

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**DEVELOPMENT CONTROL
COMMITTEE
18 DECEMBER 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No.5
APPLICATIONS RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

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

2. RECOMMENDATION

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

1. Application No. 12/0704 - Erection of 6no. wind turbines up to 110m blade tip height, access tracks, cables, electrical substation and associated ancillary equipment.
(Supplementary Environmental Information (SEI) giving further detail and consideration of the impacts of access track construction received 22 April 2013).
(Further Supplementary Environmental Information (SEI) reducing the number of turbines from 7no. to 6no. (turbine T1 deleted) received 10 October 2013)
(Revised red line boundary plans received 18 June 2014), Mynydd Portref Extension, Argoed Edwin Farm, Llanharan, Pontyclun.
2. Application No. 14/0004 - Variation of condition 1 of planning approval 07/0481/10 to extend the permission for a further five years (new build residential development), land at The Pavilions, Darran Road, Mountain Ash.
3. Application No. 14/0556 - Erection of one wind turbine with a maximum height to blade tip of 145m together with ancillary infrastructure including a transformer building, access tracks and turning area, underground cabling, crane hardstanding and turbine component set down areas and temporary construction compound (Amended plans received 20th October 2014 to alter the site boundary), land between Maerdy Coal Tip and Tynewydd Forest.

4. Application No. 14/1128 - Variation of Condition 2 and removal of Conditions 47, 48 and 49 of planning permission 12/1102/10 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard, Sainsburys Supermarkets Ltd, land south of A473, Talbot Green.
5. Application No. 14/1205 - Re-plan of phase 2 of planning permission 12/1313 to include residential development (213 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (Amended plans received 24/10/14 (site layout) 27/10/14 (Landscaping) and 29/10/14 (house type details), Duffryn Bach Farm, Station Road, Church Village, Pontypridd.
6. Application No. 14/1283 - Construction of 50 new build residential dwellings with garages and associated works, land off Maes-Yr-Eglwys, Church Village, Pontypridd.

APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 12/0704/10 (DJB)
APPLICANT: REG Windpower
DEVELOPMENT: Erection of 6no. wind turbines up to 110m blade tip height, access tracks, cables, electrical substation and associated ancillary equipment.
(Supplementary Environmental Information (SEI) giving further detail and consideration of the impacts of access track construction received 22 April 2013).
(Further Supplementary Environmental Information (SEI) reducing the number of turbines from 7no. to 6no. (turbine T1 deleted) received 10 October 2013)
(Revised red line boundary plans received 18 June 2014)

LOCATION: MYNYDD PORTREF EXTENSION, ARGOED EDWIN FARM, LLANHARAN, PONTYCLUN, CF72 9NG
DATE REGISTERED: 29/06/2012
ELECTORAL DIVISION: Brynna, Llanharan & Gilfach Goch

RECOMMENDATION: Approve, subject to a Section 106 Agreement

Reasons:

It is considered that this scheme represents a finely balanced development proposal in terms of its planning acceptability. In your officer's professional opinion the balance of planning judgement would support a positive recommendation. It is acknowledged that the scheme will result in a degree of adverse visual and landscape impact. However, importantly the development would contribute up to 12MW of output to the Welsh Government's energy production targets and the wider UK and Welsh Government commitments to optimising renewable energy generation. It is recognised that there are no Statutory Consultee objections to the application and that issues relating to matters such as highways and ecology/biodiversity can be adequately controlled and mitigated by means of conditions or under the required S.106 Agreement. It is further noted that there has been very little third party objection raised to the application, but a significant number of letters in support.

SITE APPRAISAL AND APPLICATION DETAILS

This application seeks detailed (full) planning permission for the erection of up to 6no. wind turbines (up to 110m to blade tip height), access tracks, cables, electrical substation and associated ancillary equipment.

An Ordnance Survey extract plan indicating the extent of the site and showing the siting of the proposed turbines is attached as **APPENDIX 1**. The proposed arrangement of the turbines means that the eastern most two (turbine nos. T4 and T7) would stand within the Llanharan ward; whilst the remaining four (turbine nos. T2, T3, T5 and T6) would stand within the Brynna ward. (Note: since the original receipt of the application the scheme has been revised with the deletion of turbine T1 from the proposal).

The proposal is for 6no. turbines with a maximum hub height of 70m and a maximum height to blade tip of 110m. The 2MW turbines would be 3 bladed, horizontal-axis, stall-regulated machines, which would be coloured in a typical pale-grey, low reflectivity finish (however, the exact colour can be controlled by means of a condition should Members be minded to grant planning permission). The turbines will be constructed on a reinforced concrete foundation and backfilled to ground level with excavated material. The foundation will typically measure 15m x 15m, with a depth of 2.5m (although these dimensions could be slightly smaller or larger depending on the specific ground conditions at the turbine location).

The defined red line planning application site comprises an area of 17.73 hectares within the southern fringes of the coalfield plateau, lying to the north of Llanharan and Brynna; south east of Gilfach Goch, Garden Village and Hendreforgan; south west of Tonyrefail and Thomastown; and, west of Coedely. (Note: when the application was originally received the red line defining the extent of the application site resulted in a site area of 7.74ha. Revised red line plans were received from REG Windpower on 18 June 2014, which increased the site area by almost 10ha).

The site is located on an open ridge rising from around 140mAOD at Nant Llanilid running to Thomastown to the north east to 277mAOD on the ridge top. The valley forms a notch in the ridge to the north while the Ewenni Fach valley cuts through the ridge to the south east. The land falls from the ridge top moderately steeply to the south to around 125-150m AOD and then more gently to around 75m AOD at Brynna and 45mAOD north of Pencoed.

The site lies in a transitional area in terms of geology and topography. To the north, the glacial coalfield sandstone plateau rises to 400m, and then 500m further north, and is incised by north west-south east running valleys such as the upper Cwm Ogwr Fach to the north east of the site flanked by the valleys of the Rhondda Fawr to the east and Cwm Dimbath and Ogwr Fawr to the west. The lower ridge of Mynydd Portref, though still part of the glaciated upland landscape, runs at right angles, east west, continued by Mynydd Hugh, Maendy and Mynydd y Gaer to the west and Mynydd Meiros and Garthmaelwg to the east. The ridgetop skyline is generally rounded and undulating. A further east west valley and sandstone/ conglomerate ridge to the south then give way to the gentler lowland limestone landscape of the Vale of Glamorgan to the south east and the Ewenny valley and Bridgend to the south south/east.

The ridge top is open with medium-large fields used for upland grazing enclosed by fences and/or stone walls. There are some areas of rough grazing and bracken on common land and associated with the incised valleys especially to the west. Trees and hedges lie on lower slopes and in the valleys. The site itself consists of improved and semi-improved acid grassland enclosed by stone walls.

Settlement is confined to single dwellings and farmsteads on the ridge slopes but there are substantial settlements to the north, north east and south. 400kV National Grid power lines on pylons run across the eastern part of the site, crossing the ridge and 33kV power lines run along the slope to the north.

Adjacent there is the Mynydd Portref wind farm with 8no. turbines with a hub height of 49m and height to blade tip of 75m and 3no. turbines with a hub height of 60m and height to blade tip of 86m. The lower turbines adjoin the existing Taff Ely wind farm (with 20no. turbines with a height to blade tip of 53.5m) with the design intention of minimising the apparent difference in height. The output of the 11 x 850kW turbines is 9.35MW. The Headwind Taff Ely Wind Farm proposal on the existing Taff Ely site (which Committee resolved to approve in April 2013 and is subject to a yet to be completed S.106 Agreement) is for 7no. x 2-2.5MW turbines, a maximum 110m high to blade tip. The overall output of the wind farm is likely to be 14-17.5MW and the life of the wind farm up to 25 years. The total output of the proposed wind farm combined with Mynydd Portref and existing Taff Ely would therefore be 30.35MW. With Mynydd Portref and Headwind Taff Ely the overall output would be between 35.35 and 38.85MW.

As well as the turbines themselves the current application seeks permission for ancillary development associated with the wind turbines, as follows:

- Glass fibre external transformer building and hardstanding by each turbine. Each turbine requires an area of hardstanding to be built adjacent to the turbine foundation to provide a stable base on which to site the cranes used to install the turbines. The crane hardstands will be approximately 20m x 40m (800sq.m.).
- Access track from Wilfried Way to the north shared in part (for a length of approximately 700m) with proposed Headwind Taff Ely Wind Farm access. In addition to existing site tracks it is estimated that approximately 3.2km of new access tracks will be required for the proposed development.
- Widening and reinforcing existing tracks to achieve the necessary usable width of 5m.
- New substation building, which comprise of a single storey building of 9.7m x 15.7m with a height to roof ridge of 6.4m. This will house the switchgear, metering, protection and control equipment. It is proposed that the substation building would stand adjacent to a site access

track, approximately 250m due west of turbine T2. External finishing materials for the substation are not specified on the submitted plan and therefore a condition (*suggested condition 37*) is recommended in order that the Council can agree the materials prior to works commencing.

- Connection cables underground on site which will link the turbines to the on-site substation building. Typically cables will be laid in a trench 1m deep and 0.75m wide and to minimise ground disturbance cables will be routed along the side of the access tracks wherever possible. It is estimated that approximately 2.5km of underground cable will be required to connect the turbines to the substation building.
- Two borrow pits are proposed within the site. It is intended that these will provide the material for constructing the site access tracks and hardstanding areas. The proposed borrow pits are situated to the west and south south/east of turbine T6, with the borrow pit to the west of T6 having an area of 3314sq.m. (volume of 3025cu.m.) and the borrow pit to the south south/east of T6 having an area of 6262sq.m. (volume of 7063cu.m.).
- A temporary construction compound, with dimensions of approximately 40m x 40m, to be sited at northern extent of the site access track near the Parc Eirin plateau.
- Overhead 33kV line from the site to the A4093 (when meeting the highway the connection will be by means of underground cable), which will facilitate the off-site grid connection at the Mill Street substation in Tonyrefail.

As is usual for wind farm development a 'micro-siting' tolerance is sought in respect of the various constituent elements of the scheme. The micro-siting distances sought are as follows:

Turbines – 30m

Crane pad hardstandings - 30m

Access to the proposed development will be via a new access to the north east to/from Wilfried Way past the Ensinger Factory on the Parc Eirin plateau and entering the application site some 30m to the south of The Griffin Public House. This new access will be shared for a significant part with the operators of the Headwind Taff Ely Wind Farm. (Members may recall that the access to the adjacent Mynydd Portref Wind Farm is taken from the A4093 by a track which also serves the existing Taff Ely Wind Farm. It is not indicated within this submission that that arrangement will change).

It is anticipated that turbine components are likely to be shipped to UK Docks and then brought to the site via the following road network:

- A4119, from M4 Junction 34 to A4119/A4093 roundabout;
- A4093, from A4119/A4093 roundabout to A4093/Wilfried Way roundabout; and
- Wilfried Way, from the A4093/Wilfried Way roundabout to the termination of Wilfried Way.

The applicant anticipates the construction phase of the project to last for approximately 9 months, with the turbines themselves being erected within month 8 of that projected timeframe. The wind farm would be serviced and maintained throughout the 25 years of operational life (the period for which consent is being sought). After this time, unless a further planning permission is granted, the wind farm would be decommissioned, dismantled and the site reinstated.

The applicant has correctly determined that the proposal would, under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, require an Environmental Impact Assessment (EIA) to be undertaken. Such assessments are necessary if a development is likely to have significant effects on the environment. As such, an Environmental Statement (ES) was submitted with the application. The ES sets out the results of the EIA undertaken to consider the environmental effects of the proposed scheme and comprises the following elements:

Volume 1 (June 2012) - the ES written statement

Volume 2 (June 2012) – the supporting technical appendices referred to in Volume 1

Volume 3 is split into two separate documents:

Volume 3 (June 2012) – Figures

Volume 3 (June 2012) - Photomontages

An ES Non-Technical Summary (June 2012) (NTS) has been produced, giving a summary of each of the technical chapters.

A Planning Statement (June 2012) also supports the application as does a Design and Access Statement (June 2012) (DAS) together with a Statement of Community Involvement (June 2012).

The ES contains chapters on landscape and visual impact, ecology and ornithology, noise, archaeology and cultural heritage, planning policy, socio-economics, tourism and recreation, shadow flicker, decommissioning, climate change, physical conditions (geology, hydrology and hydrogeology), transport and access, aviation, telecommunications. The early chapters of the ES also detail the background of site selection and describe how the scheme evolved from conception. In addition a detailed description of the site and project is provided.

In April 2013 REG Windpower submitted an Addendum to the earlier submission in order to overcome a holding objection made to the application by the former Countryside Council for Wales (now NRW). This Addendum document was

considered as Supplementary Environmental Information (SEI) and re-advertised accordingly.

In October 2013 REG Windpower revised their scheme, reducing the scale of their proposed development from the initially proposed 7no. turbines to 6no. turbines. As noted earlier in this report, the turbine noted as 'T1' was deleted from the scheme. This change resulted in the submission of further Supplementary Environmental Information (SEI) in the form of the following documents:

Mynydd Portref Extension Wind Farm: Additional Information Regulation 19 Figures (ref: CIR.C.0343) – dated October 2013.

Mynydd Portref Extension Wind Farm: Regulation 19 Additional Information Photomontages

7.20A – 7.41-3B, 7.70A – 7.72B (ref: CIR.C.0343) – dated October 2013.

Mynydd Portref Extension: Planning Summary Statement – dated October 2013

Mynydd Portref Extension Supplemental Planning Statement (prepared by Eversheds Solicitors – dated 10 October 2013).

An SEI Erratum (to be read in conjunction with para 7.20 of the October SEI) – giving an analysis of the impacts of the relationship of the proposed turbines to the settlement of Brynna.

A further round of consultation was undertaken following the receipt of the October 2013 SEI.

In June 2014 the case officer was advised by REG Windpower of their intention to submit further revisions to the application. These revisions to the scheme comprise the deletion of the southernmost (of three) borrow pit, together with revisions to the application red line to reflect the 30m micro-siting tolerance around the turbines, associated infrastructure, access tracks and the inclusion of a short access track from turbine T5 to the remaining south east borrow pit.

Revised red line plans reflecting these changes were received on 18 June 2014. The changes resulted in the area of the application site increasing from 7.74ha to 17.73ha.

In respect of these June 2014 changes a letter on behalf of REG Windpower was received from Eversheds Solicitors. In that letter it is stated:

“These revisions simply reflect the scheme already before the Council. They do not introduce a substantial or significant change and consequently the Council should not have any difficulty in determining the application without the need for further consultation and there would be no procedural defect if the Council were to do so.”

Following the receipt of Counsel's advice these revisions were accepted. However, on the advice of Counsel a further round of public and statutory bodies re-consultation was carried out.

In November 2014 REG Windpower, at the Council's request, submitted a package of clarification material. This comprised further material in respect of Viewpoints 2 and 12 from the LVIA.

The developer is suggesting a number of benefits from the proposed development. In accordance with guidance outlined in TAN8: Planning for Renewable Energy, a Community Benefits package would be offered by REG Windpower in association with the wind farm.

The proposed Community Benefits fund is based on £5000/MW of installed capacity, based on the originally proposed 7no. turbines (7 x 2MW turbines = 14MW (£70k)). As the scheme is now only for 6no. turbines, and, given the applicant has agreed to maintain the £70k figure, the rate per MW is in effect £5,833/MW/pa assuming 6 x 2MW turbines.

The package would comprise of an annual fund of £70,000 per annum (index linked) for the whole wind farm. The wind farm is planned to operate for 25 years, creating a total fund of £1.75 million over this period. REG Windpower propose to structure the fund as follows:

- 25% ring-fenced for the electoral division of Llanharan
- 25% ring-fenced for the electoral division of Brynna
- 25% ring-fenced for the Tonyrefail Community Council area
- 25% ring-fenced for the Gilfach Goch Community Council area

REG Windpower have indicated that should the Council grant planning permission for the application that they would make the first contribution available upon the expiry of the six-week legal challenge period.

Members should note that Government guidance makes it clear that any community funds should be operated outside of the planning system and as such they should not be taken into consideration when determining this application.

PLANNING HISTORY

In October 2012 an application (12/1029) for the erection of a 70.76m meteorological/anemometry mast was submitted. This mast is in connection with the Mynydd Portref Extension scheme proposed under this current application.

12/1029	Proposed 70.76m meteorological/anemometry mast	Approved 08/01/13
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Whilst not strictly within the current application site the following applications are in close proximity and are considered to be relevant, when considering this current application.

91/0190	Erection of 10 turbine wind farm (Tynewydd Farm)	Approved 19/02/93
91/0191	Erection of 10 turbine wind farm (Maendy Farm)	Approved 19/02/93

In December 1996 an application (96/2511) for two wind turbines to be sited south of the existing/operational Taff Ely Wind Farm was submitted to this Authority. However, that application was subsequently withdrawn in June 1998.

In July 2006 an application (06/1325) was submitted for the now constructed and operational Mynydd Portref Wind Farm immediately to the west of the current application site.

06/1325	Erection of 11 turbine Mynydd Portref Wind Farm	Approved 02/09/08
10/1258	Amendment to condition 21 (noise limiting level) (as imposed on permission 06/1325)	Approved 20/04/11

(When submitted the Mynydd Portref scheme was for 12 turbines. However, during the application's consideration one of the turbines was omitted).

11/0337	Erection of two temporary (up to 36 months) 70m anemometer masts on land at Maendy Farm –	Approved 30/06/11
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11/1468: Decommissioning of existing 20 wind turbines (blade tip height of 53.5m), transformers, substation and other infrastructure and proposed erection of 7 wind turbines (blade tip height of 110m) to form scheme known as 'Headwind Taff Ely Wind Farm'. Proposal also includes transformers, substation, permanent and temporary anemometry masts, new access tracks, upgrade of existing tracks and other associated developments – resolution to grant planning permission, subject to a S.106 and conditions 18/04/13.

CONSULTATIONS

Given the revisions made to the scheme during the course of the planning consideration there have been three rounds of statutory body consultation:

Round 1 - in August 2012 (following receipt of the application)

Round 2 - in November 2013 (following receipt of October 2013 SEI)

Round 3 – in August 2014 (following receipt of June 2014 revised red line plans)

(In addition there was a more focused re-consultation with the former CCW (now NRW) and the Council's Ecologist in respect of the April 2013 SEI, which was submitted to specifically address the holding objection raised by CCW in their initial letter of 4 October 2012).

The responses reported below represent the most recent consultation replies received.

Transportation Section – subject to the imposition of recommended conditions **no objection** is raised.

Land Reclamation & Engineering (Drainage) – raises **no objection**. However, recommends that appropriate drainage conditions be imposed should permission be granted.

Public Health and Protection – raise **no objections** subject to the imposition of appropriate conditions, including those relating to noise levels.

Environment Agency Wales (now part of NRW – Natural Resources Wales) – raise **no objection** to the application subject to the imposition of conditions requiring the submission and subsequent agreement of further details (inc. information relating to a construction method statement, borrow pit excavations, foundation details, surface water drainage and biodiversity).

Natural Resources Wales – further comment is made following recent changes to the red line boundary for the application (and further to previous responses by the legacy bodies Countryside Council for Wales and Environment Agency Wales). The previous comments of the legacy bodies remain valid. (Note for Members: the **Countryside Council for Wales** – raised **no objection** subject to the imposition of conditions and the applicant/developer first entering into a S.106 Agreement in order to secure the proper implementation of an agreed Habitat Management Plan).

Further comments (in letter dated 19 September 2014) are given in respect of European Protected Species. Given the recorded level of bat activity and the species recorded, we do not consider that the proposals will affect the Favourable Conservation Status of bats.

Should the Council be minded to approve the application, the various mitigation and enhancement undertakings proposed by the applicant should be included within a S.106 agreement to ensure delivery of the proposals during the 25 year duration of the scheme.

Countryside Section (Ecologist) – acknowledges that the EIA undertaken on behalf of the applicant is supported by an appropriate suite of ecological surveys/assessments.

Specific comments are made in respect of Designated Sites, Habitats, Specific Species of Vertebrates and Invertebrates and Birds.

The assessment identifies impacts on Tonyrefail Mountains SINC (107) and in particular the access track will involve the direct impact on 880m of peat habitat

affecting an area of 0.44 hectares. The Addendum Report of April 2013 submitted by Avian Ecology highlights the potential impacts of this access track on the peat system – these include physical habitat loss, hydrological impacts, peat compression and pollution impacts. The route has been identified to avoid deeper peat and the Addendum Report includes a series of mitigation measures. Despite the proposals and the attempt to reduce impacts, the access track is a concern and very robust mitigation is needed in order to reduce those impacts and off-set any long term implications.

It is noted that NRW's comments on the EIA are important, particularly in relation to bat issues, but also with regard to bird and peat issues.

Subject to NRW's response it would appear that the impacts of the proposals on ecological issues can be managed to an acceptable level. **No objections** are raised subject to the imposition of conditions and the applicant first entering into a S.106 Agreement, which shall contain full details of the habitat and hydrological management and species mitigation measures for a 25yr period.

Arqiva – we have considered whether this development is likely to have an adverse affect on our operations and have concluded that we have **no objection** to this application. However, the proposed wind farm extension is situated between 3 Arqiva sites – Llanharan, Tonyrefail and Gilfach and for this reason Arqiva would have to be informed if the turbine layout is changed.

