

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE  
19 JUNE 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No.10</b>
<b>APPLICATION NO: 13/0916- CREATION OF EQUESTRIAN AND ACCESS TRACK FROM INERT MATERIAL, LAND AT TYNEWYDD FARM, EFAL ISAF</b>	

**1. PURPOSE OF REPORT**

Members are asked to consider the report below and determine the application in accordance with the advice and recommendation.

**2. RECOMMENDATION**

To REFUSE the application in accordance with the advice given.

**3. BACKGROUND**

This application was originally reported to a meeting of the Development Control Committee on 20 March 2014 with a recommendation that it be refused (see **APPENDIX A**). At that meeting Members deferred determination of the application for a site visit which was held on 31 March 2014 to consider highway, ecological, land drainage and environmental health issues concerning the proposed development. Subsequently, the application was reported back to Committee on 17 April 2014 (see **APPENDIX B**) at which the Committee was informed that the anticipated further detailed information regarding the proposal had still not been received from the applicant and, in the circumstances, it was resolved to defer the application to receive the outstanding information from the applicant prior to determining the matter (minute number 232.2 refers).

The applicant has since provided a detailed response, including an Ecological Appraisal, which seeks to address the concerns and recommended reasons for refusal of the application expressed in the original report attached at **APPENDIX A**. This new information is fully considered in the amended and up-dated report on the application presented below.

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**APPLICATION DETAILS**

Full planning permission is sought for the creation of a new access and equestrian track from inert material on land at Tynewydd Farm, Efail Isaf. The proposed track, which has been commenced in part, is intended to be approximately 3200m (3.2km or 2 miles) in length and follow a looped circuit around the perimeter of the farm. In typical cross-section the track will comprise of inert recycled aggregate (construction waste) laid to a width of 4m and a depth 0.5m in an earth bund of 0.5m height. A V-ditch is proposed to be constructed parallel to the track to intercept surface water run off. Where the track crosses ditches the typical treatment will involve the installation of a section of concrete pipe of a diameter to meet the specific requirements at each crossing, over which the fill material and track will be laid.

The track drainage is proposed to be accommodated using simple cross-falls into existing drainage ditches in close proximity to the track route to ensure that the run-off from the track will be evenly distributed and not concentrated into discharge points. Soakaways will be spaced at a maximum of 250m, with the spacing within the steeper sections reduced accordingly. In terms of infiltration it is proposed that testing will be undertaken in accordance with BRE365 during the process of developing the track to ensure that localised infiltration is determined and that the drainage will be implemented appropriately.

The proposed route of the access and riding track will enter the farm from the established access to the south-west of the site. The track then descends to the west of Dryskoed Farm, some 110m east of Parc Nant Celyn before following a circular route along the alignment of existing hedgerows and field boundaries wherever possible, minimising the number of ditch crossings and utilising existing gaps in hedgerows to avoid the need to fell any trees.

As stated above, part of the track was laid but works have since ceased pending the outcome of this planning application. The volume of inert tipped material deposited to form the initial part of the track amounts to 250 – 300 cubic metres (c. 500 – 600 tonnes). The volume of inert material required to complete the remainder of the track, as shown in the submitted planning application, will amount to 7500 cubic metres (c.15,000 tonnes). The applicant has advised the remainder of the track would take no more than 12 months to complete on the basis of 4 lorry deliveries of inert material per day (each delivery being 9 cubic metres / 20 tonnes). The tipped material has so far and will continue to comprise inert road arisings and builders' rubble. No haulage operations would start before 8 a.m. or continue after 5 p.m. Monday to Friday. The applicant has a road sweeper that is based on site and will be available on a daily basis for road cleansing should the need arise.

The applicant has explained the reason for the proposal in a detailed letter of 28 March 2014 from which the relevant extract is quoted below.

*'The planning application is based on the need to bring the agricultural land associated with Tynewydd Farm back into agricultural use. The land owned by the applicant has been subject to a period of uncertainty and disturbance associated with the construction of the Church Village By-Pass followed by the planning application for the housing on Station Road.'*

*The need to create an access track that serves the dual purpose of ensuring increased use by horse riders as well as improving accessibility to those parts of the landholding that require improvement to enable some form of agricultural use would seem [to the applicant] to be inherently justified within the countryside.*

*The intention is not to encourage a proliferation of horse-riders or to create an intensively farmed holding. Rather it is proposed that both elements will be appropriate for local use. In the case of the equestrian use, this will be for local people who stable their horses on the farm or in close vicinity and wish to exercise their horses off the roads in the area,*

*In the case of farming, the agricultural tracks will permit access to currently inaccessible areas of the farm allowing the existing farm lands to be dewatered and improved for returned to agricultural purposes. This will enable the lands to be grazed and to further enhance the current ecology of the area.*

*The proposal is to develop a business that is sensitive to the location and creates a business that is locally based and enables produce (much of it rare breed) to be raised and sold locally. To that end the holding will be closely associated with a new farm shop/butchers enterprise that is being developed in Swan Street, Llantrisant.*

*In achieving this supply chain, it is hoped that some 15 – 20 new sustainable jobs will be introduced to the local community:*

- |  |                   |
|--|-------------------|
| • Office and Administration                  | 3 new jobs        |
| • The Farm / Butchers Shop                   | 5 new jobs        |
| • Delivery of produce to the local community | 2 new jobs        |
| • Tynewydd Farm                              | 5 new jobs        |
| • Infrastructure development                 | 5 temporary jobs' |

In summary, the track is intended for use for horse riding and to permit easier vehicular access to the farm holding, which will provide opportunities for economic diversification at the farm and help bring neglected agricultural land back into productive use.

## **SITE APPRAISAL**

Tynewydd Farm is an agricultural holding located east of Efail Isaf. The holding is gently undulating though comparatively level and fairly low lying towards the northern boundary, and comprises improved, semi-improved and poorly drained marshy grassland, with the fields being demarcated by mature hedges and trees. The holding stables a number of horses under livery, though there was little visible evidence of any significant agricultural activity at the time of last site inspection (January 2014). The site is surrounded by open countryside with the nearest dwellings being situated to the west at Parc Nant Celyn. Vehicular access to the site entrance / exit is gained via single track lanes from Efail Isaf to the west and Treforest to the east.

## PLANNING HISTORY

07/0363	Tynewydd Farm, Efail Isaf	Improvements to access tracks and areas of currently un-usable farmland using imported inert waste materials	Refused 17/08/07
02/0869	Tynewydd Farm, Efail Isaf	Retention and completion of access tracks to fields and hard standing pad for baled silage	Granted 26/07/02
92/0684	Tynewydd Farm, Efail Isaf	Erection of dwelling for occupation for agricultural purposes	Granted 31/12/92

## PUBLICITY

Neighbouring properties have been notified of the application that has also been the subject of site notice publicity.

