the construction phase of the development would bring with it disruption that might make worse certain environmental aspects for local residents albeit for a relatively limited period of time. Specifically, this would take the form of localised increases in noise, vibration, dust and dirt; disruption along access routes; diversions delays and an increase in journey times and a temporary loss of public amenity. However, these elements are transient in nature and localised in terms of their actual impact in both a temporal and geographical sense, and consequently concluded that they can be adequately controlled or minimised by a combination of appropriate planning conditions, other legislative provisions available to the Council and the requirements of contract letting conditions.

#### ***Prior to commencement of development, a Plan demonstrating:***

- How surface and/or ground water is prevented from becoming contaminated with any materials generated on or brought to site,***

***ensuring only clean surface and/or ground water drains in to the River Cynon;***

- ***Measures to treat any contaminated water generated on site so as to ensure only clean water discharges to the River Cynon (the plan will need to specify which mitigation measures will be deployed throughout the development phases until completion);***
- ***Measures to ensure mitigation methods deployed are working effectively until completion. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection.***

***shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with any approved scheme.***

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

***Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.***

***Reason: To prevent pollution of the water environment and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.***

### **Flood Risk**

The proposed development is partly within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004).

NRW's Flood Map information, which is updated on a quarterly basis, confirms the site to be partly within the 1% (1 in 100 year) and the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Cynon, a designated main river.

NRW have reviewed the Flood Consequences Assessment (FCA), produced by Capita, dated November 2016. The FCA confirms that the bridge will have a soffit level of 107m AOD. This is sufficiently above the predicted flood level for the 1% (1 in 100 year) plus 25% climate change allowance and the 0.1% (1 in 1000 year) events. Therefore the structure is in line with the guidance (set out in sections A1.14 and A1.15) of TAN 15.

NRW note that the FCA has assessed impact on third parties and they understand that flood levels upstream of the bridge are predicted to increase by approximately 0.002m. NRW consider this to be within modelled tolerances. They therefore have no adverse comments to make from a flood risk perspective.

### Flood Risk Activity Permit (FRAP)

NRW advise that FRAPs will be required for this development. A permanent one will be required for the structure itself and temporary permits will be required for any works that interact with the River Cynon during construction.

### Drainage

With regards to the site drainage NRW note that there will be no associated foul water and that surface water will be treated before disposal to local water course – NRW offer no further comment on site drainage provided pollution prevention measures are employed during the construction phase.

Similarly, the Council's Drainage Section is satisfied with the scheme and has offered no objection.

Welsh Water/Dwr Cymru has offered no objection to the development subject to the inclusion of the following conditions:

***No surface water shall be allowed to connect (either directly or in-directly to 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 detriment to the environment.***

***No land drainage run-off will be permitted either directly or in-directly, to discharge into the public sewerage system.***

***Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.***

***The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.***

***Reason: To protect the integrity of the public sewer and avoid damage thereto.***

### Statutory Protected Sites

The proposed development is located approximately 1.3km from Waun Goch, Penrhiw Caradog SSSI. Considering the distance from the application site, NRW advise that the features of the SSSI are very unlikely to be affected by the proposals.

### **Design (including Visual Amenity)**

Committee is advised that, in designing a bridge and associated infrastructure, the primary consideration is one of safety and longevity and, often times, design is a secondary consideration. That said, this road bridge will become an integral part of the local community for a significant period of time.

The development site itself has little intrinsic value in a landscape context, consisting mainly of scrub and improved grassland with the terracing of the western valley side reaching up to the traditionally built residential properties. The bridge itself would have the greatest visual impact on the wider landscape, though to the public and from the closer populated areas it would be largely unnoticeable only being visible over longer distances across the valley and from the railway line and Cynon trail. The visual impact is further mitigated by the slender design elevation and the blending of the abutment walls with the railway retaining walls. Other than the bridge, the principal visual impact will be from the new retaining walls necessary to facilitate the widening of Miskin Road. This though will be largely mitigated by the fact that much of these features will be obscured by existing trees and overgrowth on the railway embankments and river banks and by the use of reclaimed and new locally sourced stone as a facing material.

In design terms, the original proposals were submitted for review by the Design Commission for Wales. While this application has not been submitted, many of the principles and recommendations have been incorporated into the final design of this scheme.

Where possible, the applicant has sought to use reclaimed and replacement materials that are sympathetic to the traditional materials used in the residential streets of the area (Pennant stone). Where “modern” materials are used (smooth concrete and steel) regard has been had to the appropriateness of its use in this location and its weathering properties which will help to keep it looking attractive without the need for extensive maintenance.

The scheme will also be the subject of landscaping, partly to restore the damage that will be done through the construction period and partly to soften the development and improve its attractiveness.

It is considered; having regard to the nature of the development, that the design of the bridge and the materials proposed, as well as the compensatory landscaping is acceptable.

***No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with the measures for their protection in the course of development.***



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

***All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.***

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

### **Third Party Correspondence**

At the time of writing the report, Committee is advised that one letter of objection has been received in respect of this application out of a total of 119 properties consulted (in addition to notices being placed on site and in the press).