(For Members information: Arqiva is responsible for providing the BBC and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast Links (RBL's) and point to point microwave networks/links).

The Joint Radio Company Limited (JRC) – raise **no objections** to the application. However, it is indicated that the positions of T2 and T3 are critical and therefore control should be sought on their micro-siting.

(For Members information: JRC analyses proposals for wind farms on behalf of UK Fuel & Power Industry, in order to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements).

Atkins Limited – **no objection** to the proposal.

(For Members information: Atkins Limited provide Wind Farm/Turbine support services on behalf of the Telecommunications Association of the UK Water Industry (TAUWI)).

Cadw – confirm that Cadw's role in the planning process is not to oppose or support planning applications but to provide LPA's with an assessment concerned with the likely impact that the proposal will have on scheduled monuments or Registered Historic Landscapes, Parks and Gardens. It is a matter for the LPA to then weigh Cadw's assessment against all the other material considerations in determining whether to approve planning permission.

The scheduled ancient monument (SAM) known as St. Peter's Church, Remains of (GM338) is within close proximity of the proposed development area. The proposed development is also within 5km of the SAM's known as; Llanilid Castle Mound (GM080); Gadlys (GM081); Mynydd Gaer (GM084); Lle'r Gaer (GM219); The Beacons Round Barrows (GM280); Two Round Barrows, Naboth's Vineyard (GM346); and, Camp at Cwm Lloyd (GM356).

The previously expressed views that the impact on the settings of GM084 – Mynydd Gaer and GM294 – Mynydd Maendy Round Cairn will be slight negative, still stand. However, in the case of GM338 – St. Peter's Church, the impact is greater.

It is considered that the impact of T5, which is sited circa 250m from the remains of St. Peter's Church SAM will be a moderate adverse impact.

In conclusion, the proposal will have a detrimental impact on the setting of the SAM's but that this impact is not considered to be significant.

National Air Traffic Services (NATS) – raise **no objection** to the proposal.

Cardiff International Airport (Director of Operations) – raises **no objection** to the application.

Glamorgan Gwent Archaeological Trust – this application will require archaeological mitigation. Taking all the submitted information into consideration, we recommend that a condition, worded in a manner similar to the model condition in WO Circular 60/96, requiring the applicant to submit a detailed programme of investigation for the archaeological resource should be attached to any consent granted by your Members. Subject to the imposition of this condition **no objection** is raised.

Ministry of Defence (responding as Defence Infrastructure Organisation) – confirm that the MOD has **no objection** to the application proposal.

Llanharan Community Council – express **support** for the application.

Bridgend County Borough Council (as neighbouring LPA) – **no objection** has been raised to the proposal.

The Vale of Glamorgan Council (as neighbouring LPA) – **no objection** to the application, but request the imposition of conditions relating to the traffic/highway implications of the delivery of turbine and associated components.

PUBLICITY AND PUBLIC RESPONSE

As a consequence of the publicity undertaken (including site notices and press notices) in respect of this application correspondence has been received, both in support of and objection to.

Correspondence received in **support** of the application

A total of **100** letters expressing support for the proposal, comprising:

83 standard letters in which the reasons given for these expressions of support are summarised as follows:

- Wind power makes a positive contribution in tackling climate change and helps safeguard the planet for future generations;
- The project will produce 53 million kwh of clean, renewable energy, enough to power 12,000 homes;
- it is compliant with Welsh Government policy; and,
- a fund of £56,000 per year will be provided for the local community.

(For Members information these standard letters received were sent to those people who had previously indicated, through their returning of a comment form to REG Windpower, support for the proposal. They were contacted by REG Windpower and provided with the standard letter and a pre-paid envelope and asked to submit this to the Council).

12 standard letters in which the reasons given for these expressions of support are summarised as follows:

- need to take action to combat the impacts of climate change and wind turbines should be encouraged
- the site has had wind turbines before and is a good site to generate clean energy
- the Community Fund proposed by the applicant will support local communities

5 standard letters in which the reasons given for these expressions of support are summarised as follows:

- it is important that we produce as much renewable energy as we can to help fight climate change.

Correspondence received in **objection** to the application

A total of **5** letters and **2** emails have been received raising objections to the application proposal (one of the emails is from the same author of one of the five letters). The objections raised are summarised as follows:

- I have recently become aware of the financial costs to the people of the UK for wind farms and do not agree with the plans;
- Users of local PROW, bridleways and The Ridgeway Walk will be affected due to the close proximity of the turbines;
- The proposed development is not within the SSA;

- The scheme contravenes local guidance relating to TAN8;
- Cumulative impact with other wind farms;
- Loss of amenity due to noise of further turbines;
- The development is an extension of an extension;
- The area has already seen much wind farm activity and is being ring-fenced by turbines;
- The turbines are larger than those on Mynydd Portref;
- Will be a visual intrusion in the landscape on a prominent ridge;
- The application is not in accordance with the Council's LDP policies;
- The turbines will be seen for miles around;
- Why can't the existing Taff Ely Wind Farm access road be used;
- Adverse impacts on wildlife and habitats;
- Will lead to highway disruption in Tonyrefail; and,
- The proposed turbines are larger and will not blend in with the existing.

(Prior to the submission of their planning application REG Windpower undertook two public exhibition/consultation events, one in Thomastown Social Club from 2pm to 8pm on Friday 20 January; and, one in Brynna Community Centre from 9am to 1pm on Saturday 21 January 2012. The applicant's submitted 'Statement of Community Involvement' notes that over the two days more than 70 people attended the consultation events and that following the events 23 questionnaire forms were received. Before the consultation/exhibition events bilingual information flyers were sent to more than 8,700 of the addresses closest to the site, as well as other stakeholders, including local councillors and community groups. In addition 50 posters were put up in the local area and a press release issued to the local media).

POLICY CONTEXT

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

Section 54A of the Town and Country Planning Act 1990 (as amended) has now been superseded by Section 38 of the Planning and Compulsory Purchase Act 2004 which restates the fundamental principle of the planning process that all applications are determined in accordance with the development plan in force for the area unless material considerations indicate otherwise.

In addition to the development plan policies, a fundamental material consideration is contained within Planning Policy Wales and Technical Advice Note (TAN) 8: Planning for Renewable Energy.

There are references to renewable energy projects in a number of other Technical Advice Notes, governmental policies and advice publications and the Council's own policies and publications, the principal aims of which are to reduce the reliance on fossil fuels and to encourage the use of other (non-fossil fuel) sources of energy.

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

Rhondda Cynon Taf Local Development Plan

Paragraph 4.19 states, "The strategy seeks to mitigate and adapt to the impacts of climate change by ensuring the efficient use of resources, supporting renewable energy resources, protecting biodiversity, managing waste effectively, promoting development in accessible locations, focusing new housing away from areas of flood risk and improving energy efficiency in the design of new buildings. Equally important is the need to protect the countryside and unique landscape of Rhondda Cynon Taf from urbanisation and incremental loss"

Policy CS2 - confirms that in respect of the Southern Strategy Area the emphasis will be on sustainable growth that benefits the County Borough as a whole. The policy lists eight ways that this will be achieved. These include as (7) 'protecting the cultural identity of the Strategy Area by protecting historic built heritage and the natural environment'.

Policy AW4 - confirms that the Council, will where appropriate seek planning obligations in respect of certain forms of development, including renewable energy schemes (12).

Policy AW5 - gives general criteria for new development, including the effect of development on a site and surrounding area (criteria 1a.).

Policy AW7 - provides for the protection of sites of historic importance and facilities including public rights of way.

Policy AW8 - seeks to protect the natural heritage of the plan area by only permitting development which will not unacceptably impact on features of importance to landscape or nature conservation (SINC).

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

Policy AW12 - permits the development of small/medium sized wind turbines (between 5MW and 25MW), where it can be demonstrated that there is no unacceptable effect upon the interests of soil conservation, agriculture, nature conservation, wildlife, natural and cultural heritage and landscape importance, public health and residential amenity. Development proposals should be designed to minimise resource use during construction, operation and maintenance.

Policy AW13 - permits proposals for large wind farm development, where the boundary is within the SSA, it is sited on a predominantly flat, extensive area of upland, is located a minimum of 500m from the nearest residential property, will not have an unacceptable impact on the visual quality of the wider landscape, will

minimise and where possible enhance public access to the countryside, will not impact on areas of nature conservation value and will protect the Brecon Beacons National Park.

Policy AW14 - seeks to safeguard mineral resources from development which would hinder their extraction. In this case the site lies within an area identified under AW14.2, which refers to the safeguarding of Sandstone resources.

Policy SSA23 - identifies 11no. Special Landscape Areas (SLAs) and confirms that within SLAs development will be required to conform to the highest standards of design. Supporting paragraphs 6.178-6.181 indicate that the SLAs have been designated to protect areas of fine landscape quality. In the Southern Strategy Area particular consideration has been given to the protection of the unspoilt low lying farmland, common land and gentle valley slopes which form a visual backdrop to the settlements of the area. The current application site lies within SSA23.7 – Mynydd Hugh and Llantrisant Forest.

Planning Policy Wales (Edition 7, July 2014)

1.1.1: PPW sets out the land use planning policies of the Welsh Government (WG). It is supplemented by a series of TANs.

1.2.1: The planning system manages the development and use of land in the public interest contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.

1.4.4: WG is required to make a contribution to the International, EU and UK targets for greenhouse gas emission reduction.....The planning system will play an important role in tackling climate change and reducing greenhouse gas emissions.

3.1.2: Applications for planning permission.....should be determined in accordance with the approved or adopted plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of WG and the UK Government. All applications should be considered in relation to up to date policies.

3.1.8: When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

Sections 3.6 and 3.7 give general advice on the use of planning conditions and planning obligations.

4.3.1: Tackling climate change is identified as one of a number of principles in underpinning WGs approach to its planning policy for sustainable development.

4.5.1: Tackling climate change is a fundamental part of delivering sustainable development. Climate change is one of the most important challenges facing the world and WG has made a commitment to tackling climate change, resolving that the Government and people of Wales will play the fullest possible part in reducing its carbon footprint.

Chapter 5 sets out WGs position in seeking to conserve and improve natural heritage and the coast

5.1.1: Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic well-being of individuals and communities.

5.1.4: It is important that biodiversity and landscape considerations are taken into account at an early stage in both development plan preparation and development management.

5.1.5: NRW has a statutory role in....development management and will provide specific advice on landscape and nature conservation issues.

5.3.13: advises on the use of LANDMAP in informing the decision making process.

5.5.1: Biodiversity and landscape considerations must be taken into account in determining individual planning applications and contributing to the implementation of specific projects.

5.5.2: When considering development proposals local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment.

5.5.3: In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations.

5.5.4: For all planning applications likely to result in disturbance or harm to a protected species....local planning authorities should seek the advice of NRW and should always consult them before granting permission. (para 5.5.11 also relates).

6.1.1: It is important that the historic environment – encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected.

11.1.5: Managing and adapting to climate change will be critical to the future of sustainable tourism in Wales. Predicted changes in climate change across the world may affect the tourism market in Wales.

11.1.13: Local authorities should seek to protect and enhance the rights of way network as a recreational and environmental resource.

Chapter 12 sets down WGs position in respect of Infrastructure and Services and Section 12.8 within deals specifically with Renewable & Low Carbon Energy. It is considered that this Section is the most relevant in the consideration of this application.

12.8.1: The UK is subject to the requirements of the EU Renewable Energy Directive. These include a UK target of 15% of energy from renewables by 2020. The UK Renewable Energy Roadmap sets the path for the delivery of these targets, promoting renewable energy to reduce global warming and to secure future energy supplies. The WG is committed to playing its part by delivering an energy programme which contributes to reducing carbon emissions as part of our approach to tackling climate change whilst enhancing the economic, social and environmental wellbeing of the people and communities of Wales in order to achieve a better quality of life for our own and future generations. This is outlined in the WG's Energy Policy Statement *Energy Wales: A Low Carbon Transition (2012)*.

12.8.2: Planning policy at all levels should facilitate delivery of both the ambition set out in *Energy Wales: A Low Carbon Transition* and UK and European targets on renewable energy. The Renewable Energy Directive contains specific obligations to provide guidance to facilitate effective consideration of renewable energy sources.....The issues at the heart of these duties are an established focus of planning policy in Wales, and in this context both local planning authorities and developers should have regard in particular to the guidance contained in TAN8 – Planning for Renewable Energy and Planning for Renewable Energy – A Toolkit for Planners. The WG will however consider the preparation of further targeted guidance where appropriate.

12.8.3: Confirms that the consenting process for renewable energy projects in Wales depends on the size and location of the proposed renewable development.

12.8.4: Identifies that for the planning system in Wales the key area of responsibility is onshore development of less than 50MW.

12.8.6: The Welsh Government's aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the WG's aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient

use of natural resources, both as an economic driver and a commitment to sustainable development.

12.8.7: Confirms, for the purposes of planning policy what the term 'renewable energy' covers. This includes wind energy.

12.8.8: Confirms that the Welsh Government is committed to using the planning system to optimise renewable energy production.

12.8.9: Local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy to help to tackle the causes of climate change. Specifically they should make positive provision by.....considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring the development plan policies enable this contribution to be delivered.....ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations.

12.8.10: Local planning authorities should...ensure that international and national statutory obligations to protect designated areas, species and habitats and the historic environment are observed....ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration.

12.8.12: In the short to medium term, wind energy continues to offer the greatest potential (for activities within the control of the planning system in Wales) for delivering renewable energy. Wales has an abundant wind resource and power generation using this resource remains the most commercially viable form of renewable energy. The Welsh Government accepts that the introduction of new, often very large structures for onshore wind needs careful consideration to avoid and where possible minimise their impact. However, the need for wind energy is a key part of meeting the Welsh Government's vision for future renewable electricity production as set out in the Energy Policy Statement (2010) and should be taken into account by decision makers when determining such applications.

12.8.13: The most appropriate scale at which to identify areas for large scale onshore wind energy development is at an all-Wales level. TAN8 (2005) identifies areas in Wales which, on the basis of substantial empirical research, are considered to be the most appropriate locations for large scale wind farm development; these areas are referred to as Strategic Search Areas (SSAs).

12.8.14: An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure.

12.8.15: The impacts from renewable energy developments and associated infrastructure will vary depending on their type, location and scale.

12.9.1: Local planning authorities should plan positively for all forms of renewable and low energy development using up to date and appropriate evidence.

Section 12.10 Sets out WGs position in respect of Development Management and Renewable and Low Carbon Energy.

12.10.1: In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage, the coast and the historic environment;
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal

12.10.3: Developers for renewable and low carbon energy developments should seek to avoid or where possible minimise adverse impacts through careful consideration of location, scale, design and other measures.

12.10.4: Local planning authorities should, where relevant, consider the likely impact of proposed renewable and low carbon development on existing or other proposed renewable and low carbon energy developments and sources. In such cases they should consider amendments so as to render them acceptable.

12.10.5: The WG supports the principle of securing sustainable community benefits for host communities through voluntary arrangements. Such arrangements must not impact on the decision making process and should not be treated as a material consideration unless it meets the tests set out in Circular 13/97.

13.13.1: Noise can affect people's health and well being and have a direct impact on wildlife and local amenity. Noise levels provide an indicator of local environmental

quality. The objective of a policy for noise is to minimise emissions and reduce ambient noise levels to an acceptable standard.

13.15.1: Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

13.15.2: Special consideration is required where noise-generating development is likely to affect a protected species, or is proposed in or near statutorily designated areas.....The effect of noise on the enjoyment of other areas of landscape, wildlife and historic value should also be taken into account.

Technical Advice Note 8: Planning for Renewable Energy – July 2005.

This TAN relates to the land use planning considerations of renewable energy, however, UK and national energy policy provide its context. It covers all aspects of renewable energy and therefore not all of it is of direct relevance to the consideration of this application.

The TAN is written in 2 parts comprising the main report advice and a series of 6 annexes. Annex A includes the WG Policy Statement on Renewable Energy which states that *“...onshore wind will be the main large-scale technology capable of achieving our 2010 target. In the longer term, the Severn Barrage with its tremendous renewable energy potential could also be of significant interest”*; Annex B refers to “Community Benefits”; Annex C includes a description of “Renewable Energy Technologies”; Annex D relates to a “Potential Methodology for Local Planning Authorities with Strategic Search Areas”; with Annexes E and F containing a “Glossary of Terms” and a list of “Contacts”.

Para 2.14 of TAN8 states “There will also be opportunities to re-power and/or extend existing wind farms which may be located outside SSAs and these should be encouraged provided that the environmental and landscape impacts are acceptable”.

The principal advice contained within the main body of the report can be summarised as follows:

- The provision of energy from renewable sources is an important component of the UK Government energy policy. The target is to produce 10% of electricity from renewable energy sources by 2010.
- The Welsh Government has a target of 4TWh of electricity per year to be produced by renewable energy by 2010 and 7TWh by 2020. The 4TWh target equates to a requirement to have 1500MW installed by 2010. Wales

currently has around 550MW. To meet the target around 1000MW of additional capacity is required.

- To meet these targets WG has advised that 800MW of capacity is required from on-shore wind sources with 200MW from offshore and other renewables.
- The core purpose of this TAN is to deliver these targets within the agreed timescales.
- WG state that on-shore wind offers the greatest potential to meet these targets in the short to medium term. To meet this requirement the WG have concluded that large scale (over 25MW) on shore wind farms should be concentrated into areas called Strategic Search Areas (SSA's).
- The TAN acknowledges that not all land within a SSA is going to be suitable but WG is satisfied that sufficient land has been allocated within these areas to meet their targets.
- The TAN advises that Councils should refine the SSA to guide developers to the most appropriate locations within the SSA but does not preclude land outside of, but close to, the SSA from being considered.
- There are 7 SSA's designated within Wales. The area that includes Rhondda Cynon Taf is SSA 'F' (Coed Morgannwg).

The SSA's have been chosen to meet the following characteristics:

- large areas with a good wind resource,
 - upland areas which contain a predominantly flat plateau,
 - generally sparsely populated,
 - dominated by conifer plantation or impoverished moor land, has little nature conservation or historic landscape features,
 - can accommodate over 25MW and achieve 70MW of installed capacity, and,
 - largely unaffected by broadcast transmission or military applications.
-
- The TAN does not rule out on-shore wind projects in other areas outside of the SSA's and advises that some previously developed (brownfield) sites may be suitable for up to 25MW which should be encouraged.
-
- The Welsh Government is also keen to promote smaller community based wind farm proposals of up to 5MW.
-
- The TAN advises that most areas outside of SSA's should remain free from large wind power schemes and that Councils should consider the potential for cumulative impact and establish suitable criteria for separation distances between wind farms.
-
- There is opportunity to achieve community benefits through major wind farm development. Some benefits can be justified as mitigation for the impact of the scheme while developers may offer benefits not directly related to the planning process.

- The TAN outlines other forms of renewable energy technologies but acknowledges that it is likely that they will provide only a small proportion of the overall target. These technologies include Biogas, bio fuels for vehicles, combined heat and power plants, community heating, energy from waste, fuel crops, hydro power, methane, solar thermal and solar photo voltaic power.
- The principles of TAN 8 (including reference to the SSA's) should be incorporated into Development Plans which should also promote high standards of fuel efficiency as well as other forms of renewable energy technologies that are likely to come forward during the plan period.

Of the Annexes to the TAN, Annex C has the greatest relevance to the generation of renewable energy by wind in so far as it briefly outlines current technologies highlighting some of the specific considerations of relevance to the development control process in the determination of this application. The information can be summarised as follows:

Turbine Technology

Most turbines have rotors that rotate about a horizontal axis. They convert the kinetic energy of the wind that passes through the swept area of the rotor into electrical energy by means of a rotor generally comprising 3 blades, a mechanical drive train and an electrical generator. The height of the turbine is normally at least twice the length of the blade. The blades need to be far enough from the ground to minimise turbulence and to increase the energy capture of the wind turbine.

Wind turbines are usually defined by the "rated capacity" which is measured in kilowatts (kW) or megawatts (MW). The "rated capacity" equates to the maximum electrical output. The power output is proportional to the cube of the wind speed. A doubling of wind speed will result in an approximate eight-fold increase in power output. A turbine on a site with an annual average wind speed of 6 metres per second (m/s) will only produce half as much energy as the same machine on the site with an average wind speed of 8 m/s.

A 45 metre high turbine with a 100kW output will generate enough electricity to supply 64 homes. A 65 metre high turbine with a 500kW output will supply 320 homes. A 95 metre high turbine with a 1MW output will power 640 homes while a 145 metre high turbine with a 2MW output will power 1281 homes. (all figures based on an average UK household consumption of 4100 kWh/year).

The blades are generally the largest single item that is transported to a wind farm during construction as they are manufactured in one piece, unlike the tower which is usually sectional. The blades are attached to the hub which is in turn attached to the main shaft that drives the generator. The generator, any gearbox and a yaw drive are housed within a nacelle. The yaw drive turns the rotor to face the wind. The nacelle is mounted on the tower.