No public response has been forthcoming.

## CONSULTATION

Transportation Section: No objection subject to conditions.

Land Reclamation and Engineering: in the event of planning permission being granted recommends appropriate conditions be attached requiring the submission and approval of drainage details, including a hydrological impact assessment, prior to the further development proceeding.

Public Health and Protection: offers advice and comments in respect of hours of construction operations, noise, dust, waste and potential contamination.

Natural Resources Wales – advises that:

1. The site currently holds an exemption for the Use of Waste in Construction, for use within farm tracks not exceeding 1000 tonnes. An Environmental permit may be required;
2. The area is very wet and made up of peat, therefore drainage required would need to be substantial and the amounts of gravel required likely to exceed that stated in application. Sustainable approach to surface water management required.
3. Site may need to register for an Environmental Permit from NRW for discharging to surface water or groundwater.
4. Draws attention to the applicant's duty of care for dealing with waste materials and for any off-site movement of wastes.

Ecology, Parks and Countryside: The Council's Ecologist has provided the following detailed comments:

'The applicant has provided a baseline ecological appraisal (dated April 2014 by Celtic Ecology). This has included an ecological context review and a Phase I Habitat Survey which includes some assessment of protected species assessment.

The context work has confirmed that the Site lies in a wider ecological setting which is of high biodiversity value. One measure of this ecological value is the presence of an adjoining SINC site. The assessment has identified that while much of the central part of the Site supports agriculturally improved grassland, areas of marshy or semi-improved grassland lie to the west and east sides of the site. The marshy grassland on the Site's western side potentially being peat based and therefore valley mire: that to the west includes a small part of the Tonteg Marsh SINC. The assessment identifies a network of species-rich hedgerows with hedgerow trees, areas of woodland and scrub and some ponds. The Site is crossed by several issues which feed into the Nant Dowlais stream.

In my assessment, the marshy and semi-improved grasslands within the Site will have ecological value and contribute to the biodiversity richness of the site: even the improved grasslands (as permanent pasture) can contribute to that value. The network of hedgerows and associated woodland, offers local wildlife habitat and wildlife connectivity corridors. The ditches and issues will have some associated ecological value and just to the west of the application sites these issues coalesce to form the Nant Celyn a recognisable tributary streams of the Nant Dowlais. The Nant Celyn runs through the Nant Celyn Public Open Space/Key Countryside Site) and it is a clean, biodiversity rich feeder of the Nant Dowlais: it supports small fish and is likely to be used (at least occasional) by otter.

The ecological assessment identifies the following mitigation measures;

### **Habitats**

- The Minimising of the loss of marshy and semi-improved grassland.
- Pre-construction soil testing to identify whether peat habitats are being affected.
- Design access tracks to positively contribute to the hydrological status of Tonteg Marsh SINC.
- To compensate for loss of habitat implement a nature conservation cattle grazing management scheme (which is referred to on page 29 and 30).
- Protect streams and standing water from water pollution and habitat loss
- Implement management measures to benefit pond biodiversity
- Discontinue shooting at ponds.
- Minimise length of stream culverts and culverting requirement
- Working in watercourses in accordance with EA requirements
- Excavating stream bed material prior to foundation creation and putting it into the culvert on completion

- Avoid mature trees (with I suggest implantation of root zone protection via BS 5837).
- Utilise existing gaps in hedgerows/woodland areas for the track.
- All woodland and scrub clearance to be carried out during the winter months (October to February inclusively) to avoid nesting birds, etc.

In my opinion the above represent a significant number of necessary and important mitigation requirements. In particular I have concerns regarding;

- Impacts of track design on peat habitats (peat being significantly compromised by construction works). The soil survey work identified above needs to advise track design and layout and not just record whether peat is or isn't present.
- Hydrological and water quality concerns. On the evidence I have the Nant Celyn is a sensitive watercourse with apparent good water quality. The Council has a non-culvert policy and I think the flood risk/land drainage department's comments are very important. These culvert crossing will require Ordinary Watercourse Consents.
- How the nature conservation management scheme can be operated to deliver meaningful biodiversity mitigation. Compensation and perhaps enhancement. While referred to in the document there is no discussion of the mechanism that is being offered to deliver that provision. It is impossible to be confident of the success of this proposal without an understanding of the likely appropriateness and viability of the mechanism that is being proposed.
- While utilising existing hedgerow gaps is clearly a desirable goal, it is not clear from the ecological assessment whether this is achievable and therefore how much hedgerow and how many trees would need to be lost, removed or managed to accommodate the track.

In terms of species, the assessment works has considered the following;

**Bats** – the survey concludes that the application site supports high quality bat foraging habitat and trees with a potentially high capacity as tree roost sites. The assessment considers that there will be no direct loss of bat roosting habitat (which in this case means trees) and identifies the following specific mitigation;

- All vegetation and tree clearance kept to a minimum.
- If trees are identified as being felled they will be surveyed/assessed before hand.
- Any felling/tree works to be carried out by an licensed bat ecologist
- On-call bat expertise during works
- No lighting of the track (for reasons of disruption to bat feeding/roosting behaviour)

From my perspective I accept the general conclusions of likely bat usage, but I think we need confirmation of whether any large trees are likely to be lost- if so these should have a specific bat assessment to support the planning application and not as a detail.

**Dormouse** – the assessment identifies that the potential for dormice as negligible (due to the lack of records from the immediate vicinity) and that any residual

impact will be reduced further through the 'anticipated' use of existing gaps in hedges for the track and therefore the fact that significant hedgerow loss will occur.

From my perspective I accept the general conclusions of likely dormouse usage, but I think we need confirmation that the track can be constructed without hedgerow loss.

**Great Crested Newt** - the assessment identifies that the potential for great crested newt is negligible due to the lack of records from the immediate vicinity. The assessment however it recognises that other amphibians will occur on ponds and on terrestrial land as foraging habitat.

I recognise that neither the Church Village By-pass or the Ridings development recorded great crested newt from the near vicinity of this site: this reduces, but doesn't entirely preclude the potential for great crested newt on this site. Protection of ponds, water quality and foraging habitat are all important contributors towards reducing impact on all amphibian species and again a better understanding of the potential for successful mitigation is needed.

**Otter** - the streams on the Site are likely to at least occasionally have otters using them and passing through the Site. Otters were recorded widely on streams in the Church Village By-pass area. The assessment that the site is of low ecological value for otters and that no long term impacts on otter will be experienced.