A précis of these comments have been set out in the PUBLICITY section of this report.

The following comments are made in respect of the concerns raised:

Traffic data was collected at the start of the outline design phase of the scheme in Oct 2015 and for the traffic model, a small percentage for anticipated traffic flow increase was applied to the data for predicted flows many years ahead to cater for future growth. As the original traffic survey was conducted only 15 months ago and the remainder of the surveys well within 12 months, further traffic or any other impact surveys are deemed unnecessary prior to Planning Submission which was in January 2017.

Structural surveys to all properties abutting A4059 at Newtown are planned to be carried out prior to the construction phase as a matter of procedure. It is not currently anticipated that the walls will need to be strengthened for the reasons that the carriageway is not being widened towards the retaining walls.

There are currently no plans to develop off-carriageway bus stops and to develop traffic calming measures along the A4059 or change the existing formal crossing point nearest the New Road / Cwm Cynon Industrial Estate junction as part of this project as it is not considered that this proposal will exacerbate such issues; the general principle holds that the project will ease congestion and improve flows.

It will ease congestion on the A4059, especially at and north of Mountain Ash Town Bridge and also to divert traffic away from the built up B4275 across the valley onto

the A4059, bringing traffic relief to the A4059, Mountain Ash Town centre and the Miskin, Penrhiwceiber area. It will reduce traffic heading northbound along the A4059 after Cwm Cynon, thus reducing congestion and improving traffic journey times. It will facilitate further enhancement of the town centre street scene by significantly relieving traffic flows, particularly northbound, in the town centre. It will improve access to existing and new businesses at Cwm Cynon Business Park, complementing the first phase of the link already constructed off the A4059. It will improve the connectivity within the Cynon Valley, and more widely within the region.

Regulation 3 of the Noise Insulation (Amendment) Regulations 1988 states that a Highway Authority is required to make offers of noise insulation to occupiers of residential properties where certain criteria are met. A total of 1280 properties were assessed in a recent Noise Assessment Report and the results show that 56 properties qualify for physical noise insulation measures in accordance with the Noise Insulation (Amendment) Regulations 1998. The noise insulation measures will be drawn up during the next stages of the design.

### **Noise and Disturbance**

Committee is advised that **this issue will be dealt with through Section 61 of the Control of Pollution Act 1964** rather than through the Planning Acts. Members are advised that this is a legitimate mechanism and some may recall that this method was used in the redevelopment of the Sobell site school / leisure development (as well as the recently approved Cwmaman School development). This mechanism is considered to be both more flexible and more capable of enforcement than the use of a planning condition and enables certain works to be carried out (such as internal works) outside of “normal” hours where the nature of the work is such that it will not cause any loss of residential amenity.

It is however considered necessary, on a project of this scale, to include a condition requiring the provision of wheel washing facilities in order to minimise any impact of the development on residents of the surrounding area

***Facilities for wheel cleansing shall be provided before works commence on site in accordance with details to be submitted to and approved by the Local Planning Authority prior to any construction works commencing on site.***

**Reason: In the interests of highway safety.**

### **COMMUNITY INFRASTRUCTURE (CIL) LEVY**

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

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

### **CONCLUSIONS**

In conclusion, a significant part of the proposal lies within the Cynon River Park and the bridge will have a direct impact on this environment. However, the applicants

have addressed environmental issues in a cogent and comprehensive manner and their findings in this respect are reflected in the comments made above.

The scheme is expected to bring significant regeneration effects particularly in such areas as the relief of congestion and the creation of new development opportunities, and will improve the potential and perception of the town.

**RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the plans and documents listed in "Mountain Ash CVL - List of Planning Documents" (dated 06/03/17) unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.

The plan shall include:

- a) An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland 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 and species could be harmed
- d) Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,
- e) Details of tree and woodland protection measures, and pre-construction tree management works

- f) Details of wildlife sensitive lighting proposals
- g) Details of water pollution control measures
- h) An agreed scheme of progress reporting to the Council during the construction programme.

Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
- iii) Installation of physical protection measures and management 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) Specific species and Habitat Mitigation measures
- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan

4. No development shall take place until a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;
- ii) A review of the plans ecological potential and constraints (ensuring integration with ecological and tree recommendations);
- iii) Details of the landscaping schemes, including;
  - a. species composition,
  - b. source of material (all native planting to be of certified British

- provenance and no wildflower rich seeds to be used),
- c. techniques and methods of vegetation establishment (natural restoration),
  - d. method statements for site preparation and establishment of target habitat features;
  - e. extent and location of proposed works;
  - f. invasive plant control (especially Japanese Knotweed)
  - g. aftercare and long term management;
  - h. personnel responsible for the work;
  - i. timing of the works;
  - j. monitoring;
  - k. disposal of waste arising from the works;

All landscape works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

5. No development shall take place until details of a method statement for treatment and use of the Cynon Trail during the construction period has been submitted to, and approved by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To minimise any impact of the development on this route.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

7. Prior to commencement of development, a Plan demonstrating:
  - How surface and/or ground water is prevented from becoming

contaminated with any materials generated on or brought to site, ensuring only clean surface and/or ground water drains in to the River Cynon;

- Measures to treat any contaminated water generated on site so as to ensure only clean water discharges to the River Cynon (the plan will need to specify which mitigation measures will be deployed throughout the development phases until completion);
- Measures to ensure mitigation methods deployed are working effectively until completion. All records relating to mitigation maintenance will need to be retained and be made readily available for inspection.

shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in strict accordance with any approved scheme.