Below a certain wind (the “cut in”) speed there is insufficient energy in the wind for the turbine to generate electricity. Between the cut in and the rated wind speed the blades of the turbine will be positioned to capture as much energy as possible. Once the rated capacity has been reached the angle of the blades are adjusted to limit the energy capture such that the rated power is not exceeded. The “cut out” wind speed cannot be exceeded as the turbine will stop rotating to protect itself. This is controlled by its own computer system which also monitors performance. If untypical vibration occurs caused by mechanical component imbalance is detected or if connection is lost to the electricity grid, all turbines will undergo an emergency stop.

Other Infrastructure

In addition to the turbines, the required infrastructure of a wind farm consists of adequate road access, on site tracks, turbine foundations, crane hard-standings, one or more anemometer masts, a (temporary) construction compound, electrical cabling and an electricity sub-station and control building.

Connection to the Electricity Grid

Small transformers are required to change the generating voltage to a common site voltage. These transformers are usually housed in the base of the turbine tower but might need a separate housing alongside. The output from individual turbines is normally connected to a sub-station via underground cables.

Responsibility for the routing of electrical cabling onwards from the sub-station to the nearest suitable point of the electricity distribution network is the responsibility of the District Network Operator (DNO) This will be achieved either by a standard 3 wire system on wooden poles or by underground lines. It should be noted, however, that laying high voltage cables underground is usually 6-20 times more expensive than a pole mounted system and would likely be justified for only limited lengths and/or in special circumstances.

Grid Capacity in Wales

There is currently very restricted capacity for further wind-power development in North and Mid Wales. The situation in South and West Wales is somewhat different with there being some significant spare capacity in the distribution and transmission systems that are operated by Western Power Distribution and NGT.

It is understood that a grid connection for the application has been secured.

Noise

Well designed wind farms should be located so that increases in ambient noise levels around noise-sensitive properties are kept to acceptable levels with relation to

existing background noise. This will normally be achieved through good design of the turbines and any existing noise-sensitive development.

Noise levels from turbines are generally low and, under most operating conditions, it is likely that any turbine noise would be completely masked by wind generated background noise.

There are 2 quite distinct types of noise source within a wind turbine;

- the mechanical noise produced by the gearbox, generator and other parts of the drive train, and
- the aerodynamic noise produced by the passage of blades through the air.

There has been a significant reduction in mechanical noise since the early 1990's so the latest generation of wind turbines are much quieter than those first installed in Wales. Aerodynamic noise from wind turbines is generally unobtrusive – it is broadband in nature and in this respect is similar to the noise of wind in trees.

Wind-generated background noise increases with wind speed, and at a faster rate than the turbine noise increases. The noise of the wind farm is therefore more likely to be noticeable at low wind speeds. Varying the speeds of the turbines in such conditions can, if necessary, reduce the sound output from modern turbines.

Low Frequency Noise

There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. A comprehensive study of vibration in the vicinity of a modern wind farm was undertaken in the UK in 1997 for the DTI. Measurements were taken on site and up to 1km away – in a wide range of wind speeds and directions.

The study found that:

- Vibration levels 100m from the turbine were a factor of 10 less than those recommended for human exposure in critical buildings (i.e. laboratories for precision measurement)
- Tones above 3.0 Hz were found to attenuate rapidly with distance – the higher frequencies attenuating at a progressively increasing rate.

(Technical Advice Note 11: Noise also provides general guidance on the control of noise from new developments of various kinds).

Safety

Experience indicates that properly designed, erected and maintained wind turbines are a safe technology. The very few accidents that have occurred involving injury to humans have been caused by failure to observe manufacturers' and operators'

instructions for the operations of the machines. There has been no example of injury to a member of the public.

The minimum distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and visual impact will usually be greater than required to meet safety requirements.

Landscape and Visual Impact

Annex D relates to Authorities within which is covered by a Strategic Search Area (SSA) and states that the purposes of undertaking a refinement exercise is to achieve a finer grain of development allocation within it taking into account landscape, visual and cumulative impacts. It is anticipated that refinements/adjustments can be made to the SSA boundaries when they are translated into local planning documents. This will facilitate the inclusion of development on the margins of the SSA's where local conditions recommend.

Proximity to Residential Dwellings

A distance of 500 metres is currently considered a typical separation distance between a wind turbine and residential property to avoid unacceptable noise impacts, however when applied in a rigid manner it can lead to conservative results and so some flexibility is advised.

Landscape and Character Value

The landscape value of an area is an important criterion in judging its suitability for wind turbines development. It is a factor that applies to a particular area rather than a generic landscape type.

Cumulative Landscape and Visual Impact

Cumulative effects are those that occur, or may occur, as a result of more than one wind farm project being constructed. The degree of cumulative impact is a product of the number of and distance between individual wind farms, the inter-relationship between their sub-areas of visual influence, the overall character of the landscape and its sensitivity to wind farms, and the siting and design of the wind farms themselves. It is important to recognise that cumulative effects consist of both those upon visual amenity as well as effects on the landscape. The degree of cumulative impact also gives rise to the notion of thresholds, beyond which impacts may not be acceptable.

In order to justify a threshold based on natural heritage factors, there needs to be clarity over natural heritage objectives. For example, in relation to cumulative landscape impacts, one needs to be clear whether the landscape objective in the area is:

- To maintain the integrity and quality of the landscape (as may be appropriate within a designated landscape);
- To maintain the landscape character; or
- To accept landscape change.

There is an implicit objective in TAN 8 to maintain the integrity and quality of the landscape within the National Park i.e. no change in landscape character from wind turbine development.

In the rest of Wales outside the SSA's, the implicit objective is to maintain the landscape character i.e. no significant change in landscape character from wind turbine development.

Within (and immediately adjacent) to the SSA's the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development.

TAN 8 has considered cumulative landscape and visual interests at an all-Wales level. The strategy adopted is a means of concentrating the impact of wind turbines in a relatively small proportion of the country in areas that are, on balance technically, practically and environmentally better able to accommodate such impacts than other parts of Wales.

Ecology and Ornithology

TAN5 – Nature Conservation and Planning, gives advice that should be taken into account when considering any development of land. The development of a wind farm is often a major civil engineering project and thus there are potentially very serious implications for biodiversity. The major ecological impacts are most likely to be associated with site infrastructure rather than the turbines themselves and the advice contained within TAN 5 should cover all aspects of the development – other than the impact of the moving blades upon birds and bats. With such extensive application sites there will very often be opportunities for developers to mitigate for any potential ecological damage and preferably enhance current wildlife habitats.

The impact of the moving blades upon bats and birds is a common concern but in most cases will not lead to significant numbers of deaths or injuries. “Bird strike” is most likely to occur if a wind turbine is erected directly in a migration path or where there is a high concentration of a particular species for feeding. Early consultations with the Countryside Council for Wales and RSPB are essential and most sites are likely to require a breeding bird survey in the spring and a winter survey as a minimum requirement.

Archaeology

Welsh Office Circular 60/96 – Archaeology and Planning gives advice on issues relating to archaeology. Care should be taken to ensure that relevant procedures are followed in preparing planning submissions, dealing with applications and pre/during construction.

Proximity to Highways

It is advisable to set back all wind turbines a minimum distance, equivalent to the height of the blade tip, from the edge of any public highway (road or other public right of way).

There is no evidence that motor vehicle accidents have been caused as a result of drivers being distracted by the movement of wind turbine blades. Wind turbines should not be treated any differently from other distractions faced by a driver.

The British Horse Society has suggested a 200m-exclusion zone either side of public bridleways in order to avoid wind turbines frightening horses. This is not a statutory requirement and the circumstances pertaining at any particular site should be taken into account.

Proximity to Power Lines

Wind turbines should be separated from overhead power lines in accordance with the Electricity Council Standard.

Electromagnetic Production and Interference

A wind turbine can interfere with the electromagnetic transmission in two ways – by emitting an electromagnetic signal itself, and by interfering with other electromagnetic signals. The very low level of electromagnetic radiation produced by the turbine itself poses no greater threat to health than do most domestic appliances.

Provided careful attention is paid to siting, wind turbines should not cause any significant adverse affects on communication systems that use electromagnetic waves as the transmission medium (television, radio, microwave links, etc.) Specialist organisations responsible for the operation of the electromagnetic links typically require a 100m clearance either side of a line of sight link from the swept area of turbine blades, though individual consultations would be necessary to identify each organisation's safeguarding systems.

Shadow Flicker and Reflected Light

Under particular circumstances the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. The shadow flicks on and off as the blades rotate. This can be disturbing for the affected residents or even have the potential of being a health problem for people who are photosensitive epileptics. The

problem is seasonal and only lasts for a few hours per day, but needs to be investigated where any potential exists. Developers should provide an analysis of the potential for shadow flicker impacting upon any nearby properties.

Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect.

Icing

The build up of ice on turbine blades is unlikely to present problems on the majority of sites in Wales. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.

Protecting Aviation Interests

Developments within a specified radius of major airports and aerodromes are subject to mandatory consultation with the Civil Aviation Authority (CAA) and/or the Ministry of Defence (MoD). The CAA will inform the applicant of any civilian airfields that are likely to be affected but it is the responsibility of the applicant/planning authority to consult the airfield management in question.

Lights are only required on structures that are over 150 metres high.

The MoD uses a large tract of Mid Wales for low flying training and consultation with the Ministry will be required for any proposals lying within a Tactical Training Area.

Any large structure is liable to show up on radar, but wind turbines can present a particular problem as they can be interpreted by radar as a moving object. Preliminary discussions with the National Air Traffic Service (NATS) have indicated that there are no significant problems likely for wind farm development in the SSA.

Glossary

Kilowatt (kW) – 1000 watts

Megawatt (MW) – 1000 kilowatts

Gigawatt (GW) – 1000 megawatts

Terawatt (TW) – 1000 gigawatts

LANDMAP

LANDMAP is the national information system, devised by the Countryside Council for Wales, for taking landscape into account in decision-making.

LANDMAP is a unique system, allowing information about landscape to be gathered, organised and evaluated into a nationally consistent data set.

LANDMAP Information is collected in a structured and rigorous way that aims to be as objective as possible. Its database contains both relatively objective information – such as rock type and historical information – and more subjective information, such as sensory responses and cultural interpretation.

LANDMAP information can also be combined with contextual socio-economic information.

In addition to TAN8 it is considered that the following TANS are of relevance.

TAN5: Nature Conservation and Planning (September 2009)

TAN11: Noise (October 1997)

TAN12: Design (July 2014)

TAN15: Development and Flood Risk (July 2004)

TAN16: Sport, Recreation and Open Space (January 2009)

TAN18: Transport (March 2007)

TAN23: Economic Development (February 2014)

Wales Spatial Plan (2008 Update)

This document builds on the originally adopted 2004 Plan. The WSP is important to WG as it helps deliver the priorities set out in 'One Wales'. The WSP is the overarching framework and integrative tool for Wales and provides an important underpinning in a whole range of matters, including reducing annual greenhouse gas emissions.

Energy Wales: A Low Carbon Transition (March 2012)

One Wales: One Planet (The Sustainable Development Scheme of the Welsh Government) (May 2009)

A Low Carbon Revolution Wales' Energy Policy Statement (WAG) (March 2010)

Climate Change Strategy for Wales (WG) (October 2010)

Practice Guidance – Planning Implications of Renewable and Low Carbon Energy Development (WG) (2010)

ETSU-R-97 – was written by a Noise Working Group (NWG) of developers, noise consultants, environmental health officers and others set up in 1995 by the Department of Trade and Industry (DTI) through ETSU (the Energy Technology Support Unit).

The aim of the Working Group was to provide information and advice to developers and planners on the environmental assessment of noise from wind turbines. The report represents the consensus view of the group of experts who, between them, have a breadth and depth of experience in assessing and controlling the environmental impact of noise from wind farms. This consensus view has been arrived at through negotiation and compromise and in recognition of the value of achieving a common approach to the assessment of noise from wind turbines.

This document describes a framework for the measurement of wind farm noise and gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development or adding unduly to the costs and administrative burdens on wind farm developers or local authorities.

National Policy Statement for Renewable Energy Infrastructure (EN-3)
Department for Energy and Climate Change, Approved 18th July 2011

1.1.1 Electricity generation from renewable sources of energy is an important element in the Government's development of a low-carbon economy. There are ambitious renewable energy targets in place and a significant increase in generation from large-scale renewable energy infrastructure is necessary to meet the 15% renewable energy target.

2.7.20 In the case of onshore wind farms, it is likely that this flexibility will be needed in relation to the dimensions of the turbines, including tip height, hub height and rotor diameter. This may extend to other details of the turbine design, including the necessary size of any external cabins that may be required. In some specific circumstances, applicants may not know the precise layout of wind turbines, such as where the site is covered by forestry at the time of the application.

In July 2011 John Griffiths AM, (then) Minister for Environmental and Sustainable Development, Welsh Government wrote a letter to Welsh LPAs providing clarification on the maximum installed capacities for each SSA in context with the WGs energy policy aspirations set out in "a Low Carbon Revolution" which identifies Wales' sustainable energy potential to 2020/2025. A written statement by the First Minister dated 17 June 2011 also reflects the content of the Minister for Environment and Sustainable Development's letter.

The letter states:

“The potential estimated in the Low Carbon Revolution Energy Policy statement was based on the maximum capacities that we considered appropriate for the SSAs in Tan 8 in 2005. The maximum capacities of the SSAs as provided for and referenced in TAN 8, were assessed by independent consultants Gerard Hassan and provide for almost 1700 megawatts of onshore wind across all our SSAs. The remaining 300MW are anticipated to come from a combination of developments under 25MW, brownfield sites as well as community and local schemes and a contribution from micro-generation. We remain committed to achieving this potential”.

“For ease of reference, the identified maximum capacities for each of the SSAs as identified by Garrad Hassan were as follows:, SSA F 430 MW,”

“You will be aware that the UK Government has issued National Policy Statements for Renewable Energy Infrastructure for consideration by Parliament, which will provide the primary basis for decisions by the Infrastructure Planning Commission (IPC) on projects over the devolved threshold of 50MW in Wales. Nevertheless we expect all decision makers in Wales, including the IPC and its successor, to recognise our spatially specific policy outlined in TAN 8 and to respect the fact that the Strategic Search Areas have a finite environmental capacity and output should not exceed the maximum levels as assessed in 2005 and outlined above.”

“Our future well being, both material and social, will be dependent on achieving sufficient supplies of affordable low carbon energy. This move to a low carbon economy is an essential part of our commitment as a Government to sustainable development. Done successfully it will strengthen our economic well-being, improve the environment and help to address key social issues such as fuel poverty, and we look to work with our key partners to help us deliver this.”

(Committee is advised that the above quotes are considered to be the most relevant from the Minister’s letter).

The principal considerations in this letter are that, for the first time since the introduction of TAN 8 in 2005 there would appear to be both a “floor” and a “ceiling” to the amount of renewable energy (from wind turbines) that is to be provided within each of the SSA’s. In the case of SSA F (the one which affects RCT) TAN 8 introduced a minimum capacity of 290 MW (the “floor”) while the Minister’s reference to the Garrad Hassan study introduces a 430 MW limit (the “ceiling”).

The letter specifically refers to decisions taken outside of Wales (those over 50 MW) by the Infrastructure Planning Commission (IPC) and asks that such bodies (or their successors) respect the approach taken by the Welsh Government in seeking to provide a “spatial” approach to meeting its renewable energy targets through the identification of SSA’s.

To put this into context the figures below show the wind farm applications received within SSA ‘F’.

In Planning

PantyWal Extension (BCBC)

12 x 2.5MW = **30MW**

Abergorki (RCT)

3 x 2.5MW = **7.5MW**

Single turbine extension to Maerdy (RCT)

1 x 3MW = **3MW**

Mynydd Brombil (NPT)

5 x 2MW = **10MW**

Foel Trawsant (NPT)

13 x 3MW = **39MW**

Total – 89.5MW

Consented

Pen y Cymoedd (RCT and NPT) – under construction

76 x 3MW = **228MW**

Mynydd Bwllfa (RCT) – under construction

9 x 2.5MW = **22.5MW**

Mynydd y Gelli (NPT and BCBC)

12 x 2MW = **24MW**

Total – 274.5MW

Operational

Ffynon Oer (NPT)

16 x 2MW = **32MW**

- **Maerdy (RCT)**
8 x 3MW = **24MW**
- **PantyWal (BCBC and RCT)**
- 21 x 2.5MW = **52.5MW**, comprising:
 - 4 x 2.5MW (Fforch Nest within BCBC)
 - 7 x 2.5MW (Fforch Nest within RCT)
 - 10 x 2.5MW (PantyWal within BCBC)

(Note for Members: all three elements above are now collectively known as PantyWal)

Total – 108.5MW

These figures mean that, within SSA F, there is **472.5MW** (assuming the turbine sizes quoted above) either consented, operational or in planning of which the most significant proportion of which would be generated by the scheme at Pen y Cymoedd. Just taking the consented and operational figures this total reduces to **383MW**.

Within the '5km buffer zone' of SSA 'F' there are the following:

In Planning

Mynydd Portref Extension (the current application to which this report relates)
(RCT)

6 x 2MW = **12MW**

Consented

Headwind Taff Ely (RCT)

7 x 2 or 2.5MW = **14-17.5MW**

(Committee resolution to grant, subject to conditions and S.106 Agreement, on 18 April 2013. It is expected that the S.106 will be concluded shortly).

Operational

Taff Ely (RCT)

20 x 0.45MW = **9MW**

Mynydd Portref (RCT)

11 x 0.85MW = **9.35MW**

Ferndale (Arts Factory) (RCT)

8 x 0.8MW = **6.4MW**

(In respect of the 9MW generated from Taff Ely it is considered that this figure should be reasonably discounted from the existing installed capacity in terms of the current policy position since it pre-dates TAN8. The TAN8 targets were on top of installed capacity as at July 2005. Given that Headwind Taff Ely would replace Taff Ely it is considered appropriate that this should be considered as 5-8.5MW).

(Note for Members: the Headwind Taff Ely scheme is a repowering scheme for Taff Ely – the existing 20 turbines will be decommissioned and removed and replaced with 7 larger turbines, so you will not get a situation of having both).

The above 'within the 5km buffer zone' schemes add 20.75-24.25MW of consented and operational capacity (Mynydd Portref, Ferndale and Headwind Taff Ely), with a further 12MW (this current application, Mynydd Portref Extension) in planning. This gives a 'within the 5km buffer zone figure of 32.75-36.25MW.

WG make it very clear that it sees the construction of on-shore (land based) wind farms as the principal means of achieving renewable and low carbon energy targets.

To achieve this target WG have set out 7 Strategic Search Areas (SSAs) throughout Wales. This does not preclude land lying outside of these areas from being considered provided there is "robust evidence" to demonstrate that the land is suitably unconstrained. This is of particular relevance in this case as the Mynydd Portref Extension site lies outside of SSA 'F' and on the margins of the '5km buffer zone'.

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.

Principal considerations

The applicant has provided a comprehensive assessment of the proposed development (through the submission of an ES and Supplementary Environmental Information (SEI)) and it is on the basis of this information, TAN8 and other policy guidance (including the recently updated and published 7th edition (July 2014) of Planning Policy Wales, the provisions of the Rhondda Cynon Taf LDP, the responses of statutory and other consultees and third party public responses that this proposal is to be considered.

There are a wide range of policy documents relating to wind farms and renewable and low carbon energy. As highlighted earlier in this report, these include policies at both a UK and Welsh Government level and at a local development plan level. They are all generally consistent in that they support the development of renewable energy, subject to a range of environmental considerations against which any application should be assessed.

It has been assessed that the main issues in the consideration of this application are the acceptability of the proposed wind farm having regard to UK and Welsh

Government energy policy and targets, the effect of the proposal on landscape character and value, in terms of visual effects and cultural heritage, the impact on ecology and nature conservation, the effect on residential amenity of those nearest households and communities, the effect on surface and ground water systems, socio-economic and tourism interests, existing infrastructure/communications systems, aviation interests and highway/traffic/access issues.

The likely level of impact and any harm must be balanced against the benefits of the proposal and the contribution it would make to the generation of renewable energy.

Landscape and visual implications

Since landscape and visual impact effects of the proposed turbines are considered to be one of the issues requiring closest scrutiny when assessing this proposal, Chartered Landscape Architect, Simon White (White Associates) was commissioned to assist in the review of the Landscape and Visual Impact Assessment (LVIA) submitted with the application.

Wind farms developments by their very nature are likely to raise issues in terms of their visual appearance and it is undeniable that the erection of 6 turbines, each measuring 110m, on this site would have a significant effect on the landscape (which is covered by a Special Landscape Area (SLA) designation under policy SSA23 of the Council's LDP) and on the visual amenities of persons viewing the site. However, in this case it is considered important to recognise the close proximity of the site to other either operational and consented wind farm schemes, namely Mynydd Portref Wind Farm, Taff Ely Wind Farm, and the recently considered re-powering Headwind Taff Ely Wind Farm scheme.

The cumulative impact of the proposed Mynydd Portref Extension scheme together with Mynydd Portref Wind Farm and Taff Ely/Headwind Taff Ely Wind Farm, in addition to other schemes such as the now operational Pant y Wal (including Fforch Nest) (within BCBC and RCT) to the north west must also be considered. However, the introduction of the SSAs through TAN8 makes it clear that it is accepted that landscapes which form the SSA, that traditionally would have been protected 'for its own sake', will undergo significant change in landscape character as a result of wind turbine development if WG is to achieve its stated targets.