I am not so sure that the site has low ecological value for otter e.g. it may transpire that areas of marshy grassland/ponds support populations of amphibians which may be a seasonal food source for otter and therefore they could be locally seasonally important. I do accept that if the route is carefully planned it should be possible to undertake works which wouldn't have long-term impacts on any existing use otters make of the Site, but again that would be dependant on the detailed design of the track and the successful application of water quality and habitat protection and management measures.

**Reptiles** – the assessment concludes that eastern parts of the Site have a high value as reptile habitat. I can confirm that the Nanty Celyn Key Countryside supports slow worm, common lizard and grass snake and I would anticipate that similar wetland habitat on the application site would support these species. **The assessment identifies the need for a Method statement for reptile sensitive habitat clearance. This condition would be needed if planning permission was granted**

**Badgers** – the assessment work found some evidence of badgers (latrines and snuffle holes were recorded. The Church Village by-pass assessment also recorded some otter activity in this general location. The assessment concludes that no specific mitigation is required but that:

- Monitoring for badgers is undertaken to ensure setts are not built on
- Pre-clearance badger checks and on-call ecological expertise is available.

**Breeding Birds** – the assessment identified the high potential for nesting birds (of a number of species) and the need for specific mitigation measures;

- Site clearance outside nesting bird season
- Habitat management enhancement to compensation for bird habitat impacts.

**Invertebrates** - the assessment isn't very specific about invertebrates, but recommends;

- Managing the Site to increase invertebrate species diversity

A key invertebrate in this area is the marsh fritillary butterfly and in my opinion this should be a specific focus for any management proposal to compensate for habitat loss and improve habitat conditions for invertebrates.

## **Conclusion**

The list of mitigation requirements identified in the ecological appraisal highlights the potential ecological sensitivity of this site in relation to what will inevitably involve a significant land filling exercise, with watercourse culverting and potential off-site pollution impacts. While it is possible that a very well regulated and controlled scheme with daily supervision by an experienced ecological clerk of works might reduce or minimise these impacts, it is not clear from the ecological appraisal that such mechanisms form part of the proposal which is being submitted. So, it is therefore equally important to recognise that a poorly regulated operation is likely to cause significant ecological damage to habitats and protected species and cause disturbance and pollution of watercourse. At the moment I am not confident that this scheme will be sufficiently well executed as to make it ecologically acceptable.

I think given these concerns the ecological impacts should be subject to further discussion regarding;

- Detailed design of the exact track route and a confirmation of whether peat, trees or hedgerows will be lost
- Confirmation of the mechanisms for controlling the ecological impacts of construction phases
- Discussion of the mechanisms and real extent of the habitat management mitigation which is referred to.

If those key issues can be resolved we will have a clearer idea of the likely impacts on habitats and species, water quality, the requirement (or not) for any further survey assessment and a greater confidence in the reality of the mitigation proposals. With that understanding the Council will be in a better position to understand if the scheme is ecologically acceptable and if ecological impacts can be controlled to an acceptable standard: we will also have clearer idea of required conditions (which would be needed if this scheme gained planning permission). The provision of habitat management would need to be the subject of a S106 Agreement. But is that being offered?

Given the culverting proposals I would also be interested to know the opinion of flood risk section and whether the culverts and associated mitigation would be acceptable in terms of the Ordinary Watercourse Duty.'



The Public Rights of Way Officer has commented as follow:

'There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately consider these PROWs in both terms of construction of the route and its operation as a horse route need to be established. There doesn't appear to be any details on this matter in the submissions.'

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The application site is unallocated and lies outside the settlement boundaries within the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area (policy ref SSA 23).

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

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

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

**Policy AW8** – permits development only where it would not cause harm to features of importance to landscape and nature conservation, including ecological networks, the quality of natural resources and the natural drainage of surface water.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW14.2** safeguards resources of sandstone from development.

**Policy SSA 23.8** defines the Special Landscape Area of Efail Isaf, Garth and Nantgarw Western Slopes and requires development within it to be of the highest standards.

### **National Guidance**

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

#### Planning Policy Wales

Chapter 4 (Planning for Sustainability),  
Chapter 5 (Conserving and Improving Natural Heritage and the Coast),  
Chapter 7 (Economic Development),  
Chapter 8 (Transport),  
Chapter 13 (Minimising and Managing Environmental Risks and Pollution),  
set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 21: Waste;

## **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 application proposal is described as the creation of a farm access and equestrian track from inert waste materials. It is evident from the application details and information obtained from the applicant that to achieve the design and length of track proposed (3.2 km) will involve the deposit of a significant volume of inert builders rubble and road arisings over a period lasting almost 12 months. This of course assumes that the waste is deposited on a continuous basis at the rate specified in the application. Therefore, the key considerations are whether or not the proposal is reasonably necessary for the purposes of agriculture and/or some rural enterprise, and whether or not a need, if justifiable, is sufficient to outweigh the impacts of the development at this location.

### **Main issues:**

#### **The need for the development**

Tynewydd Farm is situated in the countryside east of Efail Isaf and does not appear to be actively farmed, though horses are kept under livery at the farm buildings. Unlike neighbouring farm holdings, Tynewydd Farm comprises extensive tracts of low-lying marshy grassland that, so it is understood, renders it unattractive and unproductive in its current state as a viable agricultural enterprise. It is the applicant's intention to construct the proposed access track around the perimeter of the holding to facilitate vehicular access so that sustainable agricultural activity could take place. This is intended to be linked to a farm / butchers shop in Swan Street, Llantrisant. The same track would be available also for equestrian use by riding school members (not the general public) thereby facilitating diversification of the activities at Tynewydd Farm.

Local and national planning policy places considerable emphasis on the protection of the countryside from unjustified and harmful development unless there is an overriding need for development to support the rural economy. In this context the principal issue in this case is whether the proposed operation and use

are either more in the interest of agriculture and recreation or more in the interest of the disposal of waste.

On the one hand taken at face value, the applicant's proposals to improve accessibility to the agricultural unit and to diversify its activity are at a general level the kinds of proposals that qualify as exceptions to prevailing countryside protection policies. Based on the applicant's explanation of the justification for the proposals the farm track is part of a planned operation considered by the applicant to be necessary for the improvement of the land. Also, it could be reasonably argued that the track would provide safe access by modern agricultural machinery. Moreover, the proposal could have significant economic benefits in terms of job creation, recreation and agricultural diversification. Although these benefits of the proposal are largely aspirational nevertheless they are quite a persuasive in its support.