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

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with the measures for their protection in the course of development.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

10. Prior to the commencement of development, a European Protected Species Licence shall be obtained and submitted to the Local Planning Authority, or confirmation shall be submitted to the Local Planning Authority from Natural Resources Wales that such a licence is not required.

Reason: To ensure the protection of bats, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan

11. Prior to commencement of development, further site investigation shall be carried out in accordance with Paragraph 6.12 of the submitted Ground Investigation Report (Capita, November 2016) and the details submitted to, and approved in writing by, the Local Planning Authority, along with any requirements which need to be carried out as part of the development.

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

Reason: In the interests of public safety and to comply with the requirements of Planning Policy Wales and Policy AW5 & AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the largest tank, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. No surface water shall be allowed to connect (either directly or in-directly) to 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 detriment to the environment.

14. No land drainage run-off will be permitted either directly or in-directly, to discharge into the public sewerage system.

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

15. The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.

Reason: To protect the integrity of the public sewer and avoid damage thereto.



STRONG HERITAGE | STRONG FUTURE  
**RHONDDA CYNON TAF**  
TREFTADAETH GADARN | DYFODOL SICR

**Uwchadran Adfywio a Chynllunio**  
**Regeneration and Planning Division**  
Tŷ Sardis House, Heol Sardis Road, Pontypridd CF37 1DU  
E-bost: gwasanaethaucynllunio@rctcbc.gov.uk  
Email: planningservices@rctcbc.gov.uk

## Town and Country Planning Act 1990

### FULL PLANNING PERMISSION

Client's Name and Address

Mr Selway  
Capita  
Capita St Davids House  
Pascal Close  
Trowbridge  
CARDIFF  
CF3 0LW

Applicant's Name and Address (if different)

RCTCBC

#### Part I - Particulars of Application Number 17/0131/08

Proposal: New bridge structure, approximately 60m in length, connecting the A4059 (New Road) with the B4275 (Miskin Road). The proposed structure spans the River Cynon, Aberdare-Cardiff railway line. To facilitate these works, a section of the B4275, approximately 385m long will be upgraded. There will be associated retaining structures to enable the B4275 improvement, and there will be improvements to the junction of New Road and the Cwm Cynon Industrial Estate access road.

Location: LAND AT MISKIN ROAD AND NEW ROAD, MOUNTAIN ASH

Grid Ref:

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#### Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Rhondda Cynon Taf County Borough Council GRANTS permission for the carrying out of the development as specified in the application and plans submitted, subject to 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 development hereby approved shall be carried out in accordance with the plans and documents listed in "Mountain Ash CVL - List of Planning Documents" (dated 06/03/17) unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

- 3 No development shall take place until such time as a timescale for the submission of a Species, Habitat, River and Tree/Woodland Protection Plan for Construction has been submitted and approved in writing by the local planning authority.

The Plan shall be submitted in accordance with the approved timescales.

The plan shall include:

- a. An appropriate scale plan showing 'Species, Habitat, River and Tree/Woodland 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;
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- d. Details of specific species and habitat mitigation measures for key species including bats, birds, badgers, otters (including otter ledge), fish, amphibians and reptiles,
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- vii) Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

All subsequent 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 & AW8 of the Rhondda Cynon Taf Local Development Plan.

- 4 No development shall take place until such time as a timescale for the submission of a Landscape Mitigation Plan has been submitted to, and approved in writing by, the local planning authority.

The Plan shall be submitted in accordance with the approved timescales.

The Landscape Mitigation Plan shall include details of;

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- 15 The proposed development site is crossed by a number of public combined sewers and a public combined sewer overflow. No part of the building will be permitted within 7 metres either side of the centre line of the 1350mm public combined sewer overflow and 3 metres either side of the centreline of all other sewers crossing the site.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Dated: 17/03/2017

Signed



Service Director Planning

#### NOTES TO APPLICANT:

- 1 If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Ministers under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice for Householder or Minor Commercial Developments or within 6 months of the date of this notice for all other appeals.

Appeals must be made using a form which you can get from the Welsh Ministers, Planning Inspectorate at Crown Buildings, Cathays Park, Cardiff CF10 3NQ, or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

The Welsh Ministers can allow a longer period for giving notice of an appeal, but are not normally prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Welsh Ministers need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Welsh Ministers do not refuse to consider appeals solely because the local planning authority based their decision on a direction given by them.

- 2 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority

website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)