TAN8 (at Annex D) enables local planning authorities to undertake a "local refinement" within the SSA to "guide and optimise development within each of the areas". This refinement exercise was undertaken on behalf of Rhondda Cynon Taf by ARUP in association with the other local planning authorities of Bridgend, Neath Port Talbot, Swansea and Carmarthenshire, who are all directly affected by SSAs 'E' and 'F' (Pontardawe and Coed Morgannwg).

The report (Technical Advice Note 8: Annex D study of Strategic Search Areas E and F: South Wales Valleys) was taken to a meeting of the Cabinet on 18 June 2007, where it was agreed to “note the study as a background paper”.

Within this current proposal the nearest turbine is just over 4.5km distant from the edge of SSA ‘F’ (Coed Morgannwg), with two turbines (nos. T2 and T3) within 5km and the furthest being 5.5km away. The TAN8 Annex D refinement studies took a buffer zone of up to 5km as being associated with SSAs so the site is partly within and partly outside this area. However, the proposed scheme has to be considered having regard to the existing Mynydd Portref and Taff Ely (and Headwind Taff Ely) developments. TAN8 (at para 2.14) clearly recognises and encourages opportunities to extend existing wind farms which are located outside SSAs provided that the environmental and landscape impacts are acceptable.

Though the site lies around 5km from the SSA it has been covered by the TAN8 Annex D Refinement Study.

ARUP estimated that approximately 150 turbines (based on a height of 100m) would be required to be provided within SSA ‘F’ (Coed Morgannwg) if it is to meet its energy production target and that the target (290MW – ‘the floor’ level in the Minister’s letter) should be seen as the minimum requirement and that therefore it is likely to result in more than the suggested number of turbines. The actual number of turbines will vary depending on the height and individual capacity of the turbines that attain approval. However, it is clear that the character of the landscape within the SSA is likely to encounter significant change for a considerable period of time.

While TAN8 is clear that not all land within an SSA will be technically, economically and/or environmentally suitable for the construction of a wind farm, there is a clear implied inevitability that the landscape in and around SSA ‘F’ will include the erection of major wind farms.

The TAN8 Annex D Study is considered by White Associates (in advising the Council) to be one of the main landscape study context pieces of work undertaken, which focuses on wind farm development for the area and site of the current proposal. The applicant, however (within the Mynydd Portref Extension Supplemental Planning Statement – dated 10 October 2013, prepared by Eversheds solicitors) clearly considers that the Study should be afforded limited weight. They point to previous appeal decisions (in particular the Mynydd y Gelli (in NPT) – referred to previously in this report) where Inspector’s have seemingly been somewhat critical of and given limited weight to the Study. However, as White Associates point out the Study has been used by Inspector’s in other cases (such as Mynydd Bwllfa, Hirwaun) to help reach a judgement, where the appeal was dismissed.

The TAN8 Annex D Study indicates the scheme as falling in and around Zone F43: Mynydd Portref (Taff Ely wind farm east). The TAN8 Annex D Study describes Zone

F43 as being of high landscape sensitivity and unacceptable for 'strategic scale' wind farm development because the "zone is a prominent relatively narrow exposed single ridge on the edge of the coalfield plateau with a valley to the north and low land to the south.....Visually, the area is dominated by the Taff Ely wind farm to the west which has relatively small turbines (this refers to the existing 53.5m to blade tip height turbines). The scale and single ridge form of the area make it unsuitable for strategic wind farm development". (This study pre-dates the construction of the 11no. Mynydd Portref turbines, which stand on the same ridge. Hence the reason the Study only refers to the Taff Ely Wind Farm and not both).

Given the presumption in favour of wind farm development within the SSAs and in those circumstances referred to in paragraph 2.14 of TAN8 the effects of the proposal have been assessed by White Associates using criteria previously developed for Rhondda Cynon Taf by ARUP for a number of wind farm schemes proposed in the area. These have proved useful in comparing the relative merits of various wind farms. Given the likelihood of landscape change in and around SSA 'F', the criteria were principally aimed at testing whether the development has minimised significant effects. The criteria put forward are considered reasonable to assist in making an informed decision however, Committee is advised that they are not statutory criteria and need to be considered alongside the LVIA. However, given the implications of TAN8 it is considered to provide a robust basis for assessment. The criteria used by White Associates for this assessment are:

Policy Criteria

- To accord with National Strategic Search Areas (as identified in TAN 8);
- To accord with the refined Strategic Search Areas;
- To avoid detracting from the character of designated Special Landscape Areas.

Visual Criteria

- To prevent the experience, within a settlement, of being in a wind farm landscape;
- To prevent the experience, within a residential dwelling, of being in a wind farm landscape;
- To avoid detrimental effects upon the experience of visitors and those engaging in recreation, to enjoy the landscape.

Landscape Criteria

- To minimise the adverse effects upon sensitive local landscape character and to avoid distortion of the sense of scale;
- To avoid overdominant effects on the skyline, and minimise breaking skylines when viewed from sensitive landscapes and viewpoints;
- To protect the character and setting of the Brecon Beacons National Park;

- To accord with the Study Zone E & F assessment of the LANDMAP Landscape Character sensitivity.

Guidelines and thresholds against which the siting of the turbines can be assessed are used to supplement the criteria.

The application submission, within the Environmental Statement (ES) presents a Cumulative Landscape and Visual Impact Assessment (LVIA) for the proposed scheme.

The Zones of Visual Influence (ZVI) maps, photomontages and wireline diagrams submitted with the ES, indicate that the proposed wind farm (and/or parts thereof) would be clearly visible from a wide variety of viewpoints. Initially the ES presented and assessed viewpoints from 22 selected locations. The 22 viewpoint locations were selected and agreed as part of the formal Scoping Process pre application submission, as a representative sample of the main receptors and potential views of the development. However, during the consideration of the application it was considered appropriate to request three additional viewpoints (one in Evanstown - Viewpoint 23, Adare Street, Evanstown; and, two in Hendreforgan – Viewpoint 24, Heol-y-Bryn, Hendreforgan and Viewpoint 25, Mountain View, Hendreforgan). The additional photomontages and wireline diagrams for these three locations was received as part of the SEI package in October 2013.

White Associates consider that overall the applicant's LVIA method is full and detailed, which is helpful in considering the issues of visual impact. White Associates do advise, however, that the LVIA does fail to properly consider the TAN8 Annex D Study in terms of that being the main landscape study context for the area and the site.

The applicant's LVIA assessment considers there to be significant (in EIA terms) affects on receptors from 8 of the 25 viewpoints. These being:

- Viewpoint 1 (the Sustrans/National Cycle Route at Gelli'r Haidd)
- Viewpoint 2 (the Ridgeway Walk at Mynydd Meiros)
- Viewpoint 3 (Penygarreg Road, Thomastown)
- Viewpoint 4 (Brynna)
- Viewpoint 6 (Hendreforgan)
- Viewpoint 22 (Edmondstown Road, between Edmondstown and Trebanog)
- Viewpoint 24 (Heol-y-Bryn, Hendreforgan)

As is the case with the majority of wind turbine development proposals received the visualisations just show the turbines, not the access roads, hardstandings or borrow pits. It is considered that these will be apparent in nearby views on the ridge and higher elevations.

The wireline and photomontage visualisations within the LVIA are at 400mm viewing distance showing a 90 degree angle of view. This viewing distance is in the mid

range of best practice guidance and is satisfactory. During the course of the application (as part of the SEI package received in October 2013) all viewpoints visualisations were updated to include the larger turbines of the Headwind Taff Ely scheme (initially the application photomontages did not show the Headwind Taff Ely scheme, but only the existing smaller Taff Ely turbines, although the larger Headwind Taff Ely turbines were shown on the cumulative effects assessment wirelines).

The further material sought from REG Windpower in November 2014 was in respect of the photomontage and wireline visualisations from Viewpoints 2 and 12. The information as presented in the photomontages did not show the PantyWal turbines. Although the PantyWal turbines were reflected in the other graphical materials and considered in the assessment, this was considered to be an omission from these Viewpoints in particular. The re-presented information clearly indicates that the PantyWal turbines are apparent in the landscape from these Viewpoints.

In respect of the visual criteria referred to above the guidance threshold suggests that settlements of more than 10 dwellings should not have close/surrounding views of wind turbines, i.e. that within a distance of 2km turbines occupy more than 60 degrees of field of view. Because of its location on an open ridge top the proposed wind farm would be in full view from a number of settlements. The nearest turbine is approximately 2.2km from Hendreforgan School and 1.95km from the edge of Tonyrefail (Nant-y-Fron Estate), 1.55km from Thomastown (at Viewpoint 3 – Penygarreg), with Brynna being some 2.5km away. From Evanstown (west of viewpoint 11) the nearest turbine is approximately 3.9km away.

On its own the proposal is well below the field of view threshold reaching a maximum of 28 degrees (from Thomastown). In also considering the Mynydd Portref and Headwind Taff Ely wind farms the field of view reaches a maximum of 71 degrees with turbines within 2km. When considered with Pant y Wal (within BCBC) and Fforch Nest (part within BCBC and part within RCT) there are three representative locations where the field of view threshold is exceeded with turbines below and above 2km; these being at Hendreforgan, Thomastown and Evanstown, but none where only turbines less than 2km are included. The threshold is not individually breached but combined with other wind farms the threshold is just breached.

The LVIA states that there are effects of major/moderate significance on the settlements of Brynna, Tonyrefail, Thomastown and Hendreforgan and it is considered that this assessment is fair.

The Church of St. Peter (a SAM) is not included as a visual receptor, although it is considered in a separate chapter (8) within the ES in terms of Archaeology and Cultural Heritage. It is considered by White Consultants that the impact on visitors to this SAM, who can access it from nearby footpaths would be high adverse. However, the Statutory Consultee on matters of impact on scheduled ancient monuments, Cadw have not raised objection to the application and have concluded that the

impact on the heritage asset setting would be a somewhat lower impact, of moderate adverse.

No formal residential visual amenity assessment has been carried out by the applicant. In terms of individual residential properties the nearest (at approx 575m away from turbine T7) property to any of the turbines is Upper Bungalow at Argoed Edwin Farm. However, this property is financially involved within the scheme. Whilst lying further away it is considered that the properties - 'Coed Bychan Farm' to the south east, 'Llanilid' approx 950m from the nearest turbine (T3) to the north and 'Rhiw' approx 1.05km north north/west of the nearest turbine (T4), could have views of most of the turbines and would be likely to be dominated by them. The proposed turbines exceed the threshold of the ARUP test for these dwellings. The properties known as Llanbad Fawr and Llanbad Fach lie at approx 1.05km and 900m to the south west. However, given the nature of the existing topography it is not considered that the impact on these properties would be unacceptable.

In terms of its proximity to non-residential receptor public views it is considered that the proposed wind farm is very close to the Ridgeway Walk, which is a locally promoted route. From its nearest point (approximately 200m from a turbine) the wind farm would extend the experience of being in very close proximity to a wind farm extending views of turbines to the east towards the valley of Ewenni Fach, which is currently relatively unaffected by turbines. The turbines will also be clearly visible to users of the National Cycle Route that passes within 700m of the wind farm site, where again the field of view threshold is exceeded. However, it is recognised that many non-residential receptors, such as cyclists and walkers will be moving through the landscape and will not be continuously exposed to the close proximity presence of the turbines. In the case of both the Ridgeway Walk and the National Cycle Route the LVIA considers the impact of the proposal to be of major/moderate significance, which is considered to be a fair assessment.

In respect of landscape criteria consideration has to be given to the fact that the turbines are proposed on an upland ridgeline that separates the southern part of the coalfield plateau from the lowlands to the south. The ridge top is gently crowned with no steep slopes or landform features and consequently the turbines are not juxtaposed against fine grain landform.

The difference in height of the ridge top relative to the low point valley bottom to the north is 137m. The 110m turbines therefore exceed the 50% threshold in terms of scale. To the south, the change in level is 225m to Brynna, and more to the west. The turbines are within the threshold on this side of the ridge.

The wind farm site forms part of a moderately large scale landscape with land cover comprising extensive areas of improved grassland in medium/large fenced/walled fields interspersed with rough grassland and bracken. The grain of the landcover is sufficiently large and simple to accommodate the turbines. Because the turbines are all on the ridge top skyline they will be rarely seen against a backcloth except when

viewed from above and to the north. It is considered that because the site is within a Special Landscape Area (the Mynydd High and Llantrisant Forest SLA – SSA23.7) the proposal exceeds the field of view threshold (from the lower slopes – Sustrans Cycle Route) and is accordingly on the cusp of acceptability in regard of the field of sky line view that would be occupied.

The site is located some 20km away from the Brecon Beacons National Park. Some turbines would be visible at distances of around 30km from some high points in good visibility and lighting conditions. It is not considered that the proposed turbines breach the threshold which has regard to protecting the character and setting of the National Park.

As referred to previously the site falls in and around Zone F43 (of the TAN8 Annex D Study). This zone has a landscape character overall sensitivity summary of high for strategic scale wind farms. In itself the current Mynydd Portref Extension proposal is not a large wind farm (25MW+) as defined by TAN8. However, when combined with the adjoining Mynydd Portref and Taff Ely or Headwind Taff Ely wind farms the combined output would exceed 25MW. Both scenarios could be considered as a combined large scale wind farm (albeit there would be three different operators).

Mynydd Portref is partly within Zone F38 (Mynydd Maendy – Taff Ely wind farm) and Zone F43 (Mynydd Portref – Taff Ely wind farm east), both of which are considered to be of high sensitivity. The summary descriptions for both zones state that the single ridge form plus its scale make it unsuitable for strategic scale wind farm development. In mitigation, the proposed Mynydd Portref Extension wind turbines at 110m are lower than the 125m plus strategic scale of turbines and the Mynydd Portref turbines are 75m and 86m tall. However, the overall extent and impression of the combined wind farm would be large scale.

Whilst it must be acknowledged that the scheme has been reduced (from 7 to 6 turbines) since its original submission White Associates are of the opinion that the level of visual impacts has not changed to any significant degree with the removal of turbine T1 from the scheme, as the spread of the proposed wind farm has not changed.

In considering the impacts from the additional viewpoints (nos. 23, 24 and 25) submitted as part of the October 2013 SEI it is considered that the viewpoint (23) from Evanstown would have been more helpful if it had assessed the cumulative impact with PantyWal, which is the main point at this location. From Hendreforgan (viewpoint 24) it is considered that the difference in the size between the proposed turbines and those of Mynydd Portref would be apparent. However, the proposed 110m (to blade tip) turbines proposed are the same height as those approved within the Headwind Taff Ely scheme. The current proposal extends the array of turbines and results in Mynydd Portref being flanked on both sides by larger turbines. The applicant considers the impact on Hendreforgan to be a major/moderate impact, whilst White Associates consider the cumulative impact to be higher. The impact

from Mountain View (viewpoint 25) is not considered to be as significant given the intervening landform and vegetation. From Mountain View it is considered that it is the Headwind Taff Ely turbines that will be the most prominent.

TAN8 clearly indicates (para. 2.2) that large scale (25MW+) onshore wind farms should be concentrated into the SSAs. However, para. 2.14 of TAN8 also recognises that:

“There will also be opportunities to re-power and/or extend existing wind farms which may be located outside SSAs and these should be encouraged provided that the environmental and landscape impacts are acceptable.”

The operational Taff Ely Wind Farm was constructed in 1993 (pre TAN8). Subsequently, in 2006 (post TAN8) the Council received an application (06/1325) for the Mynydd Portref Wind Farm. The application submission for Mynydd Portref does reference the scheme as being an extension to the Taff Ely Wind Farm:

- ES para. 4.22 – “A number of landowners adjacent to the existing Taff Ely Wind Farm expressed an interest to the applicant *to extend the existing wind farm*”
- ES para. 4.26 – “The initial screening of the potential development sites indicated that there was potential for the *extension of Taff Ely Wind Farm on an adjacent site*”
- ES para. 5.37 – “Of particular significance for the current application is the reference to the opportunity to repower or *extend existing wind farms* even if outside the SSAs, and it (TAN8) states that where the environmental and landscape impacts are acceptable this should be encouraged.....This makes it even more crucial to look positively at sites outside SSAs which meet the other criteria such as *extensions to existing wind farms*”
- ES para. 8.3 – “*the introduction of the proposed turbines in conjunction with the adjacent Taff Ely Wind Farm turbines*”

In considering the Mynydd Portref proposal the Officer’s Committee Report concluded that the scheme “effectively comprises an extension to an existing wind farm which TAN8 encourages, subject to environmental and landscape acceptability”.

The current proposal represents a second extension of turbines along this ridge (and the third proposal building on the original Taff Ely Wind Farm when the Headwind Taff Ely re-powering scheme is taken into account). Paragraph 2.14 of TAN8 does not clarify whether or not it is acceptable to extend a wind farm more than once. Given the absence of such clarification it is considered that any such proposal must be considered on the basis of the environmental and landscape impacts of the proposal.

The proposed turbines would stand within the Mynydd Hugh and Llantrisant Forest SLA (as do those within the Taff Ely/Headwind Taff Ely and Mynydd Portref Wind Farms), as designated in the Council’s LDP and within a high sensitivity area as

defined by the TAN8 Annex D Study. It has the potential for adverse impacts on recreational users of the Ogwr Ridgeway Walk and the Sustrans Cycle Route and there is concern that it distorts the sense of scale of landform when viewed from the north.

When combined with Mynydd Portref and other adjacent wind farms it is considered it makes Hendreforgan feel as if it is in a windfarm landscape and on the cusp of the threshold for Tonyrefail, Thomastown, Gilfach Goch Garden Village and Evanstown (within BCBC – which it should be noted have been consulted, as adjoining local planning authority and raised no objection to this application).

The justification supporting the proposal is not considered the same as that for the Headwind Taff Ely proposal (12/1468), albeit it is considered that the resolution to grant planning permission in that case is a material consideration in this case. That scheme, whilst proposing turbines of the same height (110m) as this current proposal, reduced the, somewhat cluttered layout, spread of the existing Taff Ely turbines. Further it gave the opportunity to impose a condition limiting the life of the wind farm, which the Taff Ely Wind Farm consents did not have.

In summary therefore it is acknowledged that the proposal does meet a number of landscape and visual assessment criteria. However, it also fails to meet a number of criteria. Whilst the proposal will have landscape impacts it is not considered that these are so significant as to consider the application to be in full conflict with policies AW5, AW12, AW13 and SSA23 of the Council's LDP.

SSA Capacity – SSA 'F'

Previous recent wind farm appeal decisions have considered the issue of SSA capacity. In the appeal relating to the Mynydd y Gelli Wind Farm (in NPT) case the Inspector (at paras 59 –62 of her decision letter dated 27 August 2013) comments on the issue. Also, and more recently in the Bryn Llywelyn Wind Farm (in Carmarthenshire) case the Inspector's report (dated 16 January 2014) to Carl Sargeant (the then) Minister for Housing & Regeneration considers the issue in some detail. (For Members information this case was a 'recovered appeal' and the Minister's decision following receipt of the Inspector's report and recommendation was issued on 6 May 2014).

In the Bryn Llywelyn case the Inspector makes the following comments in the conclusions to his report:

para 541 *"The ministerial letter of July 2011 expects all decision makers to respect the fact that SSAs have a finite environmental capacity and output should not exceed the maximum levels outlined. For SSA 'G' that maximum level is 132MW and it is not my role to challenge the validity of that figure. No mention is made of increasing output in one SSA as a trade off for other SSAs not achieving their stated maximum or not providing any capacity at all"*

(Members should note that the reference to SSA 'G' and its maximum level of 132MW quoted in the extract above relates to that case. In the case of Rhondda Cynon Taf the relevant SSA is 'F' and the maximum level is 430MW).

para. 542 *“Neither the ministerial letter nor TAN8 give any specific guidance as to what to do with turbines located outside the SSA boundaries but within the 5km margin recommended to allow consideration of technically feasible areas. On a strict interpretation, it may be arguable that, as finite environmental capacity relates to the defined SSA, any turbines outside the SSA should not be counted.”*

At his earlier para. 55 the Inspector also refers to the Mynydd y Gelli appeal in stating *“in a recent appeal decision in respect of Mynydd y Gelli, the Inspector had to deal with issues relating to potential capacities and the geographic extent of the capacity limit. Within the decision she identified some uncertainty arising from the terms of the letter.”*

para. 543 *“Nonetheless, the SSA boundaries are at a ‘broad brush’ level and are not well defined, and additional turbines on the margins of the SSA physically and visually forming part of the overall development would contribute to the overall environmental impact, such that they should be counted”*

para. 545 *“I conclude that the proposal in combination with other developments would exceed the WG’s capacity limit of 132MW for SSA ‘G’. Whilst that might not in itself justify dismissal of the appeal, it is supportive of the view that finite environmental capacity of SSA ‘G’ would be exceeded.”*

Using the figures presented earlier in this report:

Consented and Operational in SSA 'F' – **383MW** (274.5MW and 108.5MW)

Consented and Operational in SSA 'F' and extended to include 5km buffer zone – **403.75-407.25MW** (383MW and 20.75-24.25MW).