On the other hand, however, a number of factors suggest the development to all intents and purposes would be a waste disposal operation. Firstly, it is understood from the applicant that the waste importation and disposal operations, which will involve the deposit of 7500 cubic metres (15,000 tonnes) of inert waste over a period of 12 months before the track is capable of beneficial use, would be undertaken by a construction company: the waste would be the by-product of the company's day to day operations. Secondly, whilst formation of the track may well improve vehicular accessibility at the farm together with a recreational spin-off, it will not fundamentally alter the condition of the land much of which will remain poorly drained marshy grassland and difficult to productively farm without other operations being taken to deal with those circumstances. Without a clear indication what those measures will involve it is difficult to understand to what extent, if any, the formation of the track alone will be necessary for the improvement of the land and realise and sustain the associated economic benefits and aspirations other than perhaps the recreational one suggested by the applicant. Thirdly, on the basis of the planning history of the site unjustified tipping of waste materials to form access tracks and carry out improvements to unusable agricultural land evidently has occurred at this site in the past and been the subject of a refusal of planning permission as recently as 2007.

The application is balanced on this key issue and ultimately it is a matter of judgement whether the proposal is of more in the interest of agriculture and recreation or more in the interest of waste disposal. However, it is considered on the evidence submitted that the agricultural and recreational justification for the proposal is based on rather long term objectives that are largely aspirational. As a consequence on present evidence it is considered that the proposed operation are more in the interest of waste disposal, especially in the short term, and there is insufficient evidence of a compelling justification for the development at this location that otherwise might warrant setting aside prevailing countryside protection policies.

### **Impact on character and appearance of the area and Special Landscape Area**

As stated earlier in this report, the proposed access / equestrian track will extend for 3.2km (2 miles) around Tynewydd Farm and will in effect be a continuous 4m wide bund raised approximately 0.5m above the height of the adjoining land level. The applicant has endeavoured to ensure the route of the track has been designed so avoid a substantive impact on the landscape. The alignment uses existing vegetation wherever possible to provide natural screening. Whilst on the face of it the bund will not be excessively high, nevertheless, in combination with its width and length, the bund will be a significant artificial man-made structure in the landscape and will be visible in places where the farm comes in close proximity to and is capable of being overlooked from the public highway. Moreover, Tynewydd Farm lies within the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area, which has been designated because of its acknowledged landscape quality. This designation places an even greater onus on the proposed development to ensure it doesn't harm the unspoilt lowland and gentle valley slopes that form a backdrop to the settlements of the area. If there was an overriding justification for the development then this might outweigh the harm to the landscape at this location. However, in the absence of an adequate justification for the development it is considered the formation of the track will be unnecessarily harmful to the character and appearance of the landscape at this location and therefore in conflict with prevailing development plan policy.

## **Ecology**

On its western edge the track skirts the wet grasslands of SINC 138 and although it appears to mainly stick to the drier more improved grassland (of relatively low ecological value) it does cut across some wetter areas. Elsewhere it crosses a number of hedge and ditch lines as well as wooded sections. In several places, the plan identifies areas which are crossed as having been 'unable to survey due to dense vegetation'. As a consequence there is therefore enough potential for hedgerow and tree impacts and implications for overgrown areas and wetter grasslands for the proposals to have ecological impacts, including protected species, and as such the Council's Ecologist considered the proposal should be advised by (at least) a Phase I Habitat Survey which can assess the habitats and ecological features affected, assess protected species issues and help to define a route with a minimum ecological impact. In response to this concern the applicant has commissioned and submitted an Ecological Appraisal by Celtic Ecology.

The submitted assessment concludes that overall Tynewydd farm site is of high ecological value as it contains a number of habitats of high value to a range of species, but the proposed track will not affect the most important of the habitats due to its design and route. There is the potential for Bat roosting habitat to be found in trees adjacent to the access track route and it is probable that the woodland, hedges and open grassland provides suitable foraging habitat. No evidence or indications of the presence of Dormouse or Great Crested Newt found using the habitats affected by the track. It is assumed that Otter use the streams and ponds on and adjacent to the track and Reptiles are likely to be present, and appropriate working practices should be implemented. There are indications that Badger is using the site. No further surveys are considered necessary though it is recommended that monitoring is undertaken for Badger

and Otter during the construction phase. Should it become necessary to fell or prune trees, further assessment should be undertaken as necessary. It is further recommended that the mitigation measures outlined in the assessment are incorporated into the design process and construction methodologies, and wherever possible, vegetation clearance should be minimised with that not being cleared being retained and enhanced for nature conservation purposes.

The ecological appraisal has been examined by the Council's Ecologist who concludes the list of mitigation requirements identified in the appraisal highlights the potential ecological sensitivity of this site in relation to what will inevitably involve a significant land filling exercise, with watercourse culverting and potential off-site pollution impacts. A very well regulated and controlled scheme with daily supervision by an experienced ecological clerk of works might reduce or minimise these impacts, however, it is not clear from the ecological appraisal that such mechanisms form part of the proposal which is being submitted. So, it is therefore equally important to recognise that a poorly regulated operation is likely to cause significant ecological damage to habitats and protected species and cause disturbance and pollution of watercourse. At the moment it is not considered that this scheme will be sufficiently well executed as to make it ecologically acceptable.

Given these concerns the Council's Ecologist considers that the ecological impacts should be subject to further discussion regarding;

- Detailed design of the exact track route and a confirmation of whether peat, trees or hedgerows will be lost
- Confirmation of the mechanisms for controlling the ecological impacts of construction phases
- Discussion of the mechanisms and real extent of the habitat management mitigation which is referred to.

If those key issues can be resolved a clearer idea of the likely impacts on habitats and species, water quality, the requirement (or not) for any further survey assessment and a greater confidence in the reality of the mitigation proposals will emerge. With that understanding we will be in a better position to understand if the scheme is ecologically acceptable and if ecological impacts can be controlled to an acceptable standard: we will also have clearer idea of required conditions (which would be needed if this scheme gained planning permission).

It is clear from the above that the potential ecological impacts of the proposal are not fully addressed in this application therefore fails to satisfy Policy AW8 of the Local Development Plan.

There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately consider these PROWs in both terms of construction of the route and its operation as a horse route need to be established. Although this detail is absent from the application submission the applicant has advised that he supports the continued use of the existing Public Rights of Way and they will be incorporated within the proposed track to form a network of integrated paths. During the

construction phase the existing PROW will be maintained and kept free from the works and public protection will be maintained at all times,

The scheme will evidently affect various ditches, some (or all) of which may count as ordinary watercourses and the land drainage treatment of these needs to be discussed and agreed.

### **Residential Amenity**

The importation of inert waste material and its formation into and use as an access and equestrian track has considerable potential to affect the amenities of residents living in close proximity to the proposal. The proposed track at Tynewydd Farm largely avoids proximity to residential dwellings other than a comparatively short stretch of the westernmost part of track, which approaches to a field width from houses at the eastern end of Parc Nant Celyn, Efail Isaf. However, given the extent of physical separation of the proposed track from the nearest dwellings it is not considered that either the construction or subsequent use of the track would be likely to have any undue impact upon the living conditions of occupiers of those properties. No adverse comments were raised during the publicity period of the application, which lends additional weight to this judgement.