Were this current application to be approved it would add an additional 12MW to the figure giving a total of **415.75-419.25MW**.

These figures sit between the 'floor' and 'ceiling' (albeit much near the 'ceiling') such that, if the Minister's letter actually confirms that there is a limit (the "ceiling") to wind farm development within SSA 'F' (a view clearly accepted by the Inspector at para. 541, as quoted above), the application contributes towards achieving the SSA 'F' 430MW target. The figures however, do indicate that were all the schemes 'In Planning' to be consented then the 'ceiling' level of 430MW would be significantly exceeded (by some 65MW, up to approximately 495MW) which will need to be considered as projects are determined in the future.

It is considered unlikely that SSA F would have the capacity to accommodate any further significant wind farm developments and the success of the Welsh Government's renewable energy targets (for energy from wind) would have to be secured through the other 6 SSA's (all of which are located outside of RCT). Committee is advised that the current indicative capacities would take us up to 2017 after which time a further decision would need to be taken in respect of both renewable energy targets as well as the mechanisms for achieving them.

WG make it very clear that it sees the construction of on-shore (land based) wind farms as the principal means of achieving renewable and low carbon energy targets.

To achieve this target WG have set out 7 Strategic Search Areas (SSAs) throughout Wales. This does not preclude land lying outside of these areas from being considered provided there is "robust evidence" to demonstrate that the land is suitably unconstrained. This is of particular relevance in this case as the Mynydd Portref Extension site lies outside of SSA 'F' and on the margins of the '5km buffer zone'.

TAN8 differs fundamentally from both current and previous principle-based planning policy guidance, which sought to protect areas of open countryside for its own sake. It is implicit within TAN8 that it is considered necessary to enable this type of development to take place and WG sees the SSAs as the most suitable locations for the construction of wind farms.

Noise and Shadow Flicker

Noise is a material consideration in the determination of wind farm applications. TAN8 at Annex C (paras 2.14 – 2.17) advises on issues of noise and low frequency noise. The relevant guidance document to assess wind farm noise is ETSU-R-97 (The Assessment and Rating of Noise from Wind Farms). This document provides a framework for the measurement of wind farm noise limits to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm developers or local authorities and is endorsed by TAN8.

The submitted ES (at Chapter 9) presents an assessment of the noise impact (during construction and operation) of the proposal on the residents of nearby dwellings. The Assessment of the operational noise effects considers the cumulative effect of the proposed Mynydd Portref Extension Wind Farm as well as other wind farms nearby, namely Mynydd Portref, Taff Ely and Headwind Taff Ely (the scope of this assessment was first agreed with the Council's Public Health & Protection Officer).

Once constructed and operating, wind turbines may emit two types of noise: firstly aerodynamic noise, which is a natural sounding noise produced by the movement of the rotating blades through the air; and, secondly, mechanical noise, which may emanate from gearboxes or generators. Advances in technology have resulted in modern turbines which are designed to minimise noise emissions and consequently

mechanical noise is considered to be negligible. Aerodynamic noise is usually only perceived when the wind speeds are relatively low.

TAN8 (Annex C) advises at para 2.14 that “Well designed wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable noise levels with relation to existing background noise. This will normally be achieved through good design of the turbines and through allowing sufficient distance between the turbines and any existing noise sensitive development. Noise levels are generally low and, under most operating conditions, it is likely that turbine noise would be masked by wind generated background noise.”

As part of the assessment of existing background noise levels measurements were taken from the following 4 property locations around the site (17 Pembroke Street, Thomastown; Graig Fatho Farm, Coed Ely; Argoed Edwin Farm – Upper Bungalow; and, Llanilid Farm). These 4 locations are considered to be representative by proxy to the further properties of - Llanbad Fawr; Llanbad Fach; Argoed Edwin; and, Rhiw. The 4 locations chosen were selected to ensure the measurement of the lowest potential background noise levels at nearby receptors and to avoid the influence of noise from any existing wind turbines. (One property – Argoed Edwin Farm – Upper Bungalow is financially involved in the project).

During the consideration of this application the occupier of Llanbad Fach has queried why her property was not used as a location for noise monitoring equipment. REG Windpower have confirmed in response to this query that their acoustic consultant considered both Llanbad Fach and Llanbad Fawr as possible locations, but when on site at both properties, it was clear that noise from the existing wind turbines was audible, plus extraneous influences including dogs, cows and construction activity. In accordance with the appropriate guidance (ETSU-R-97 – ‘The Assessment and Rating of Noise from Wind Farms’) the noise assessments at both Llanbad Fawr and Llanbad Fach were therefore based on the measured background noise data at an acoustically similar/proxy location, in this case Argoed Edwin Farm – Upper Bungalow. This property (the closest property to the application site) provides a worst case basis for assessment, as the Bungalow location was largely unaffected by existing turbine noise or other extraneous sources, resulting in low monitored noise levels.

The Council’s Public Health & Protection Service have fully considered the information submitted and confirmed that they are satisfied with the content and findings of the noise assessment and the methodology used in its production.

The noise assessment does take account of the possible noise during construction and this has been assessed in accordance with the guidance presented within British Standard (BS) 5228: 2009 Code for practice for noise and vibration control on construction and open sites.

The Council's Public Health and Protection Service have carefully considered the noise impact implications of the proposed development and have raised no objections subject to the imposition of conditions (*suggested conditions relating to issues of noise nos. 17-26*).

Ultimately, it is considered that in respect of the assessment of noise from wind farms, the weight of planning consideration should be to the extant planning guidance of TAN8 and ETSU-R-97. In respect of the current scheme, which Committee is being asked to consider it is considered that it complies with the extant guidance and policy.

Shadow flicker is the name given to the effect of rotating wind turbine blades casting moving shadows, that can cause a 'flickering' effect, through apertures such as windows, potentially on nearby residential properties.

The likelihood of shadow flicker is dependent on a number of factors, such as relationship of the property to the turbine/s, time of year, distance and size of the turbine, frequency of bright sunshine, direction of prevailing winds etc.

Shadow flicker (which is dealt with in Chapter 14 of the applicant's ES) only occurs in instances in relatively close proximity to a turbine/s and the problem can therefore be minimised by siting turbines a satisfactory distance away from residences that could be potentially affected. Only properties within 130 degrees either side of north, relative to the turbines, can be affected at latitudes in the UK, as turbines will not cast long shadows on their southern side.

The industry standard is the extent of the zone of shadow flicker influence is up to 10 rotor diameters from a turbine (this distance is as given in the Companion Guide to Planning Policy Statement 22, which relates to land use planning in England). In this case the rotor diameter of the proposed turbines is 80m and accordingly the shadow flicker buffer area should be a minimum of 800m (80m x 10) set back distance. No properties lie within the 800m buffer zone (shown on Fig. 14.1, Vol. 3 of the ES).

It is not considered that there will be any shadow flicker impacts as a result of the proposal. However, in order that the Council retains a position of being able to address such an eventuality, should it occur, it is recommended that a condition to manage shadow flicker if it arises be imposed (*suggested condition 29*).

The safety issue of and potential danger of 'ice throw' is in some cases referred to when considering wind farm proposals. As with any structure, wind turbines can accumulate ice under certain atmospheric conditions, although the accumulation of ice is highly dependent on local weather conditions and the turbine's operational state it is considered to be a material consideration. There have been a number of studies produced, under the umbrella project called 'Wind Energy in Cold Climates' (WECO). The conclusions of these studies would appear to suggest that outside a 'critical distance' (reference to 230m from a turbine is made) there is no negligible

risk of injury from ice throw. Further, as referred to above in the Policy Context section of this report TAN8 states that “the build up of ice on turbine blades is unlikely to present problems on the majority of sites in Wales. Even where icing does occur the turbines’ own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.” In this case there are no houses, other public buildings or public roads anywhere near that distance. It is acknowledged, however, that public footpaths and a bridleway do pass the turbines within such a distance. However, as the studies suggest that even within this distance the chances of being injured from ice throw is slightly greater than being hit by lightning it is not considered that the matter is of any significant risk to public safety.

In these respects it is considered that the proposal complies with national planning policy and guidance and policies AW5, AW10, AW12 and AW13 of the Council’s LDP.

Ecology and Biodiversity

It is considered that the development of a wind farm on this site has the potential to impact upon interests of ecology and biodiversity. Biodiversity conservation and enhancement is an integral part of planning for sustainable development and as such the potential impacts are a significant material consideration in the overall assessment of the scheme. Government advice is contained in Planning Policy Wales and TAN5: Nature Conservation and Planning (September 2009). Policies within the Rhondda Cynon Taf LDP also provide local development plan relevance to such considerations.

Section 40(1) of the Natural Environment and Rural Communities Act (NERC) places a duty on every public authority, in exercising its functions to “have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

The submitted ES contains specific chapters on both Ecology (Chapter 5) and Avian Ecology or Ornithology (Chapter 6) in which details of pre-application submission consultations and survey work are presented. Further the ES identifies the key issues for the assessment of wind farm impacts on interests of ecology.

The site is not covered by any statutory national nature conservation/landscape designations. However, the site does impact on two ‘Local Site’ designations, these being the Parc Eirin SINC (no.166) and Tonyrefail Mountains SINC (no.107).

The information submitted has been considered by CCW, EAW, NRW and the Council’s own Ecologist. (The initial consultation responses from CCW and EAW pre-dated 1 April 2013, when both organisations were merged into the newly created Natural Resources Wales. The more recent consultation responses have been from NRW).

Initially CCW did raise an objection (October 2012) to the application on the basis of the potential impact of the development on the peatland resource of the site. It was considered that the ES failed to properly assess the effects of, in particular turbines T1 (now deleted) and T4 and some of the site access tracks in regard to peat depths. Following the receipt of this objection REG Windpower provided further information to CCW which overcame their concerns. This information was submitted to the Council as part of the ES Addendum SEI package in April 2013. CCW were satisfied (February 2013) that the turbines are sited so as to avoid the areas of deep peat present within the site. CCW still recorded some concern in the same response regarding visual landscape issues and the impact of the access track leading from Wilfried Way on peat habitat and species-rich M25 mire/wet flush vegetation. However, CCW noted that the applicant has indicated that this track (which will in part be shared with the operator of the Headwind Taff Ely Wind Farm) will be constructed as a floating road in order to minimise impacts upon the site hydrology and functioning of the peat body. CCW advise that useful guidance on floating road construction has been produced by Scottish Natural Heritage (SNH) and Forestry Civil Engineering – Floating Roads on Peat: A Report into Good Practice in Design, Construction and Use of Floating Roads on Peat with particular reference to Wind Farm Development in Scotland (August 2010). An appropriate condition is recommended to cover this issue (*suggested condition 11*).

In their most recent consultation response (September 2014) NRW have raised no objection to the application, subject to the imposition of appropriate conditions and the applicant/developer first entering into a S.106 Agreement requiring a Habitat Management and Monitoring Plan that secures 25 year ecological management, mitigation, enhancement and monitoring of the site post construction of the proposed wind farm. Such an approach would be consistent with the way that this Council has dealt with such issues in respect of previously considered wind farm proposals, such as Maerdy, Pen y Cymoedd and Headwind Taff Ely.

NRW also welcome the applicant's proposed post construction monitoring of bats and note that the requirement for this work be suitably secured. It is considered that this requirement is most appropriately dealt with as part of the Habitat Management Plan required as part of the identified S.106 Agreement.

As has been noted earlier in this report turbine T1 has now been deleted from the scheme. However, it is not considered that this has any significant impact, either positively or negatively, on ecology or protected species interests.

RSPB have previously confirmed to the Council that they will not now get involved in respect of planning applications with less than nationally important bird populations and/or designated sites. Neither case applies in this case. The ES does consider collision risk for bird species. During the surveys (undertaken between April and August 2011) 4 of the 17 red kite flights recorded were considered to be a potential collision risk. Collision rate modelling, using a 99% avoidance rate, predicted the number of collisions per breeding season to be 0.2, equating to one collision every

4.97 breeding seasons. Over the duration of the wind farm (25 years) it is estimated that approximately 5 birds may collide with the turbine blades. It is not considered that such a rate is negligible would be Red Kite populations.

For comparison, Members are advised that in considering the potential impact on red kite the ES submitted in support of the close by (800m to the west) Headwind Taff Ely Wind Farm scheme anticipated an annual collision rate for red kite of 2.1 birds. This was considered to be a negative effect on the population, significant at site level but not at national level. It seems an unlikely scenario, given the relatively close proximity of the two wind farms, that 10 times more birds would collide with the Headwind Taff Ely turbines than those currently proposed. In respect of this wide variation REG Windpower have commented that that it is not possible to speculate why the survey rates and subsequent collision rates for red kite vary between the different sites in different years. What they do note however, is that the significance of effect at both sites is considered to be low. It is also noted that no objections have been received from NRW in this respect of bird species populations.

Other bird species observed during the survey work included grey heron, golden plover, snipe, peregrine falcon and a number of more common species. It is not considered that there will be no adverse or at worst only negligible effects on any of these bird species.

The Council's Ecologist has confirmed that whilst the impacts on the two SINC designations is relatively small, when considering their total areas, these impacts do require robust and effective mitigation in terms of both careful working practice and compensatory management.

In respect of protected species the ES records that no recorded badger sett within at least 50m of any turbine, so effects will be negligible and it is anticipated there will only be negligible effects on otter.

In respect of bats survey work is presented in the ES and confirms that during the survey season only low levels of bat activity (at least 4 species were recorded), for all species, were recorded. Coed-y-Mwster Woodlands SSSI is located 6.1km south west of the site and is noted for a lesser horseshoe bat hibernation site. Research suggests that these bats normally only forage within 2.5km of their roost. Accordingly, given the distance of the site (and the fact that none of these bats were recorded during the bat survey) it is not anticipated that there will be any direct effects on the SSSI lesser horseshoe bat species.

As with any wind energy project, the risks to individual bats from the operational phase are difficult to ascertain and the possibility of some adverse impacts cannot be discounted. However, given the low levels of activity and open exposed nature of the application site the overall effects on bat species are considered to be negligible. The proposed post construction (assuming planning permission is granted)

monitoring of bats by the applicant has been welcomed by NRW and in NRW's opinion the development will not affect the Favourable Conservation Status of Bats.

In light of the above comments from consultees it is considered that with the imposition of appropriate conditions and S.106 requirements to secure suitable mitigation/monitoring and enhancement for interests of biodiversity (species and habitats) that the impacts of the proposed development would be limited and not significant.

In these respects it is considered that the application complies with national planning policy and guidance and policies AW5, AW8, AW12 and AW13 of the Council's LDP.

Archaeology and Cultural Heritage

Cultural heritage can comprise a whole range of features that result from the past human use of the landscape, including earthwork monuments, field boundaries, industrial remains and sub-surface archaeological remains. The importance of cultural heritage is supported by a raft of both national and local planning policy.

The ES, at Chapter 8, makes reference to a Desk Based Assessment (DBA) that was undertaken as part of the consideration of impacts on interests of archaeology and cultural heritage.

It is confirmed that no heritage assets are recorded within the application site. There are 10 scheduled ancient monuments (SAMs) within 5km of the application site and 61 listed buildings. The nearest SAM to the application site is the Remains of St. Peter's Church, which lies approximately 250m from the nearest turbine (T5) and at least 450m from the remainder. The impact on this SAM is assessed by the applicant as being of 'moderate' significance. In considering the proposal the consultation response from Cadw accepts that the impact will be 'moderate adverse'. The impact on the 4 of the other SAMs is assessed as being 'slight' significance and 'neutral' significance on the remaining 5. In respect of the 61 listed buildings within 5km it is assessed that there will be an impact of 'slight' significance on 19 and a neutral impact on the remaining 42.

GGAT have noted within their consultation response (referred to earlier in this report) that a Archaeological Desk-Based Assessment from Cotswold Archaeology is included within Chapter 8 of the submitted ES. They conclude from an assessment of the information provided that all ground disturbing works should be undertaken under archaeological supervision, in order to identify and record the features and any finds that are encountered.

Whilst raising no objection to the application GGAT have recommended a condition which requires the applicant to submit a detailed programme of investigation for the archaeological resource (to be worded in a similar manner to the model condition given in section 23 of Welsh Office Circular 60/96) (*suggested condition 12*).

Accordingly, in the absence of any consultee objection and subject to appropriate conditions it is not considered that the proposed development would have any significant adverse impact on issues of cultural heritage.

In respect of these issues the proposal is considered to be in compliance with national planning policy and guidance and policies AW5, AW7, AW12 and AW13 of the Council's LDP.

Geology, Hydrology and Hydrogeology

The applicant's assessment of these issues has been informed by a desktop study, Flood Consequences Assessment and walk-over of the site.

Neither Natural Resources Wales (the legacy body Environment Agency Wales) or the Authority's Land Reclamation & Engineering Officer have raised an objection to this application subject to a number of conditions being imposed. The ES also concludes that there would be no significant (subject to appropriate mitigation measures) impact on surface water and groundwater environments as a result of the proposed development. As such, the proposal is considered acceptable in this respect. The NRW DAM maps confirm that the site lies within Zone A, with little or no risk of flooding.

The bedrock geology at the site Westphalian Sandstone. These beds are not major aquifers but there are two licensed abstractions within 1km of the site (borehole permitted in 1981 at Nant Llanbad approx 500m south of the site and borehole permitted in 1993 at Gelli'r Haidd Uchaf approx 500m north of the site). It is not considered that the proposal will have any adverse implications for these supplies. Given the relatively close proximity of private water abstractions the legacy body Environment Agency Wales have sought that a condition be imposed requiring that the applicant provide further details as to how they propose to monitor private water abstractions. *(this request is included as part of suggested condition 8 which requires the submission of a Construction Management Plan (CMP)).*

Policy AW14 (at AW14.2) of the Council's LDP requires that Sandstone resources be safeguarded from development. Pennant sandstone covers approximately 70% of the surface area of the County Borough. It is not considered that the proposed development, given that consent is sought for 25 year period, would prejudice the potential extraction of this resource were it to be required in the future. Accordingly it is not considered that there is a conflict with policy AW14.

The scheme does propose two borrow pits (originally it was three, but one of these is now deleted from the proposal) as part of the development, in order to minimise the need to bring material onto the site for use in the construction of access tracks, turbine base back-fill, construction compounds and hard-standing areas. The location of these two borrow pits is to the west (area of 3314sq.m./volume of

3025cu.m.) and south/south east (area of 6262sq.m./volume of 7063cu.m.) of turbine T6 on the southern facing slope of the ridge and are considered to be without any significant constraints. Further, it is acknowledged that the borrow pits would be a relatively temporary feature which would be subject to a restoration strategy, which would be subject to a condition (*part of suggested condition 3*).

In respect of the borrow pits the legacy body Environment Agency Wales also requested the imposition of a condition which restricts any excavation below the depth of the water table (*suggested condition 32*).

Information from The Coal Authority indicates that there are recorded coal workings in the vicinity of the site but that such seams are at a depth of 230m and were last worked in 1955. Accordingly, it is not considered that these have any adverse implications for the proposed development.

In respect of these issues the proposal is considered to be in compliance with national planning policy and guidance and policies AW5, AW8, AW12, AW13 and AW14 of the Council's LDP.

Access, Traffic and Transportation

The main transport impacts for the proposal will be those HGV vehicular movements to and from the site during the construction phase of the proposed development. Once the wind farm is operational, should planning permission be granted, it is envisaged that the amount of traffic associated with the scheme would be minimal.

The construction period is anticipated as taking 9 months and will consist of the following principle activities, predominantly in the order listed below (albeit there will elements of activities occurring concurrently where possible):

- site establishment – construction of the construction compound and improvements to site access;
- construction of sub-station building;
- construction of on-site tracks and crane hard standing areas;
- construction of turbine foundations;
- excavation of trenches and cable laying;
- delivery and erection of the turbines (would appear to be in months 7/8);
- commissioning and testing;
- reinstatement and restoration works; and
- ecological and mitigation works

Traffic associated with the constructional phase would access the site via the new proposed access track from Wilfried Way, i.e. leaving the A4093 at the roundabout by the Redrow Homes scheme, across the Parc Eirin site and past the Ensinger factory and onto the site at a point just to the south of the Griffin PH.

Turbine components are likely to be shipped from Europe or elsewhere in the UK to docks and then brought to the site via the following road network:

- A4119, from M4 Junction 34 to A4119/A4093 roundabout;
- A4093, from A4119/A4093 roundabout to A4093/Wilfried Way roundabout; and
- Wilfried Way, from A4093/Wilfried Way roundabout to termination of Wilfried Way.

The J34 route will utilise the strategic road network through the County Borough, with the A4119 and A4093 already subject to frequent use by HGV vehicles.

The loads associated with the turbines can be summarised as follows:

- Tower – 3 loads per turbine
- Blades – 3 loads per turbine
- Nacelle – 1 load per turbine
- Hub unit – 1 load per unit (non AIL)
- Total per turbine – 8 loads (of which 7 are Abnormal Indivisible Loads (AILs))
- Total for 6 turbines – 48 loads

The total number of HGV trips to the site over the 9 month construction period has been estimated at 301 (2 way, i.e. to and from the site – 602 movements). The vast majority of these trips 281 out of the 301 total are connected to the construction of the concrete foundations (months 4 to 6, of the anticipated 9 month construction period).