### **Highway safety**

The importation of inert waste to form the access and equestrian track has the potential to generate significant movements of commercial vehicles during the construction phase and other traffic associated with its subsequent use. The only means of travelling to and from the site is via the local highway network from the direction of Efail Isaf to the west and Treforest Industrial Estate / Taffs Well to the east. Both routes are along severely sub-standard country lanes that are in places very narrow and with numerous bends and variations in level. In addition, the narrow access lanes are severely sub-standard in terms of carriageway width to cater for safe two-way traffic flows, horizontal alignment and forwards visibility which are lacking structural integrity, drainage and street lighting. As a result, there would be highways concerns regarding any proposal which would generate an intensification of use that would impact and create additional hazards to the detriment of safety of all highway users.

An existing gated field access is to be utilised for the proposal which is not set back from the highway to allow vehicles to be clear of the road for access / egress purposes, which is a cause for concern in terms of highway safety. Any intensification of this sub-standard access would result in vehicles standing on the highway creating an obstruction to the free flow of traffic creating additional hazards to the detriment of safety of all highway users.

The section of highway in the vicinity of the site access has a speed limit of 60 mph, though in reality the configuration of the highway at this location means that actual traffic speed is likely to be substantially below the speed limit. The national speed limit would require that the site access be served by vision splays of 2.4m by 215m in accordance with TAN 18 Transport, but the achievable splays are

2.4m by 19m to the right and 2.4m by 56m to the left, significantly less than the standard required for a road of this speed which raises concerns in terms of highway safety if use of the access is intensified. Parking and turning space provision is considered adequate at the site.

Although it is acknowledged there are shortcomings with regard to the standard of the access and highway network serving the site, the key highway safety concerns are likely to arise in the event of any significant intensification of traffic movements caused by the development. Given the relatively short timescale for waste importation phase of the development and the relatively low frequency of attendant lorry movements, it is considered unlikely the construction phase of the development will intensify traffic movement to an extent that would pose an unacceptable hazard to highway safety. There is a lack of information in terms of the type and number of equestrian users of the facility and whether or not it would be used commercially, which would be unacceptable. Provided the use of the tracks was to be limited to private equestrian purposes it would be acceptable from a highway perspective. It is on this basis that the Transportation Section offers no objection to the application.

## **OTHER ISSUES**

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

### Drainage

Natural Resources Wales (NRW) has suggested that surface water management and drainage via Sustainable Urban Drainage techniques are recommended. In addition the Council's Land Reclamation and Engineering Section has commented that from the submitted plans surface water run-off is intended to be collected from the stone track in a 1m deep V-ditch. In principle this is acceptable, however, there is no information regarding the capability of the ditch to accommodate surface run off from the track or the ditches capability to infiltrate. If the proposal is to discharge to a watercourse then detail of the surface discharge rate will be required. Ordinary Watercourse Consent is likely to be necessary for the proposed culvert crossings. For such a large scheme the Land Reclamation and Engineering Section recommend that a Hydrological Impact Assessment is undertaken to ensure the protection of the watercourses and the natural environment. If this proposal were otherwise acceptable these matters could be capable of being achieved by means of conditions in the event of planning permission being forthcoming.

### Pollution

The waste material proposed to be imported is inert builder's rubble and road arising, which is not intrinsically hazardous. No objections to the application on pollution prevention issues have been raised by either NRW or Public Health and Protection.

### Sandstone Resources

The application site lies in an area of known Sandstone mineral reserves, which policy AW14 seeks to avoid sterilising by other development. In that the proposed

tracks cover a relatively small total land area, and given the abundance of the Sandstone reserves in Rhondda Cynon Taf, the proposed development would not conflict with Policy AW14 to a significant extent.

## **Conclusion**

In summary, this proposal will involve a relatively modest waste importation operation of some 7500 cubic metres (15,000 tonnes) of inert waste over a fairly short timescale of 12 months with the intention of creating track for use as farm access and for equestrian purposes. In addition to the farm accessibility and recreational benefits the proposal might be of benefit to the local economy in terms of job creation. The proposal will not have unacceptable consequences for local residential amenity and highway safety provided the equestrian use remains private and does not escalate into a commercial enterprise that risk causing an unacceptable intensification of traffic movements on the substandard highway at this location. Nor will it have an acceptable ecological impact, and its consequences for surface water drainage are capable of being safeguarded by planning conditions.

Determination of the application, however, balances on whether the development is either more in the interest of agriculture/recreation or more in the interest of waste disposal. The agricultural and recreational justification for this development at this location in the countryside and in a Special Landscape Area might be only achieved in the long term upon completion of the operations. Also, it is considered the agricultural benefits derived from the track alone are decidedly aspirational and likely to be dependent upon further operations to be undertaken on the significant areas of marshy grassland in order to bring Tynewydd Farm back into productive agricultural use. In this context the scale and nature of the operations strongly suggest that, at least in the short term, the proposal is more in the interest of waste disposal. In the absence of a compelling overriding justification the proposal does not carry sufficient weight override the national and local planning policies that otherwise presume in favour of countryside protection and will have an unacceptably harmful impact on the character and appearance of the countryside and special landscape at this location.

For these reasons, the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan in that it amounts to unjustified development in the countryside that would be harmful to the character and appearance of the area and the Special Landscape Area at this location.

Moreover, the proposal also is accompanied by insufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site and the mechanism and extent of subsequent habitat management mitigation, therefore fails to satisfy policy AW8 of the LDP.

## **RECOMMENDATION: Refuse**

## **REASON FOR REFUSAL**



- 1. The proposal amounts to unjustified waste disposal development in the countryside that is not reasonable necessary to support a rural enterprise at Tynewydd Farm, therefore would be unacceptably harmful to the character and appearance of the area and the Special Landscape Area at this location. For these reasons the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan.**
- 2. Insufficient information has been submitted to consider the consequences of the proposal for ecologically sensitive habitat and watercourses at the site and the mechanism and extent of subsequent habitat management mitigation. Therefore the proposal fails to satisfy policy AW8 of the Rhondda Cynon Taf Local Development Plan.**

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## APPENDIX A

**APPLICATION NO:** 13/0916/10 (PB)  
**APPLICANT:** Mr K Roberts  
**DEVELOPMENT:** Creation of equestrian track from inert materials  
**LOCATION:** TYNEWYDD FARM, EFAIL ISAF, PONTYPRIDD, CF38  
1AA  
**DATE REGISTERED:** 12/09/2013  
**ELECTORAL DIVISION:** Llantwit Fardre

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**RECOMMENDATION:** Refuse

### REASONS:

This proposal will involve a relatively modest waste importation operation over a fairly short timescale and will not have unacceptable consequences for either local residential amenity or highway safety provided the resultant equestrian use remains private and does not escalate into a commercial enterprise that risks causing an unacceptable intensification of traffic movements on the substandard highway at this location. However, the evidence of need for this development to support a rural enterprise at this location in the countryside and in a Special Landscape Area is decidedly weak and does not carry sufficient weight to override the national and local planning policies that otherwise presume in favour of countryside protection. For these reasons, the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan in that it amounts to unjustified development in the countryside that would be harmful to the character and appearance of the area and the Special Landscape Area at this location. The proposal also is not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site, therefore fails to satisfy policy AW8 of the LDP.

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### APPLICATION DETAILS

Full planning permission is sought for the creation of a new access and equestrian track from inert material on land at Tynewydd Farm, Efail Isaf. The proposed track, which has been commenced in part, is intended to be approximately 3200m (3.2km or 2 miles) in length and follow a looped circuit around the perimeter of the farm. In typical cross-section the track will comprise of hardcore inert construction waste laid to a width of 4m and a depth of 250mm in an earth bund of 0.5m height. Where the track crosses any ditches the typical treatment will involve the installation of a 6m section of 2m diameter concrete pipe over which the fill material and track will be laid.

The proposed route of the access and riding track will enter the farm from the established access to the south-west of the site. The track then descends to the west of Dryscoed Farm, some 110m east of Parc Nant Celyn before following a circular route along the alignment of existing hedgerows and field boundaries wherever possible, minimising the number of ditch crossings and utilising existing gaps in hedgerows to avoid the need to fell any trees.

As stated above, part of the track was laid but works have since ceased pending the outcome of this planning application. The volume of inert tipped material deposited to form the initial part of the track amounts to 250 – 300 cubic metres (c. 500 – 600 tonnes). The volume of inert material required to complete the remainder of the track, as shown in the submitted planning application, will amount to 7500 cubic metres (c.15,000 tonnes). The applicant has advised the remainder of the track would take no more that 12 months to complete on the basis of 4 lorry deliveries of inert material per day (each delivery being 9 cubic metres/20 tonnes). The tipped material has so far and will continue to comprise inert road arisings and builders' rubble. No haulage operations would start before 8 a.m. or continue after 5 p.m. Monday to Friday. The applicant has a road sweeper that is based on site and will be available on a daily basis for road cleansing should the need arise.

The track is intended for use for horse riding and to permit easier vehicular access to the farm holding, which will provide opportunities for economic diversification at the farm and help bring erstwhile neglected agricultural land back into productive use.

## **SITE APPRAISAL**

Tynewydd Farm is an agricultural holding located east of Efail Isaf. The holding is gently undulating though comparatively level and fairly low lying towards the northern boundary, and comprises predominantly poorly drained marshy grassland. The holding stables a number of horses under livery, though there was little visible evidence of any significant agricultural activity at the time of last site inspection (January 2014). The site is surrounded by open countryside with the nearest dwellings being situated to the west at Parc Nant Celyn. Vehicular access to the site entrance/exit is gained via single track lanes from Efail Isaf to the west and Treforest to the east.

## **PLANNING HISTORY**

07/0363	Tynewydd Farm Efail Isaf	Improvements to access tracks farmland using imported inert waste materials and areas of currently un-usable	Refused 17/08/07
02/0869	Tynewydd Farm Efail Isaf	Retention and completion of access tracks to fields and hard	Granted 26/07/02

		standing pad for baled silage	
92/0684	Tynewydd Farm Efail Isaf	Erection of dwelling for occupation for agricultural purposes	Granted 31/12/92

## **PUBLICITY**

Neighbouring properties have been notified of the application that has also been the subject of site notice publicity.

No public response has been forthcoming.

## **CONSULTATION**

Transportation Section - no objection subject to conditions.

Land Reclamation and Engineering – reply waited.

Public Health and Protection – offers advice and comments in respect of hours of construction operations, noise, dust, waste and potential contamination.

Natural Resources Wales – advises that:

The site currently holds an exemption for the Use of Waste in Construction, for use within farm tracks not exceeding 1000 tonnes. An Environmental Permit may be required;

The area is very wet and made up of peat, therefore drainage required would need to be substantial and the amounts of gravel required likely to exceed that stated in application. Sustainable approach to surface water management required.

Site may need to register for an Environmental Permit from NRW for discharging to surface water or groundwater.

Draws attention to the applicant's duty of care for dealing with waste materials and for any off-site movement of wastes.

Parks and Countryside – the proposal should be advised by (at least) a Phase I Habitat Survey which can assess the habitats and ecological features affected, assess protected species issues and help to define a route with a minimum ecological impact. The submission doesn't appear to have considered any constraints other than topography.

There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately consider these PROWs in both terms of construction of the route and its operation as a horse

route need to be established. There doesn't appear to be any details on this matter in the submissions.

The scheme will evidently affect various ditches, some (or all) of which may count as ordinary watercourses and the land drainage treatment of these needs to be discussed and agreed.

## **POLICY CONTEXT**

### Rhondda Cynon Taf Local Development Plan

The application site is unallocated and lies outside the settlement boundaries within the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area (policy ref SSA 23).

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

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

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

**Policy AW8** – permits development only where it would not cause harm to features of importance to landscape and nature conservation, including ecological networks, the quality of natural resources and the natural drainage of surface water.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

**Policy AW14.2** safeguards resources of sandstone from development.

**Policy SSA23.8** defines the Special Landscape Area of Efail Isaf, Garth and Nantgarw Western Slopes and requires development within it to be of the highest standards.

## **National Guidance**

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

### Planning Policy Wales

Chapter 4 (Planning for Sustainability),

Chapter 5 (Conserving and Improving Natural Heritage and the Coast),

Chapter 7 (Economic Development),

Chapter 8 (Transport),

Chapter 13 (Minimising and Managing Environmental Risks and Pollution),

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

Other relevant policy guidance consulted:

PPW Technical Advice Note 5: Nature Conservation and Planning;  
PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 21: Waste;

## **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 application proposal is described as the creation of a farm access and equestrian track from inert waste materials. It is evident from the application details and information obtained from the applicant that to achieve the design and length of track proposed (3.2 km) will involve the deposit of a significant volume of inert builders rubble and road arisings over a period lasting almost 12 months. This of course assumes that the waste is deposited on a continuous basis at the rate specified in the application. Therefore, the key considerations are whether or not the proposal is reasonably necessary for the purposes of agriculture and/or some rural enterprise, and whether or not a need, if justifiable, is sufficient to outweigh the impacts of the development at this location.