It is expected that the transportation of the AILs (on a maximum of a three AIL vehicle convoy) will result in a degree of driver delay as these movements are likely to be accompanied by the police and a rolling road closure. The applicant has estimated the extent of driver delay to be low, at around 10 minutes. Although, during the construction of other wind farms in the vicinity of the site experience has suggested that the delay may be for somewhat longer periods than the applicant estimates. However, given that the delay impacts are temporary and short term it is not considered that this is a point on which objection can be raised.

It is considered that the adverse highway and transportation impacts of decommissioning will be less than during construction.

The detailed Transport Statement in Chapter 11 of the ES has been carefully considered by the Transportation Section who have raised no objection to the application, subject to the imposition of appropriate conditions, including the requirement to submit for approval a full and detailed Construction Traffic Management Plan (CTMP) (*suggested condition 14*).

A number of footpaths and public rights of way cross the proposed access tracks. Therefore, the construction and operation of the wind farm could affect existing public access across the site. Route 4 of the National Cycle Network passes north of

the site and across the proposed access. This cycle route also encompasses 'The Celtic Way' Cycle Route. A traffic free cycle route also follows part of the proposed access track. There are bridleways in relatively close proximity to the three southern most turbines (T5, T6 and T7). At its closest the bridleway is some 150m south of turbine T7.

It is intended that wherever possible Public Rights of Way will remain open during the construction phases. Prior to any works of construction commencing the applicant proposes to undertake a survey of usage of the public and highway routes. It is not anticipated that any routes will need to be diverted or closed. However, it is recommended that a condition (*suggested condition 13*) be imposed requiring details of proposals in respect of footpaths, bridleways and other public routes to be first agreed with the Council's Public Rights of Way Officer. It is considered that as any measures will only be temporary the impacts will not be significant.

In respect of highways and transportation issues the proposal is considered to be in compliance with national planning policy and guidance and policies AW5 and AW10 of the Council's LDP.

Socio Economic & Tourism

Chapters 15 and 16 of the submitted ES acknowledge that the development of a wind farm may have impacts (both positive and negative) on socio-economic interests, including farm diversification, local employment and tourism. Such impacts can be regarded as material considerations, albeit in some recent appeal decisions Inspectors have given the tourism matter limited weight, concluding that the development of wind farms does not appear to have had an impact on visitor numbers in those areas, such as Cornwall and Cumbria, that have higher concentrations of wind farm developments.

Whilst it is difficult to say with any degree of certainty how many jobs and contracts would be awarded to local people it would seem likely (when considering other schemes in South Wales) that there would be economic spin-off benefits, especially during the constructional phase, to the local economy. Work at the site during the operational phase would in essence be limited to routine maintenance, typically requiring a small team visiting the site every 6 months.

Within Chapter 15 of their ES the applicant states that the installed cost of a turbine (of the 2MW size proposed) is in the region of £2m. They estimate that that some £500,000 or 25% of this cost, would be spent locally through contracts for services ranging from electrical and civil engineering companies through to hoteliers. This suggests that in the region of £3m could be invested locally as a result of the proposed development.

With a supporting policy framework and by a number of initiatives the County Borough is promoting itself as a visitor destination and the historic and scenic

landscape is clearly a significant resource in seeking to attract visitors into the area. Consequently, development which would have a significant detrimental impact on that resource could potentially have a negative impact on tourism interests. TAN16: Sport, Recreation and Open Space (January 2009) recognises that access to the countryside is important for the rural economy.

In recent years reports have been commissioned looking into the possible impacts of wind farm development on tourism. In 2003 the Welsh Tourist Board (WTB) commissioned NFO to carry out a study to establish whether the development on wind farms would have any impacts (either positive or negative) on tourism in Wales. The general results of that survey/study did not suggest that a significant percentage of potential visitors would be put off visiting an area because of the presence of wind farms. Whilst most respondents were in principle supportive of renewable energy and the development of more wind farms in Wales there was a view that they should be carefully sited outside designated areas, such as National Parks, ANOB's, SSSI's etc.

In 2004 the WTB issued a policy statement regarding the development of on-shore wind farms. In essence this states that the development of wind farms would be inappropriate within designated areas or within sites highly visible from designated areas (National Parks and ANOB's). It is not considered that this site is particularly visible from any areas of designation as described above.

Aviation

Chapter 12 of the submitted ES assesses the likely effects of the proposed development on civil and military aviation.

Wind turbines located within line of sight and operational range of air traffic control or air defence radar equipment can present a similar appearance to aircraft on the radar screen. There is also some potential for reduction of a radar's ability to detect and track aircraft in the area behind or above a wind turbine. REG Windpower did consult with Cardiff Airport/NATS and the Ministry of Defence in preparing their ES. However, as the ES acknowledges NATS (who are the air traffic services provider to Cardiff Airport) only respond to consultations from local planning authorities on full planning applications.

In their application consultation response the Ministry of Defence (MOD) confirmed that they have no objection to the application.

Cardiff Airport lies 19km south east of the proposed wind farm site. After an initial response of no objection to the 7 turbines an objection was received from Cardiff Airport/NATS, following the revision of the proposed scheme from 7 to 6 turbines. However, following dialogue between Cardiff Airport/NATS and REG's aviation consultant Cardiff Airport/NATS concerns were overcome and a further response of no objection confirmed.

On the basis of the consultation responses received it is not considered that the proposal will have any significant effects on aviation interests and complies with policy AW5 of the Council's LDP.

Existing Infrastructure, Telecommunications

Operational wind turbines have the potential to affect existing infrastructure by reason of Electromagnetic Interference (EMI). Such interference can arise when wind turbines interact with electromagnetic transmissions, resulting in changes in the received signal and so in the use of that signal by the user. The applicant's ES has not in this case predicted any adverse impacts. However, as is a standard precaution with such applications it is recommended, should Committee be minded to grant planning permission, that the applicant be required to enter into a S.106 Agreement which would require them to resolve any problems of TV signal interference/ghosting should they arise.

The impacts of EMI can vary significantly between no significant impacts to, in extreme cases making a site inappropriate for wind farm development.

Prior to submission of the application the applicant undertook consultation with those bodies whose role it is to consider the potential impacts of wind farm development on signal reception and radar for interests of aviation safety, TV/radio/mobile phone/emergency services radio transmissions. The Council have also undertaken consultations as part of the formal planning process and, as reported earlier in this report, no objections have been forthcoming.

The Joint Radio Company Limited (JRC), on behalf of Western Power Distribution, did object to the original 7 turbine proposal on the basis of anticipated interference with radio link infrastructure operated by WPD (inc. Surf Telecom). Following the revision of the scheme to 6 turbines REG Windpower commissioned a detailed co-ordination study of the 6 turbine scheme from JRC. The report was completed in September 2013. JRC have confirmed that the positions of turbines T2 and T3 are critical and that no movement should be allowed within the sector 260 to 80 degrees East of Grid North. On the basis of the imposition of an appropriately worded condition (*suggested condition 31*) to cover this point JRC now raise no objection.

It is considered that in this respect the proposal is in compliance with policy AW5 of the Council's LDP, which seeks ensure that new development is compatible with other uses in the locality.

Planning Obligations

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require

payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

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

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

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

In this case it is considered that there are three issues that need to be dealt with by means of an appropriately drafted S.106 Agreement. Firstly, provision of financial security to ensure that decommissioning works are carried out following the cessation of operational use (maximum of 25yrs) of the site; secondly, the provision of a Habitat Management Plan (to include a post construction monitoring regime for bats) to be secured for a period of 25 years, i.e. the lifetime of the wind farm; and thirdly, a requirement to resolve any issues of interference in respect of domestic television reception that may be caused by the operation of the wind farm.

Conclusions

Given the size and location of the turbines, it is considered that the greatest impact from the proposed development would be on landscape character and value (the site is within SLA SSA23.7) and visual amenity of the area and the amenity of some households within the nearest settlements, in particular those of Hendreforgan and Gilfach Goch Garden Village to the north, areas of Thomastown/Tonyrefail to the north east/east and Brynna to the south. It should be borne in mind, however, that just because wind turbines will be visible from residential receptors that this is not in itself a reason to justify refusal of the application.

It is considered that the proposed Mynydd Portref extension should be appropriately considered in the context of the existing Mynydd Portref Wind Farm and also the Taff Ely/Headwind Taff Ely site. The proposed development would be seen as a further extension to the east of both of these schemes. It is acknowledged that TAN8 clearly states (at para. 2.14) that *"there will also be opportunities to repower and/or extend existing wind farms which may be located outside SSAs and these should be encouraged provided that the environmental and landscape impacts are acceptable."*

Mynydd Portref wind farm which lies directly adjacent to the west and Taff Ely/Headwind beyond to the west. In effect, the three developments will appear as one wind farm. Together the combined power output of these wind farms is:

- 35.35 – 38.85MW (Headwind Taff Ely at 14-17.5MW, Mynydd Portref at 9.35MW and the currently proposed Mynydd Portref Extension at 12MW);
- 26.35-29.85MW (if the generating capacity of the pre TAN8 Taff Ely Wind Farm is deducted from the Headwind generating figure (as explained earlier in this report));
- 30.35MW (Taff Ely at 9MW, Mynydd Portref at 9.35MW and the currently proposed Mynydd Portref Extension at 12MW)

TAN8 considers a large wind farm to be 25MW+ and indicates that within policy context this size of wind farm should be located within the SSA. Whichever combination of figures used from above in all cases the total generating capacity exceeds to TAN8 identified 25MW+ threshold. The current proposal is on the cusp of the 5km buffer zone of SSA 'F'. In addition the proposal has been considered in the light of the Pant y Wal Wind Farm (which includes the Fforch Nest turbines) given the potential for cumulative impacts on the intervening and other nearby settlements.

When considering the Headwind Taff Ely scheme in April 2013 the officer's report to Committee recognised that the turbines would be more than double the height of the existing Taff Ely turbines and will appear very large and dominating to the nearby settlements to the north. It was highlighted that such a close relationship would have very few precedents in the UK. The current proposal by extending the spread of turbines further to the east adds to those previously anticipated impacts.

In accepting the Headwind Taff Ely scheme Committee accepted that there would be adverse cumulative effects on parts of Hendreforgan, Gilfach Goch Garden Village and Evanstown due to the feeling of surrounding between the proposed Headwind Taff Ely and Mynydd Portref to the south and Pant y Wal and Fforch Nest to the north/north west. It was considered that the proposed Headwind Taff Ely wind farm would have slightly greater effect than the existing Taff Ely wind farm as though it has a lesser spread (with turbine numbers reduced from 20 to 7) its size of turbines (53.5m to 110m) are more prominent and are similar to SSA developments' turbines which are in many cases 115m to blade tip, although in some cases are higher again (as in the case of the turbines within the Pen y Cymoedd scheme being at 145m).

It was further recognised when considering the Headwind Taff Ely scheme that the combined developments are nearing the threshold of acceptability. It was recognised that if starting with a blank slate, the combined wind farm of the Headwind Taff Ely and Mynydd Portref would not be acceptable in this location based on its combined size, the intrinsic SLA landscape sensitivity, proximity to settlement, variation in size and layout of turbines combined with cumulative effects with the developments in the SSA to the north. Due to the size of turbines and the relationship with Mynydd Portref, it was considered that the Headwind Taff Ely scheme was pushing at the limit of what this low ridge location near settlement can accommodate. However, it

was recognised that the proposed Headwind Taff Ely scheme is an improvement on the existing Taff Ely wind farm in terms of its spread and simplicity of composition. It was also acknowledged that the Taff Ely wind farm is an established feature in the landscape which most local residents appear to have accepted and got used to.

The closest spacing of the existing Mynydd Portref turbines is around 150m, whilst that of the proposed turbines, within the Mynydd Portref Extension scheme is approximately 300m. Accordingly, notwithstanding the fact that the rotor diameter of the new proposed turbines is greater the proposed turbines will appear as being of a far lesser density than the adjacent smaller Mynydd Portref turbines. The turbines are the same height as those approved (resolution to grant) within the Headwind Taff Ely Wind Farm, to the west and so the proposed turbines together with the Headwind Taff Ely scheme will sit either side of the smaller Mynydd Portref turbines. Ideally turbines should be of the same height In order to reinforce the perception of a there being a single wind farm, as opposed to a conglomeration of several smaller schemes. However, in this case a number of specific circumstances appear to have influenced the arrangement. The 20 operational (since 1993) Taff Ely turbines are 53.5m to blade tip in height. The height of the 11 turbines at Mynydd Portref (8 x 75m and 3 x 86m) were influenced by the height of the Taff Ely turbines. Subsequently, the Council have resolved to grant the repowering of the Taff Ely site and replace the existing 20 Taff Ely turbines with the 7 Headwind Taff Ely turbines at 110m to blade tip height. The height of the turbines proposed within this application at 110m matches those at Headwind Taff Ely.

The applicant's submitted ES accepts that the site and adjacent land could be described as a 'windfarm landscape'. This description is clearly apparent on a number of the visual photomontage and wire frame images received as part of the clarification material package received in November 2014. On these images (which are represented from their originally submitted form) REG have now included at the Council's request the 21 turbines of the PantyWal Wind Farm (which includes the Fforch Nest turbines).

It is recognised however, that any potential harmful effects must be balanced against the benefits of the proposal. The Welsh Government clearly identifies on-shore wind farms as the main technology for fulfilling their stated renewable energy targets. Though outside SSA 'F' the proposed development is on the boundary of the 5km buffer zone and considered to be largely supported by national policy, in particular para. 2.14 of TAN8. In this case whilst it is considered that there will be negative landscape and visual effects it is not considered that these are of sufficient weight to recommend a refusal of planning permission.

It is recognised that there are no statutory consultee objections to the application and that there are only a very limited number (7) of third party objections, whilst there have been 100 letters received supporting the proposal.

This is a finely balanced proposal but when taking all material considerations into account the balance of planning judgement is that planning permission be granted subject to the applicant/developer first entering into a S.106 Agreement and subject to the imposition of the conditions below.

Therefore, it is recommended planning permission be granted, subject to:

1. The developer first entering into a Section 106 Agreement which secures the following:
 - provision of financial security to ensure that decommissioning works are carried out following the cessation of operational use (maximum of 25yrs) of the site;
 - a Habitat Management Plan (to include a post construction monitoring regime for birds and bats) to be secured for a period of 25 years, i.e. the lifetime of the wind farm; and,
 - a requirement to resolve any issues of interference in respect of domestic television reception that may be caused by the operation of the wind farm.
2. The imposition of the conditions as set out below.
3. In addition the Service Director Planning be authorised to add to, remove or amend/vary any condition/s before the issuing of the planning permission, providing that such changes do not affect the nature or go to the heart of the permission/ development.

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 following approved titled plans/drawing nos. :
 - Red Line Plan – Wind Farm Area (012 : May 2014);
 - Red Line & Construction Layout – Wind Farm Area (012a : May 2014);
 - Red Line Plan – Overview (013 : May 2014);
 - Red Line & Construction Layout – Overview (013a : May 2014);
 - A3 Generic Substation Plan (0001 – REG GDD – 01 : 27/09/11);
 - A3 Generic Turbine Bases (110m tip height, 70m tower) (XREG0019-02 : April 2012);

- Undated A0 Generic Turbine Elevation (110m tip height) – received 29 June 2012;
- Proposed Access and Layout Plan, Sheet 1 of 2 (C626/6 rev B : 05/09/13);
- Proposed Access and Layout Plan, Sheet 2 of 2 (C626/7 rev B : 05/09/13)

(Note for Clarity: The third (southernmost) borrow pit shown on drawing C626/7 rev B was deleted from the scheme and is not approved as part of this permission. In addition drawings 012, 012a, 013 and 013a indicate an additional length of track between T5 and the westernmost borrow pit. This is not shown on drawing C626/7 rev B but is included within the permission hereby granted).

Reason: In order to define the extent of the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

3. a) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from any wind turbine within the Mynydd Portref Extension Wind Farm to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.
- b) Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include for
- the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
 - restoration of the two borrow pits;
 - confirmation of the management and timing of works;
 - a traffic management plan to fully address highway issues during the period of the decommissioning works;
 - any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning scheme shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

4. All of the turbines' blades shall rotate in the same direction.

Reason: In the interests of visual amenity in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place until details of the following have been submitted to, and approved in writing by the Local Planning Authority:
- the make, model, external finish and colour of the proposed turbines; and
 - the materials to be used in the construction of any external unit transformer housing.

Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taff Local Development Plan.

6. All wind turbines shall be of a 3 bladed configuration and not exceed an overall height of 110m to the tips of the turbine blades. The turbines shall not display any prominent name, logo, symbol, sign, advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interest of visual amenity in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

7. All electricity and control cables within the site shall be laid underground and alongside tracks which are constructed on the site as part of the development.

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

8. Prior to the commencement of development a Construction Method Statement (CMS), describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, shall be submitted in writing to be approved (in writing) by the Local Planning Authority. Development shall be implemented in accordance with the approved Statement. The Statement shall include provisions relating to:
- The construction period and sequence of development works;

- Pollution control (including fuel, oil, concrete and chemical storage);
- Constructional Noise Management Plan;
- Environmental Management;
- Details of location of temporary storage compounds;
- Details of track construction and laying of cables and measures to be implemented to ensure that there are no polluting discharges from tracks and disturbed areas;
- Provision of any temporary fencing;
- Details of excavation of turbine bases and of the nature, type and quantity of material required to be imported onto the site for backfilling operations;
- The management of ground and surface water;
- The management of foul water;
- The monitoring of private water abstractions
- Details of any soil storage and spreading;
- The provision of any means of temporary site illumination;
- (The applicant should also be mindful of the requirements of condition 15, which refers to the need for a WPPC).

Reason: To protect the water environment and minimise environmental impact in the vicinity of the application site in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

9. Construction works on the site shall be confined to the hours of 0800 - 1800hrs on Monday to Friday inclusive, 0800 - 1300 hours on Saturday with no working on a Sunday or national public holiday. Out of these hours works at the site shall be limited to emergency works and dust suppression, unless otherwise first agreed in writing by the Local Planning Authority. The Local Planning Authority shall be informed in writing of emergency works within one working day of occurrence.

Reason: To minimise impact on the amenities of local residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Notwithstanding the provision of condition 9 (hours of working), delivery of turbine and crane components may take place outside the hours specified subject to not less than 3 local authority working days prior notice of such traffic movements being given to the Local Planning Authority.

Reason: To minimise impact on the amenities of local residents and the local highway network in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place until full details specifying the proposed

extent (approx. 880m) and engineering constructional details, techniques and future maintenance to be employed for the required length of 'floating' access track/road as it runs and rises to the south from Wilfried Way are submitted to and approved in writing by the Local Planning Authority (in consultation with Natural Resources Wales). The 'floating' track/road shall be implemented in accordance with the approved details.

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

12. No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until a scheme for the protection of Rights of Way during works of construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Provision to ensure that Public Rights of Way maintained with no obstruction to use;
 - Measures to prevent any damage to Rights of Way from constructional activity at the site.

The agreed scheme shall thereafter be implemented.

Reason: In the interest of public safety in accordance with policies AW5 and AW7 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Local Planning Authority. The CTMP shall include proposals for:
- Construction vehicle routing and site accesses
 - The management of junctions to and crossings of the public highway and other public rights of way
 - The scheduling and timing of movements and deliveries
 - Details of escorts for abnormal loads
 - Temporary warning signs and banksman/escort details.
 - Details of any remediation works, alterations to road layouts,

movement of sign and any other changes required to the highway network

The approved CTMP shall be implemented in the agreed form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall take place until a Wildlife Protection Plan for Construction (WPPC) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

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

16. No development shall take place until a Hydrological Mitigation Plan has been submitted to and be approved in writing by the Local Planning Authority. The plan shall include details of measures to reduce the impacts of the access track construction across peat and wetland habitats and the measures for maintenance of that mitigation during the operational life of the development. All works will be carried out in accordance with the approved details.