### **Main issues:**

The need for the development

Tynewydd Farm is situated in the countryside east of Efail Isaf and does not appear to be actively farmed, though horses are kept under livery at the farm buildings. Unlike neighbouring farm holdings, Tynewydd Farm comprises extensive tracts of low-lying marshy grassland that, so it is understood, renders it unattractive and unproductive in its current state as a viable agricultural enterprise. It is the applicant's intention to construct the proposed access track around the perimeter of the holding to facilitate vehicular access so that sustainable agricultural activity could take place. The same track would be available also for equestrian use by riding school members (not the general public) thereby facilitating diversification of the activities at Tynewydd Farm.

Local and national planning policy places considerable emphasis on the protection of the countryside from unjustified and harmful development unless there is an overriding need for development to support the rural economy. In this context and taken at face value, the applicant's proposals to improve accessibility to the agricultural unit and to diversify its activity are at a general level the kinds of proposals that qualify as exceptions to prevailing countryside protection policies.

However, a number of factors suggest the development to all intents and purposes would be a waste disposal operation. Firstly, it is understood from the applicant that the waste importation and disposal operations would be undertaken by a construction company: the waste would be the by-product of the company's day to day operations. Secondly, whilst formation of the track may well improve vehicular accessibility at the farm, it will not fundamentally alter the condition the land which will remain poorly drained and difficult to productively farm without other measures being taken to deal with those circumstances. Thirdly, aside from the livery use, there is no clear evidence submitted with the application that a sustainable agricultural and/or other rural enterprise is currently being undertaken at the farm though it is acknowledged there is an expressed intention to commence one. Fourthly, on the basis of the planning history of the site unjustified tipping of waste materials to form access tracks and carry out improvements to unusable agricultural land evidently has occurred at this site in the past and been the subject of a refusal of planning permission as recently as 2007.

It is concluded that there is insufficient evidence of need for the development to support and sustain a rural enterprise at Tynewydd Farm that might warrant countryside protection policies being set aside.

#### Impact on character and appearance of the area and Special Landscape Area

As stated earlier in this report, the proposed access and equestrian track will extend for 3.2km (2 miles) around Tynewydd Farm and will in effect be a continuous 4m wide bund raised approximately 0.5m above the height of the adjoining land level. Whilst on the face of it the bund will not be excessively high, nevertheless, in combination with its width and length, the bund will be an artificial man-made structure in the landscape and will be visible in places where the farm comes in close proximity to and is capable of being overlooked from the public highway. If there was an overriding need for the development then this might outweigh the harm to the landscape at this location. However, in the absence of a justification for the development it is considered the formation of the track will be unnecessarily harmful to the character and appearance of the landscape at this location. Moreover, Tynewydd Farm lies with the Efail Isaf, Garth and Nantgarw Western Slopes Special Landscape Area, which has been designated because of its acknowledged landscape quality. This designation places an even greater onus on the proposed development to ensure it doesn't harm the unspoilt lowland and gentle valley slopes that form a backdrop to the settlements of the area.

#### Ecology

On its western edge the track skirts the wet grasslands of SINC 138 and although it appears to mainly stick to the drier more improved grassland (of relatively low ecological value) it does cut across some wetter areas. Elsewhere it crosses a number of hedge and ditch lines as well as wooded sections. In several places, the plan identifies areas which are crossed as having been 'unable to survey due to dense vegetation'. As a consequence there is therefore enough potential for hedgerow and tree impacts and implications for overgrown areas and wetter grasslands for the proposals to have ecological impacts, including protected species, and as such the Council's Ecologist considers the proposal should be advised by (at



least) a Phase I Habitat Survey which can assess the habitats and ecological features affected, assess protected species issues and help to define a route with a minimum ecological impact. The submission doesn't appear to have considered any constraints other than topography.

There are three Public Rights of Way (Llantwit Fardre 47, 50 and 63) which are crossed by the proposed track. Details of how the track will appropriately consider these PROWs in both terms of construction of the route and its operation as a horse route need to be established. There isn't any detail on this matter in the submissions although this matter is capable of being dealt with under rights of way legislation.

The scheme will evidently affect various ditches, some (or all) of which may count as ordinary watercourses and the land drainage and ecological treatment of these has not been properly considered by the applicant.

### Residential Amenity

The importation of inert waste material and its formation into and use as an access and equestrian track has considerable potential to affect the amenities of residents living in close proximity to the proposal. The proposed track at Tynewydd Farm largely avoids proximity to residential dwellings other than a comparatively short stretch of the westernmost part of track, which approaches to a field width from houses at the eastern end of Parc Nant Celyn, Efail Isaf. However, given the extent of physical separation of the proposed track from the nearest dwellings it is not considered that either the construction or subsequent use of the track would be likely to have any undue impact upon the living conditions of occupiers of those properties. No adverse comments were raised during the publicity period of the application, which lends additional weight to this judgement.

### Highway safety

The importation of inert waste to form the access and equestrian track has the potential to generate significant movements of commercial vehicles during the construction phase and other traffic associated with its subsequent use. The only means of travelling to and from the site is via the local highway network from the direction of Efail Isaf to the west and Treforest Industrial Estate/Taffs Well to the east. Both routes are along severely sub-standard country lanes that are in places very narrow and with numerous bends and variations in level. In addition, the narrow access lanes are severely sub-standard in terms of carriageway width to cater for safe two-way traffic flows, horizontal alignment and forwards visibility which are lacking structural integrity, drainage and street lighting. As a result, there would be highways concerns regarding any proposal which would generate an intensification of use that would impact and create additional hazards to the detriment of safety of all highway users.

An existing gated field access is to be utilised for the proposal which is not set back from the highway to allow vehicles to be clear of the road for access/egress purposes, which is a cause for concern in terms of highway safety. Any intensification of this sub-standard access would result in vehicles standing on the

highway creating an obstruction to the free flow of traffic creating additional hazards to the detriment of safety of all highway users.

The section of highway in the vicinity of the site access has a speed limit of 60 mph, though in reality the configuration of the highway at this location means that actual traffic speed is likely to be substantially below the speed limit. The national speed limit would require that the site access be served by vision splays of 2.4m by 215m in accordance with TAN 18 Transport, but the achievable splays are 2.4m by 19m to the right and 2.4m by 56m to the left, significantly less than the standard required for a road of this speed which raises concerns in terms of highway safety if use of the access is intensified. Parking and turning space provision is considered adequate at the site.

Although it is acknowledged there are shortcomings with regard to the standard of the access and highway network serving the site, the key highway safety concerns are likely to arise in the event of any significant intensification of traffic movements caused by the development. Given the relatively short timescale for waste importation phase of the development and the relatively low frequency of attendant lorry movements, it is considered unlikely the construction phase of the development will intensify traffic movement to an extent that would pose an unacceptable hazard to highway safety. There is a lack of information in terms of the type and number of equestrian users of the facility and whether or not it would be used commercially, which would be unacceptable. Provided the use of the tracks was to be limited to private equestrian purposes it would be acceptable from a highway perspective. It is on this basis that the Transportation Section offers no objection to the application.

## **OTHER ISSUES**

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

### **Drainage**

Natural Resources Wales (NRW) has suggested that surface water management and drainage via Sustainable Urban Drainage techniques are recommended. If this proposal were otherwise acceptable these could be capable of being achieved by means of conditions in the event of planning permission being forthcoming.

### **Pollution**

The waste material proposed to be imported is inert builder's rubble and road arising, which is not intrinsically hazardous. No objections to the application on pollution prevention issues have been raised by either NRW or Public Health and Protection.

### **Sandstone Resources**

The application site lies in an area of known Sandstone mineral reserves, which policy AW14 seeks to avoid sterilising by other development. In that the proposed tracks cover a relatively small total land area, and given the abundance of the

Sandstone reserves in Rhondda Cynon Taf, the proposed development would not conflict with Policy AW14 to a significant extent.

**Conclusion**

In summary, on the one hand this proposal will involve a relatively modest waste importation operation over a fairly short timescale and will not have unacceptable consequences for local residential amenity and highway safety provided the equestrian use remains private and does not escalate into a commercial enterprise that risks causing an unacceptable intensification of traffic movements on the substandard highway at this location. On the other hand, however, the need for this development to support a rural enterprise at this location in the countryside and in a Special Landscape Area is decidedly weak and does not carry sufficient weight override the national and local planning policies that otherwise presume in favour of countryside protection. For these reasons, the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan in that it amounts to unjustified development in the countryside that would be harmful to the character and appearance of the area and the Special Landscape Area at this location. The proposal also is not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site, therefore fails to satisfy policy AW8 of the Local Development Plan.

**RECOMMENDATION: Refuse**

1. The proposal amounts to unjustified development in the countryside that is not reasonable necessary to support a rural enterprise at Tynewydd Farm, therefore would be unacceptably harmful to the character and appearance of the area and the Special Landscape Area at this location. For these reasons the proposal fails to satisfy policies AW2, AW5 and SSA23 of the Rhondda Cynon Taf Local Development Plan.
2. Insufficient information has been submitted to consider the consequences of the proposal for ecologically sensitive habitat and watercourses at the site. Therefore the proposal fails to satisfy policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPENDIX B

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL  
COMMITTEE**

**17 APRIL 2014**

**REPORT OF THE  
DIRECTOR LEGAL AND  
DEMOCRATIC SERVICES**

<b>Agenda Item No.4(3)</b>
<b>SITE MEETING APPLICATION NO. 13/0916 – CREATION OF EQUESTRIAN TRACK FROM INERT MATERIALS – TYNEWYDD FARM, EFAIL ISAF, PONTYPRIDD</b>

**Author: Mrs.Z.Maisey, Principal Officer, Committee Services**

**1. PURPOSE OF THE REPORT**

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

**2. RECOMMENDATION**

To refuse the application in accordance with the recommendation of the Service Director, Planning.

**3. BACKGROUND**

- 3.1 In accordance with Minute No. 207 (Development Control Committee, 20 March 2014) a site inspection was undertaken on Monday, 31 March 2014 to consider highways, ecology, land drainage and environmental health issues concerning the proposed development.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillors R.B. McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with Local Members for Llantwit Fardre (County Borough Councillors J.Bunnage and J.S.James).
- 3.3 At the commencement of the meeting, County Borough Councillor J.S.James declared a personal interest in the application stating "at the

applicant's request, I met with him to discuss the application, mainly to hear his intentions. In doing so I do not believe I prejudiced my position."

- 3.4 Members viewed the application site which was accessed via single track lanes from Efail Isaf.
- 3.5 Members were informed by the Development Control Officer that full planning permission was being sought for the creation of a new access and equestrian track from inert material. The proposed track, which had been commenced in part, was intended to be approximately 3.2km in length and follow and looped circuit around the perimeter of Tynewydd Farm. The track would comprise of hardcore inert construction waste laid to a width of 4m and a depth of 250mm in an earth bund of 0.5m height. Where the track crossed ditches, the typical treatment would involve the installation of a 6m section of 2m diameter concrete pipe over which the fill material and track would be laid. The track was intended for horse riding and to permit easier vehicular access to the Farm.
- 3.6 The Development Control Officer stated that the applicant had advised that the remainder of the track, as shown in the submitted planning application, would amount to approximately 15,000 tonnes and would take no more than 12 months to complete on the basis of 4 lorry deliveries of inert material per day. No haulage operations would start before 8 a.m. or continue after 5 p.m., Monday-Friday.
- 3.7 The Development Control Officer informed Members that the application was recommended for refusal as there was no evidence of need for the development to support a rural enterprise at this location and in a Special Landscape Area. It was decidedly weak and did not carry sufficient weight to override the national and local planning policies which protect the countryside from unjustified and harmful development. Also, the proposal was not accompanied by sufficient information to properly consider its impacts upon the ecology of sensitive habitat and watercourses at the site.
- 3.8 Following consideration of the application at Committee (Appendix 1), further correspondence had been received from the applicant's agent in which he had provided more information regarding the applicant's future intentions for the land and confirmed that an ecology survey had been undertaken, however, this had yet not been received by the Planning Department.
- 3.9 The Transportation Officer confirmed no objection to the proposal but pointed out that this was on the basis that the development was for private equestrian use only at the site. There would be concerns about any commercial activities being carried out and the resulting further intensification of use of the sub-standard access leading to the site that

would create additional hazards to the detriment of safety of all highway users and free flow of traffic.

- 3.10 The Public Health & Protection Officer confirmed that advice and comments had been provided in respect of hours of construction operations, noise, dust, waste and potential contamination.
- 3.11 The Local Members enquired about the drainage and ecological impact of the proposed development and in response the Council's Ecologist stated that he awaited sight of the ecology survey undertaken by the applicant before he could respond fully and the Land Drainage Officer stated that more information was needed from the applicant before a full response could be forthcoming.
- 3.12 Members, therefore, noted that more detailed information was required from the applicant regarding the proposal prior to determining the application.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**19 JUNE 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATION NO: APPLICATION  
NO: 13/0916- CREATION OF  
EQUESTRIAN AND ACCESS  
TRACK FROM INERT MATERIAL,  
LAND AT TYNEWYDD FARM,  
EFAIL ISAF**

**OFFICER TO CONTACT**

**MR P BRISTOW  
(Tel. No. 01443 494763)**

**See Relevant Application File**