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

17. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant interger wind speed set out in, or derived from, the tables attached to these conditions at any dwelling. For the purpose of this condition a 'dwelling' is defined as a building within Use Class C3 of the Town & Country Planning (Use Classes) Order 1987 which lawfully exists or has planning permission at the date of this consent.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

18. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

19. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

20. Within 21 days from receipt of a written request from the Local Planning Authority, following a complaint to it from an occupant of a dwelling alleging

noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complainant relates to and any identified atmospheric conditions, including wind direction, and if possible include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with this condition, the wind farm operator shall submit to the Local Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under condition 20, and such others as the independent consultant considers likely to result in a breach of the noise limits.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

22. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

23. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 20, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

24. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 21 above unless the time limit has been extended in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

25. Once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the attached tables 1 and 2, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 21 days propose a scheme for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policies

AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods						
	4	5	6	7	8	9	10
17 Pembroke Street	46.8	46.8	47.1	47.7	48.5	49.6	50.8
Graig Fatho Farm	43.1	43.2	43.7	44.7	46.1	47.8	49.6
Argoed Edwin Farm – Upper Bungalow	45.0	45.0	45.0	45.0	45.0	47.1	49.7
Argoed Edwin Farm	45.0	45.0	45.0	45.0	45.0	47.1	49.7
Llanbad Fach	31.8	33.0	34.7	36.9	39.4	42.1	44.7
Llanbad fawr	36.8	38.0	39.7	41.9	44.4	47.1	49.7
Llanillid Farm	41.2	41.5	42.2	43.3	44.8	46.8	48.1
Rhiw	41.2	41.5	42.2	43.3	44.8	46.4	48.1

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods						
	4	5	6	7	8	9	10
17 Pembroke Street	43.0	43.0	43.0	43.3	44.3	45.6	47.1
Graig Fatho Farm	43.0	43.0	43.0	43.0	44.5	46.6	49.0
Argoed Edwin Farm – Upper Bungalow	45.0	45.0	45.0	45.0	45.0	46.3	49.2

Argoed Edwin Farm	45.0	45.0	45.0	45.0	45.0	46.3	49.2
Llanbad Fach	31.8	33.0	34.7	36.9	39.4	42.1	44.7
Llanbad fawr	43.0	43.0	43.0	43.0	43.0	46.3	49.2
Llanillid Farm	43.0	43.0	43.0	43.0	43.5	45.6	47.8
Rhiw	43.0	43.0	43.0	43.0	43.5	45.6	47.8

Note: A Plan showing the exact location of the above properties is attached to this decision notice

26. Notwithstanding the provisions of conditions 17–25, the wind farm operator shall undertake measurements of noise levels using an appropriately qualified noise consultant during the first year of the operation of the wind turbines in a scheme to be agreed with the Local Planning Authority to demonstrate that compliance with the noise levels in condition 17 are being met. The data produced in accordance with the scheme shall be forwarded to the Local Planning Authority within 28 days of the measurements being undertaken.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

27. Prior to the commencement of development, a report indicating a methodology for undertaking a Conditions Survey of Local Roads (CSLR) that could be affected by the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The CSLR should include:

- The timescales for undertaking the survey's and the method(s) of reporting the findings to the Local Planning Authority;
- Comprehensive photographs; and
- Potential compensation arrangements.

The development shall not be brought into use until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

28. In the event that a turbine does not function (i.e. does not supply electricity to the grid for a continuous period of 12 months and, if so instructed by the

Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the turbines are not obsolete, produce electricity whilst in situ and are removed from the site if they cease to function, in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

29. The wind turbines hereby approved shall not begin operation until a scheme for the avoidance of any shadow flicker effect at any dwelling which lawfully exists or had planning permission at the date of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To protect the amenity of residents in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

30. No fences shall be erected on the application site without the prior written consent of the Local Planning Authority except for any temporary fencing required during constructional works.

Reason: In the interests of visual amenity in accordance with policies AW5, AW6, AW8, AW12 and AW13 of the Rhondda Cynon Taf Local Development Plan.

31. A micro-siting distance of 30m radius around the turbine locations T4, T5, T6 and T7 (as detailed and illustrated on Figure 2.4 – Development Stage 3 Layout - Final , within the Regulation 19 SEI Figures Document (dated October 2013) and approved plans 012, 012a, 013 and 013a is permitted.

A micro-siting distance of 30m for turbines T2 and T3 is permitted, except within the sector 260 to 80 degrees East of Grid North of these two turbines where no movement at all is permitted.

A micro-siting distance of 30m is permitted for the crane pad hardstandings associated with each of the 6no. turbines hereby permitted.

Any such amendments to the location of any of the turbines shall be submitted to the Local Planning Authority for approval in writing prior to the construction of the specific element.

No micro-siting has been sought for the sub-station and none is permitted.

No micro-siting is permitted in respect of the site access tracks and these shall be constructed in accordance with their position as shown on Figure 3.1 Site Layout 1 of 2 and 2 of 2 (both drawing no. C.0343_29-A) as included in the ES Regulation 19 Figures Document received on 10 October 2013 and Proposed Access and Layout Plan, Sheet 1 of 2 (C626/6 rev B : 05/09/13) and Proposed Access and Layout Plan, Sheet 2 of 2 (C626/7 rev B : 05/09/13).

Reason: In order that the development is compliant with the environmental assessments undertaken and to take account of surrounding environmental conditions and potential interference with operational communications systems, in compliance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

32. No excavation of the two borrow pits approved as a part of this permission shall take place below the depth of the water table.

Reason: To prevent the derogation of the groundwater resource at the site in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

33. Trial runs mimicking the movement of the longest and widest anticipated loads recorded with full video coverage to the site from the A4119 and A4093 shall be undertaken in accordance with details to be submitted to and approved in writing to the Local Planning Authority prior to works commencing on site. Where the trial runs demonstrate that alterations to the existing highway or traffic management measures are required in order to enable the safe delivery of abnormal loads any mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to the delivery of the abnormal loads. Upon completion of these deliveries, the alterations to the existing highway and associated street furniture shall be reinstated to the satisfaction of the Local Planning Authority.

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

34. No development should be allowed to commence until the Local Planning Authority has received and approved in writing:
- a) Confirmation that Ordinary Watercourse Consent has been obtained in respect of modifications to existing culverts and the provision of new culverts/watercourse crossings.
 - b) An impact assessment of proposed access tracks in relation to surface and sub surface water flows.
 - c) Details of the location and nature of all Sustainable Drainage Systems to be incorporated into the development.

- d) Proposed mitigation to neutralise erosion downstream of access track water crossings.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to flood risk and in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 35. No development whatsoever shall be allowed to commence until the structural condition of existing culverted watercourses crossing the site has been determined and measures to protect such culverted watercourses have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing culverted watercourses does not increase as a result of any development activities in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 36. No development whatsoever shall be allowed to commence until measures to control surface water run off from/to the adjacent land/proposed development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surface water run off from/to the adjacent land/proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 37. Prior to any works commencing on the construction of the sub-station building, which forms part of the permission hereby granted, full details of external finishing materials to be used shall be submitted for the written approval of the Local Planning Authority. The sub-station shall be built using the materials specified in the agreed details.

Reason: In the interests of visual amenity in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 14/0004/15 (SF)
APPLICANT: Welford Estates
DEVELOPMENT: Variation of condition 1 of planning approval 07/0481/10

to extend the permission for a further five years (new build residential development).

LOCATION: **LAND AT THE PAVILIONS, DARRAN ROAD, MOUNTAIN ASH, CF45 3HG**

DATE REGISTERED: **24/01/2014**

ELECTORAL DIVISION: **Mountain Ash West**

RECOMMENDATION: In response to the appellant's appeal against non-determination, to advise the Planning Inspectorate that the Authority would have resolved to approve the application, subject to appropriate conditions and the securing of financial contributions towards recreational facilities and affordable housing.

REASONS:

The principle of providing residential development on this site has already been established through the approval of previous consents and no changes have been identified either on site or in relation to the relevant planning policy, which would justify a different decision being taken.

APPLICATION DETAILS

This is an application to vary condition 1. on planning permission 07/0481, which sought permission for a scheme of 25 dwellings comprising, 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses. Condition 1. of that consent sets out the 5 year time limit for the implementation of the consent so by applying to vary this condition, the applicant is effectively seeking to extend the time period for the implementation of the permission. The applicant has advised that the existing consent has not been implemented due to the current economic climate.

At the time the previous application was determined in July 2009 (07/0481), an extant planning permission already existed on the site for a very similar development of 25 dwellings (05/1922). The previous application sought however to vary the house types on individual plots from those already granted under the 2005 consent. The principal differences between the house types proposed under the 2007 application and those which had been approved as part of the 2005 application, were that the detached houses on plots 1, 2, 3, 10, 17, 22, 23, 24 and 25 (which were mostly along the site frontage with Darran Road) were all shown as being two storey dwellings, whereas those dwellings in the 2005 application had a third storey of habitable accommodation in the roof space. There were also some alterations to the garaging arrangements, the positioning of properties and the internal layout of the dwellings themselves, together with other minor external alterations. The terraced houses proposed for the 6 plots located centrally within the site were still proposed to

be three storeys in height and all the dwellings were shown as having four bedrooms.

The materials proposed for the scheme included a reclaimed stone base, facing brick with imitation slate roofs and white uPVC windows and fascia boards. The proposed means of vehicular access to the dwellings was shown to be provided by an improved access point from Darran Road

The current application is accompanied by the following:

- Design and Access Statement (DAS) – January 2013.
- Supporting Statement – December 2013.
- Geo-technical and Geo-Environmental Report (Terra Firma (Wales) Ltd) – December 2007.
- Letter from SLR Consulting – 23 January 2007.
- Environmental Noise Study (Sol acoustics) – 31 March 2006
- A landscaping scheme.

The DAS states that the proposed development aims to provide a safe, attractive residential environment accessible to all, which enhances local character, promotes choice and quality houses, while respecting the local character and responding sensitively to the constraints of the site.

The supporting statement sets out the planning history of the site and confirms that there have been no changes to the scheme since approval was given in July 2009 (07/0481). It provides justification for not developing the site and states that recent economic conditions in South Wales have delayed the commencement of work on site, as proposed costs have exceeded the developer's tolerance between project costs and return. It is advised however that it is the developer's intention to develop the site, when it is economical to do so.

The Geo-technical and Geo-environmental report (December 2007) details the various site investigations carried out in respect of identifying ground conditions and contamination on the site and also identifies various remediation measures required.

The letter from SLR Consulting (23 January 2007) details that site investigations have been carried out, to establish whether the current surface drainage arrangements for the site discharge into the culvert along the boundary of the site with Darran Road.

The Environmental Noise Study examines noise conditions at the time the previous factory existed on site and advises on suitable glazing specifications to achieve desirable internal noise levels in the houses proposed. This could be a relevant planning consideration in some cases, but as the factory has now been demolished, noise is not considered to be a significant issue in respect of impacts upon the future

occupants, particularly as the site is predominantly surrounded by existing residential development.

The landscaping scheme submitted with the application details a comprehensive treatment for the development including tree, shrub and hedge planting and other hard landscaping features.

SITE APPRAISAL

The application site, which has an area of approximately 0.94 hectares is an engineered plateau, with banks along the south eastern and north eastern boundaries sloping steeply downwards away from the site, towards Miskin Road and Gwernifor Park respectively. The general topography of the area is quite steeply sloping downwards from south-west to north-east and therefore there are retaining walls around a significant part of the site boundary, retaining the levels of the site and the land around it. There is currently a high stone boundary wall along the north western boundary of the site with Darran Road and this also acts as a retaining wall between the site and Darran Road. The site was formerly occupied by factory buildings, but these have now been demolished.

PLANNING HISTORY

07/0481	New build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses.	Approved 29/07/09
05/1922	Proposed new build residential development comprising 19 no. four bedroom detached houses and 6 no. four bedroom terraced town houses (reserved matters).	Approved 14/03/06
02/1618	Residential development (outline).	Approved 17/03/04

The above outline application was subject to a Section 106 Agreement for the payment of £30,000 for the provision or improvement of play or recreation facilities by the Council in Gwernifor Recreation Ground and a new agreement for the same financial contribution, was also secured in relation to application 07/0481.

At the time the previous application was determined (07/0481), an outline application for residential development for land adjacent to the south-east boundary of the site (adjacent to the bowling green) was also considered (07/0454) and following the approval of a subsequent application for 17 dwellings (07/1652), has been subsequently developed by Walnut Grove Homes (Parc Gwernifor).

PUBLICITY

Four site notices have been placed in the vicinity of the site and the same surrounding neighbours have been directly consulted by letter, as in respect of applications 07/0481 and 05/1922 however, no representations have been received.

CONSULTATION

Transportation Section – has raised no highway objections subject to the re-imposition of previous conditions (conditions 14, 15, 16, 17, 18, and 19 refer) and the implementation of the transport tariff as set out in the Council's SPG Delivering Design and Placemaking: Access Circulation & Parking Requirements and Planning Obligations. It is confirmed that the transport tariff contribution towards improving the strategic highway network which is applicable to this development, would be 25 x £3008 x 75% Level 2 = £56400.

Natural Resources Wales - has noted that the application is lacking any ecological survey information and as the site appears to contain areas of semi-natural habitat and scrub, it is recommended that a Phase 1 survey is carried out in order to assess the ecological value of the site. It is also advised that they have not considered possible effects on all species and habitats listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. To comply with the authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, it is confirmed that the Authority's decision should take account of possible adverse effects on such interests. It is therefore advised that further advice is sought from the Authority's ecologist and / or nature conservation organisations, such as the local Wildlife Trust and RSPB.

Dwr Cymru / Welsh Water - has raised no objections subject to conditions which require the submission, approval and implementation of drainage details, which are addressed below.

Western Power Distribution - no comments received.

Wales and West Utilities – has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail and advised that any diversion works will be fully chargeable.

Public Health and Protection Section – has raised no objections and has advised that previous comments raised in relation to application 07/0481 remain valid. These comments requested the inclusion of an appropriate hours of work and contaminated land conditions. It was noted that at the time the previous site investigation was undertaken, the demolished buildings were still standing and further investigation was therefore required, including consideration of the asbestos removed during the demolition of the buildings.

Development and Regeneration Unit – has advised that there has been a material change in circumstance as the Local Development Plan (LDP) has been adopted along with Supplementary Planning Guidance (SPG's). The site proposes a development of 25 units and whilst this constitutes a short fall of 4-5 units from the 30 units normally required (under Policy NSA 10), it is considered however that a short fall of between 4-5 units is not a reason in itself to withhold the renewal of this full planning permission. There is therefore no objection in principle to the residential development of the site.

Countryside, Landscape and Ecology Section - following an inspection of the site, the Council's Ecologist has advised that the development area constitutes recently cleared land with bare ground and building rubble. There is an extensive cover of brownfield grassland and flora which reflects early establishment from windblown seed and garden refuse however, there is very little Japanese knotweed. The flora is diverse and has no significant ecological value, but may support some opportunities for nesting birds. The open grassland and brownfield flora will be of some local invertebrate value however, the previous factory use of the land and the very isolated nature of the site significantly limits any potential reptile value.

In relation to suitable bat habitat, the one semi-mature ash tree has been assessed for potential value for bats using the Bat Workers Manual and identified as a Category 2b tree, which indicates moderate/low potential to support a bat roost and does not therefore require specific bat surveys. If the tree is to be felled however, it should be section felled with soft felling measures employed and a bat consultant on call. The wall on the north side of the site was also checked, but is not considered to have a high bat roost potential. In view of the findings of the visit, it is not considered that any more ecological survey assessment is required for this development site however, there are small / residual potential protected species issues which require due and proper precautionary consideration during site clearance works and a Wildlife Protection Plan condition is therefore recommended.

Parks Department - The Council's Play Facilities Manager has confirmed that the £30k contribution towards the provision of, or improvement of play or recreation facilities in Gwernifor recreation ground, secured by previous S106 Agreements relating to the site, is still required.

Education and Children's Services – has advised that their previous comments confirming that no additional school places are required, still applies.

Land Reclamation and Engineering Section - has raised no additional drainage observations, on the basis that the application only seeks to extend the time of implementation.

Housing Strategy Section - as an alternative to the on-site provision of affordable housing, has requested a financial contribution equivalent to what would otherwise be provided on site, which amounts to 30% of the market value for 2 x new build 3

bedroom units and 1 x new build 2 bedroom unit. At the present time, this would amount to a contribution of approximately £24k however, this would be subject to determination at the time of the commencement of development by the District Valuer.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is identified as being inside the settlement boundary NSA12 and is unallocated. The land lies immediately to the north-west of land allocated under NSA 9.11 Gwernifor Grounds, where 17 dwellings have been constructed (Parc Gwernifor).

Policy CS1 – advises that in the Northern Strategy Area, emphasis will be given to building strong, sustainable communities and promoting residential development in locations which reinforce the roles of Key Settlements, including Mountain Ash. This will also be achieved by promoting the re-use of under used and previously developed land and buildings.

Policy AW1 - confirms that residential proposals will be expected to contribute to meeting local housing needs by providing affordable housing.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations which would not unacceptably conflict with surrounding uses and have good access to key services and facilities.

Policy AW4 – confirms that contributions towards new or improved works may be sought in respect of a number of facilities including affordable housing, recreation facilities and highway works.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility and requires the development to have no unacceptable effect on the character and appearance of the site or surrounding area, no significant impact on the amenities of neighbouring occupiers and to be accessible to the local and wider community by sustainable modes of transport and not exacerbate existing traffic congestion.

Policy AW6 - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land, especially higher density residential development on sites in proximity to local amenities and public transport.

Policy AW8 - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation and that proposals demonstrate measures for the mitigation and compensation of potential impacts.

Policy AW10 - advises that development will not be permitted where it would cause a risk of unacceptable harm to health or local amenity due to various risks including noise, contamination or instability

Policy NSA2 - proposals for residential development within Key Settlements including Mountain Ash will be permitted, subject to it being of a high standard of design and integrating positively with existing development.

Policy NSA10 - advises that all new development within the Northern Strategy Area be built at a minimum density of 30 dwellings per hectare, to allow diversity in the housing market and the efficient use of land.

Policy NSA11 - requires the provision of at least 10% of affordable housing on sites of 10 units or more.

SPG – Nature Conservation

SPG – Design and Placemaking

SPG – Affordable Housing

SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

SPG – Planning Obligations

Community Infrastructure Levy (CIL) Liability

The application site lies within the Residential Zone 1, for which there is a nil liability for CIL.

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 8 (Transport) and Chapter 9 (Housing), 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 2: Planning and Affordable Housing;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 18: Transport.

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The principle of redeveloping this site for residential purposes has been previously established through the grant of both outline and full planning consents and it is therefore only appropriate to consider whether there has been any material change in circumstance since the previous approval was given (2009). Of particular relevance in this case, is the fact that since the proposal was last considered, the Local Development Plan has been formally adopted, along with accompanying SPGs and it is therefore against this policy base, that the application has been considered.

The application site is located within the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes the renewal of a full planning application for the redevelopment of a vacant site that is located within the settlement boundary and centrally within the Key Settlement of Mountain Ash, which offers good access to key services and facilities and is also accessible by foot and public transport. The current proposal is therefore considered to comply with Policy AW2 and the principle of dwellings on the site remains acceptable. Further consideration of the proposed scheme against other policy criteria is provided below.

Impact on the character and appearance of the area

The current application to extend the time limit for the implementation of the previous consent for 25 dwellings constitutes an identical scheme to that which was considered under 07/0481. In considering that application, no issues relating to the scheme's impact on the area were identified. The only change now identified is the fact that 17 dwellings have been constructed to the south-east of the site at Parc Gwernifor however, this will further assist the integration of the proposed development, as the areas to the north, west and south-east of the application site are all residential in character.

Whilst it has been identified that the 25 units proposed constitute a shortfall of approximately 4-5 dwellings from the 30 dwellings which would normally be required under Policy NSA10, it is considered, given the physical constraints on site, that the size and amount of development is appropriate. As the development will provide diversity in the housing market, the effective use of land and will not have an adverse

impact on the character of the area, there are no issues identified that would conflict with either Policy AW6 of NSA10 of the Local Development Plan.

Impact on residential amenity and privacy

At the time the previous application was considered, it was reported that the scheme was generally considered to be acceptable in terms of amenity and privacy. It was identified however that the location of Plots 1 and 22 could result in a greater impact on existing dwellings than the 2005 scheme (05/1922) however, amended plans covering these issues were sought and the removal of some of the 'permitted development' in relation to Plot 22 were also imposed. These are still considered relevant to the current application and are therefore included in the conditions set out below.

It is noted that at the time application 07/0481 was considered, a number of objections from nearby residential properties were received and whilst the same residential properties have been notified, no adverse comments have been received in respect of this application. It is therefore considered that the proposal complies with Policy AW5 of the Local Development Plan.

Access and highway safety

The Transportation Section has not identified any additional highway safety concerns subject to the imposition of previous conditions, which are included in the conditions suggested below. Whilst comments in relation to the implementation of the transport tariff have been made, as Members will be aware, it is anticipated that from 31 December 2014 such contributions will be achieved through the application of the Community Infrastructure Levy (CIL). As the site is located within the Residential Charging Zone 1 for which there is nil liability for CIL, it would not therefore be appropriate to pursue any financial contribution towards improving the strategic highway network, in connection with the current application.

Ecology

In relation to the ecological impact of the scheme, no issues or site constraints were identified at the time the previous application was determined and no further information has been submitted in relation to the current scheme. The comments raised by NRW note the lack of an ecology survey and recommends a Phase 1 survey is undertaken to assess the ecological value of the site. As this issue was not raised in relation to previous applications a site inspection has been carried out by the Council's Ecologist in order to determine whether it would be appropriate to request a Phase 1 survey. The conclusion reached as a result of carrying out this visit is that it is not considered that any more ecological survey assessment is required. The Council's Ecologist has however recommended that a Wildlife Protection Plan be secured by condition. In view of the previous consents approved which did not identify any ecological impacts, this is considered to be an acceptable

approach in response to the issues raised by NRW and is considered to comply with Policy AW8 of the Local Development Plan.

Other Issues

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

Land Contamination

At the time the previous application was determined, the comments of the Public Health and Protection Section in respect of the report dealing with contamination were taken into account and addressed through the imposition of appropriate conditions. Public Health and Protection Officers have not raised any further issues in relation to the renewal of this consent, subject to the imposition of appropriate conditions which mitigate the effect of any contamination at the site.

Drainage and flooding

At the time the previous application was determined, a flood risk assessment was submitted setting out possible mitigation measures in order to attenuate surface water run-off to greenfield rates and the potential risk of flooding from artificial drainage systems.

In respect of this additional information, it was previously considered that the recommended conditions in respect of drainage would adequately facilitate dealing with the issues raised by the flood risk assessment and the letter subsequently received from SLR Consulting (23 January 2007) relating to drainage investigations, in so far as they were relevant to the planning process. In response to this application, Land Reclamation and Engineering Officers have not raised any further issues in relation to the renewal of this consent, subject to the imposition of appropriate conditions, which are included below.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) is anticipated to come into effect on 31st December 2014 for all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing and may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue tariff based contributions via Section 106 Agreements.

The Section 106 requirements in this case

Transport Tariff - the Transportation Section has requested the implementation of a transport tariff of £56,400 however, as previously identified, the requested tariff is shortly to be replaced by CIL. The site is located within Residential Zone 1, where the CIL liability is £0.00 and for this reason, it would not be lawful to pursue this contribution. As members will be aware, various transportation projects which are designed to improve the strategic highway network have been identified on the Council's list of infrastructure, to which CIL revenue will be applied (Regulation 123 List).

Recreation Facilities - a Section 106 Agreement was previously signed in respect of both application 02/1618 and 07/0481 requiring the payment of £30k for the provision or upgrading of the play or recreation facilities in Gwernifor Recreation Ground. The Council's Play Facilities Manager has confirmed that this contribution is still required and therefore a fresh agreement would need to be made in respect of this planning application, in order to secure such payment.

Affordable Housing – the previous permission which this application seeks to extend comprises 25 four bedroom dwellings (07/0481). Whilst this scheme does not make any provision in relation to affordable housing, it is considered appropriate in view of the subsequent adoption of the LDP and relevant policies relating to affordable housing (AW1, AW4 and NSA11), that a contribution towards affordable housing is provided in respect of this application. Housing Strategy has requested, as an alternative to on site provision, a contribution equivalent to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit and it is considered that this would be an appropriate for the scheme. This contribution would

currently be approximately £24k however, the final amount for the contribution would be determined by the District Valuer, when the development commences.

As part of the previous application (07/0481) the applicant was requested to enter into a Section 106 Agreement in relation to the provision or improvement of recreation facilities, and it is considered necessary for the applicant to enter into a further agreement in relation to this application in order to secure:

- A recreation facilities contribution of £30k;
- An affordable housing contribution in lieu of on-site provision amounting to 30% of the market value for 2 x new build 3 bedroom units and 1 x new build 2 bedroom unit – currently approximately £24k but to be determined at the commencement of development.

As the current application seeks to vary the original permission and if approved on appeal, would result in the issuing of a new planning permission, it is considered necessary and appropriate for the contributions identified above to be secured by way of a Planning Obligation, which would then be considered alongside the current appeal. It is considered that this request meets all of the above tests and is compliant with relevant legislation.

Conclusion

Having taken into account all of the issues identified above, it is considered that subject to the securing of a Planning Obligation relating to recreation facilities and affordable housing contributions, the proposed extension of the time limit to implement the previous planning consent and to provide 25 dwellings is acceptable and complies with relevant policies of the Local Development Plan.

RECOMMENDATION

Members are therefore recommended to agree that they would have resolved to approve the application, subject to appropriate conditions and the securing of financial contributions towards recreation facilities and affordable housing.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plan(s)

- The 1:1250 scale site location plan drawing no 561 - 100;
- The 1:500 scale site location plan and proposed layout drawing no. 561 - 205B;
- The 1:200 scale site layout and plot allocation plan drawing no. 561-206B;
- House type G- drawing no. 561-201C;
- House type H- drawing no. 561-102;
- House type J- drawing no. 561-203B;
- House type K- drawing no. 561-204A
- House type L- drawing no. 561-209A;

and documents received by the Local Planning Authority on 6 January 2014 and 24 January 2014.

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

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

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

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.

4. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 3) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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.

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

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

6. Prior to the commencement of development, facilities for wheel cleansing shall be provided on site in accordance with details submitted to and approved in writing by the Local Planning Authority. Wheel cleaning shall be carried out in accordance with the approved details prior to any construction works commencing.

Reason: In the interests of road safety.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

9. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

10. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

11. Notwithstanding the submitted details no development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

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

12. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. No works shall commence on site, until details and design calculations, of any existing retaining walls which are to remain or proposed retaining walls on the site or its boundary have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To give better visibility in the interests of road safety to vehicles emerging on to the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

14. Notwithstanding the submitted plans, development shall not commence until engineering details of the road layout, including sections, street lighting details and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

15. Notwithstanding the submitted plans, development shall not commence until full engineering details of the tie in of the proposed access road and Darran Road have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

16. The means of vehicular access to each individual dwelling from Darran Road shall be completed before such dwelling has been brought into use.

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

17. No obstruction or planting when mature, exceeding 0.9 metre in height shall be placed within the required vision splay areas, the areas for which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To give better visibility in the interests of road safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

18. No dwelling shall be occupied until car parking space for that dwelling has been laid out in accordance with the approved plans.

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

19. No development shall take place unless a scheme has been submitted to and approved by the Local Planning Authority, including proposed mitigation, design details and a development program with respect to:

- Protection of open and culverted sections of the existing watercourse on the boundary of the site with Darran Road during and after construction;
- Protection of properties downstream of the development from

increased flood risk during and after construction owing to the development; and

- Protection of properties within the development from flood risk.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to drainage.

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

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

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

21. Building operations shall not be commenced until samples of the facing bricks proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no extensions or outbuildings shall be erected or constructed (other than any hereby permitted), and no additional window openings shall be inserted into the rear elevation of the dwelling, on plot 22.

Reason: To protect the amenity of the property known as Bryn Ifor House in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

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

- a. An appropriate scale plan showing 'Wildlife Protection Zones' where

- construction activities are restricted and where protective measures will be installed or implemented;
- b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

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APPLICATION NO:	14/0556/10 (HW)
APPLICANT:	Maerdy Windfarm Ltd
DEVELOPMENT:	Erection of one wind turbine with a maximum height to blade tip of 145m together with ancillary infrastructure including a transformer building, access tracks and turning area, underground cabling, crane hardstanding and turbine component set down areas and temporary construction compound (Amended plans received 20 th October 2014 to alter the site boundary).
LOCATION:	LAND BETWEEN MAERDY COAL TIP AND TYNEWYDD FOREST
DATE REGISTERED:	20/10/2014
ELECTORAL DIVISION:	Maerdy, Treherbert & Treorchy

RECOMMENDATION: Approve

REASONS:

The proposal has been considered against Policy AW13 of the Local Development Plan, which gives criteria for large wind farm developments. The most pertinent criterion in this case is considered to be whether the additional turbine would cause the wind farm to have an “unacceptable effect on the visual quality of the wider landscape”. The impacts in respect of landscape and visual impact are considered to be satisfactory, and other criteria in the policy are also considered to be satisfied, thus approval is recommended.

APPLICATION DETAILS

Planning permission is sought for an additional single wind turbine at Maerdy Wind Farm, taking the total number of turbines at the site to nine. The proposed turbine is 145 metres in height, measured to the blade tip, which is the same height as the existing wind turbines. It will be located on a spur of land to the south east of the existing wind farm.

In addition to the turbine, a new track is proposed within the wind farm, which extends approximately 410 metres from the existing Turbine no. 7, south east towards the proposed Turbine no. 9. This includes a turning area close to Turbine no. 7. Other infrastructure works included as part of this application are a transformer building, underground cabling, a crane hardstanding and turbine component set down areas.

An additional area of land is also included within the application in the west of the existing wind farm, which is proposed for a construction compound. It is proposed that temporary security fencing will be placed around this during construction.

The application has been subject to Environmental Impact Assessment (EIA) and is accompanied by an Environmental Statement. It is also accompanied by a Design and Access Statement and a Planning Statement.

SITE APPRAISAL

The site is an extension to an operational wind farm, which has been so since July 2013. Currently, 8 turbines operate within the wind farm. The land in the application site is currently used for agricultural purposes (grazing).

The whole wind farm site is located on a steep sided plateau, on the ridgeline that separates the Rhondda Fach and Rhondda Fawr Valleys, close to Maerdy, Treherbert and Treorchy. The land on which the wind farm is sited mainly consists of peat bog, marshy grassland and acid grassland. The access to the wind farm is via a forestry track adjoining the A4061 (Rhigos Road), and this track will be used for construction purposes.

The application site itself is located to the south east of the existing wind farm (apart from the compound, which is in the west of the wind farm) and measures 3.34 hectares in total, with the boundary of the site having been amended since submission to include an additional area of land needed to ensure the whole oversail for the turbine is included within the site boundary. The wind farm is crossed by Public Rights of Way, one of which (no. 18) crosses the application site. Use of this is intended to be suspended for approximately 6 months during construction (although the application states that as this is Open Access Land, the public can find an alternative route around the construction area with a diversion of no more than 200 metres).

The wind farm is within the Rhondda Registered Historic Landscape and within the Treorchy Slopes Site of Importance for Nature Conservation (SINC). It is also close to the boundary of the Cwm Orci Special Landscape Area (SLA).

PLANNING HISTORY

The relevant planning history in respect of this site is as follows:

13/0086	The erection of 1 wind turbine with a maximum height to blade tip of 145m together with ancillary infrastructure as a replacement for the turbine known as 'turbine 1' and its ancillary infrastructure permitted under application 11/0198/10; and the reinstatement of the land which has been subject to enabling works for turbine 1 permitted under application 11/0198/10.	Granted 23/05/13
12/1146	Proposal for a small 10m lattice mast on the Maerdy Wind Farm site, located between the sub-station and wind turbine 8. This is to provide a 2Mb (or above) broadband service to Maerdy Wind Farm.	Granted 19/12/12
12/1276	15m lattice mass for Western Power Distribution Communication Links.	Granted 04/02/13
11/0198	Erection of 8 wind turbines with a maximum height to blade of 145m together with ancillary infrastructure and the erection of a 95m anemometer mast which is to be incorporated with the access tracks, substation, cabling, crane pads, construction compound and ancillary infrastructure previously permitted under application 06/1865.	Granted 10/11/11
10/1082	Erection of a 33kV overhead line supported by wood pole. Raise no objection 22/11/2010	Granted 12/2010
06/2136	Temporary anemometer mast.	Granted 05/02/07

06/1865 Wind farm comprising 8 wind turbines with a maximum blade tip of 125m; access tracks, substation, anemometer mast, crane pads, construction compound and associated infrastructure Granted 02/02/09

PUBLICITY

The application has been advertised via a press notice and site notices as an application accompanied by an Environmental Statement, a major development and an application site crossed by a Public Right of Way. Letters have also been sent directly to residents. No objections have been received from local residents.

CONSULTATION

Highways Development Control - no highway objections raised subject to conditions for a Traffic Management Plan, a road conditions survey, an improvement plan for the site access and a restriction of hours of delivery during construction. These are recommended to deal with abnormal loads during construction.

Countryside - in respect of ecology, have commented that the additional ecological impacts to those from the existing wind farm are likely to be small. Have suggested that all construction related conditions on the original permission are re-imposed.

In respect of Public Rights of Way, no objections are raised, but would like clarification regarding whether a Temporary Closure Order is required while the track is installed. Have requested a condition in respect of ensuring the use of Public Rights of Way are maintained and protected from damage (including users) during constructional activity.

Public Health and Protection - no objection raised, but have suggested a condition in respect of construction hours and that conditions in respect of noise from active turbines from the previous consents should be replicated, subject to amendments required due to the additional turbine.

Land Reclamation and Engineering - consider that the proposal has a minimal impact in respect of surface water, but does indicate an impact to existing site watercourses. Recommend a condition in respect of this and drainage details.

Natural Resources Wales - in respect of ecology, providing the "Environmental Mitigation, Offsetting and Enhancement Measures" outlined in Section 10.6 and Table 10.5 of the Environmental Statement are implemented, it is not considered there will be an unacceptable impact. The long term Habitat Management Plan already in place is sufficiently robust to mitigate for the minor additional impacts that arise. No comment to make on landscape and visual impact, given this is an extension to the existing wind farm.

Cadw - considered the impact of the proposal on Scheduled Ancient Monuments and the Rhondda Historic Landscape. Concluded that the turbine would have a

“negative negligible effect” on the setting of Castell Nos SAM, but it would not raise any significant concerns. State cumulative impact should be a consideration. In respect of the Historic Landscape, concur with the analysis in the Environmental Statement that the impact would be “low moderate”.

Brecon Beacons National Park Authority - no objection to the proposed development but raise significant concerns over the cumulative impact of proposed, consented and operational schemes along the southern fringe of the National Park, and this should be considered as a material consideration in determining this application. Recommend conditions in respect of height, final location, overall finish (including colour), longevity and the need for detailed remediation strategies and works.

Bridgend County Borough Council - no objection.

Glamorgan Gwent Archaeological Trust -are satisfied with the information in Chapter 9 of the Environmental Statement in respect of archaeology. Recommend a condition for a programme of archaeological work.

Arqiva (responsible for providing the BBC and ITV's transmission networks) - only check whether a proposal will interfere with the ability to continue to broadcast a signal, and not whether individual properties will experience interference. No objections or issues to raise.

Ministry of Defence - no objection, but would like to be informed of the date construction starts and ends, the maximum height of construction equipment and the final latitude and longitude of the turbine.

Campaign for the Protection of Rural Wales - have raised concerns are follows:

- That there may be more turbines proposed than this one in the future;
- The height of the proposed turbine (although it is acknowledged that there are others of similar height in the immediate locality);
- The construction will result in damage to and the removal of habitat, which supports a diverse community of plant and animal life, provides an important element in supplying fresh water to the river system and has been identified as important stores of carbon stocks;
- Modification of peat land drainage by the use of ditch systems is likely to lead to drying out and erosion;
- This is very dependent on the success or otherwise of reinstatement in returning the site's biodiversity to pre-development levels- will the implementation of the restoration works be monitored?

Dwr Cymru Welsh Water - no objections raised. Suggest the developer contact them in relation to the protection of any watermains that may be located within the proposed access route.

Wales and West Utilities - no objections raised.

Civil Aviation Authority - no comments made (but outside consultation area for Cardiff Airport).

National Air Traffic Services - no comments made.

Neath Port Talbot County Borough Council - no comments made.

Western Power Distribution - no comments made.

Joint Radio Company - no comments made.

Royal Society for the Protection of Birds - no comments made.

In addition a number of telecommunication companies have been consulted, but have not made comments.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is outside any settlement boundary, is within the Treorchy Slopes SINC and is within a Sandstone Resources Safeguarding Area.

The relevant policies in the Local Development Plan (LDP) are as follows:

Policy CS1 - emphasises the building of strong, sustainable communities in the Northern Strategy Area, and seeks (inter alia) to protect the cultural heritage of the north by protecting historic built heritage and the natural environment.

Policy AW4 - seeks the provision of infrastructure (including nature conservation measures) through planning obligations where necessary.

Policy AW5 - gives general criteria for new development.

Policy AW7 - provides for the protection of sites of archaeological importance and of Public Rights of Way.

Policy AW8 - gives criteria for development affecting SINC.

Policy AW10 - seeks to prevent development proposals that would cause or result in an unacceptable risk of harm to health and/or local amenity because of issues such as noise etc.

Policy AW13 - gives criteria for large wind farm developments.

Policy AW14 - requires resources of sandstone to be safeguarded from development.

The following Supplementary Planning Guidance (SPG) is considered relevant:

- Nature Conservation

- Planning Obligations

National Guidance

Planning Policy Wales:

Paragraph 5.3.11 (SINCs), and Sections 12.8 and 12.10 (Sustainable Energy) are considered relevant.

Technical Advice Note 8: Planning for Renewable Energy is also considered relevant.

REASONS FOR REACHING THE RECOMMENDATION

The main issue in respect of this application is whether the proposal complies with Policy AW13 of the Local Development Plan, relating to large scale wind farm development, most pertinently whether the additional turbine would cause the wind farm to have an “unacceptable effect on the visual quality of the wider landscape”.

Planning Policy

The proposed energy output of the turbine is 3 megawatts, and the existing 8 turbines have a combined output of 24 megawatts, with a combined total output of 27 megawatts. As this turbine is an extension to the existing wind farm, it is considered appropriate to assess the proposal against Local Development Plan Policy AW13, relating to wind farms that have an output of 25 megawatts and over. The proposal is assessed against the criteria as follows, although visual and landscape effects are addressed separately later in the report:

1. *Is within the boundary of the Strategic Search Area (SSA):*

As with the existing turbines, Turbine No. 9 is within SSA F.

2. *Is sited on a predominantly flat, extensive area of upland:*

Apart from some minor variations in levels, the site of the wind farm can be considered a plateau. Turbine no. 9 is located on this plateau.

3. *Is located a minimum of 500m away from the nearest residential property unless it can be demonstrated that locating turbines closer to residential properties will have no unacceptable impact on human health:*

There are no dwellings within 500 metres of the proposed turbine site.

4. *Will not because of its siting, scale or design have an unacceptable effect on the visual quality of the wider landscape:*

The application is considered satisfactory in this respect, and the details of this are discussed separately below.

5. Will minimise any loss of, and where possible enhance, public accessibility to the countryside:

It is noted that Public Right of Way no. 18 crossing the application site and the proposed track will be temporarily suspended for approximately 6 months during construction. It is considered that due to the open nature of the land, an alternative route can be found, and if necessary this will be addressed as a separate matter by the Council's Countryside Section. Following construction, it is not considered that Turbine no. 9 would have any significant effect on access to the countryside.

6. Will not cause unacceptable impact on, and where appropriate will enhance, sites designated for their international, national or local nature conservation value:

The proposed turbine is within the extensive Treorchy Slopes SIN. The Council's Ecologist has raised no objections to the proposal.

It is not considered that there are any additional impacts in respect of peat and that any significant impacts in respect of bird use would have already been experienced through the existing wind farm. The existing Habitat Management Area, set up to mitigate the impact of the existing wind farm, is not impacted by the proposed turbine and it is not considered that any variations are needed to the existing arrangements for this in respect of this application. As such, there are not considered to be any significant ecological impacts. It is noted that Policy AW13 requires appropriate land management agreements, but it is considered the existing habitat management arrangements are sufficient to mitigate for this proposal. In respect of reinstatement works to return the site's biodiversity to pre-development levels, the existing Habitat Management Arrangements have a goal of returning peat features to a better condition than the immediate pre-development situation. The Council's Ecologist sits on the Management Committee for this.

7. Will protect the natural beauty and special qualities of the Brecon Beacons National Park.

It is noted that the Brecon Beacons National Park Authority have been consulted and not raised an objection. The impact in respect of the National Park is considered satisfactory and is discussed further below.

It is therefore concluded that the proposal meets the criteria, and is therefore acceptable in terms of Policy AW13.

Landscape and Visual Impact

In respect of assessing landscape and visual impact, an external landscape consultant, Simon White of White Consultants has been employed to undertake an assessment. His comments are summarised as follows.

Landscape Effects

It is agreed that there will not be any significant adverse effects during construction period, and it is also agreed that there are no significant adverse effects on the Brecon Beacons National Park.

While the Landscape and Visual Impact Assessment (LVIA) does not identify any significant adverse landscape effects during operation. It is considered there is an increase in adverse effects on the Cwm Orci SLA and a slight decrease in tranquillity, due to the visibility of the turbine from part of the SLA. It is considered that the effect of the proposal on the SLA is actually borderline significant.

It is considered that there are no significant adverse effects on other SLAs.

Visual Effects

The LVIA does not identify any significant adverse visual effects during operation, and this is analysed in more detail below:

It is considered that the effect could be borderline significant from viewpoints south west of the A4061 in Treorchy. This is because from these viewpoints the spread of turbines visible in the existing Maerdy array would be extended, and the turbine is seen in juxtaposition with Craig yr Aber above Cwm Orci which has a more dramatic character than the landform to the north although continuing the ridge. In mitigation, the turbine is set back from the edge of the landform and when Pen y Cymoedd is built the proportional increase in spread will be relatively small.

Users of Treorchy Cemetery would have views of the turbine hub and blades which would increase the spread of turbines visible. Currently the majority of one turbine and a few other Maerdy turbines are apparent. Particularly given that people who visit the cemetery are likely to wish for tranquillity and positive surroundings, it would be expected that the effect would be borderline significant.

The turbine would be visible above the skyline, extending the spread of turbines visible in the Maerdy Wind Farm from view points at Bwlch y Clawdd on the A4061. The turbine is higher than those adjacent and again seen in juxtaposition with Craig yr Aber above Cwm Orci. In mitigation, again when Pen y Cymoedd is implemented this turbine will become a minor element. However, particularly as people who visit the viewpoint expect a scenic view, overall, the effect could be considered borderline significant.

The blade of the turbine would be visible above the skyline from some points in Cwmaman, where the existing Maerdy Wind Farm would not be visible. As the blade would be a new feature, the effect could be considered borderline significant.

The dwelling at Fforch Orky would have views of the turbine hub and blades which would increase the spread of turbines visible, and there is considered to be more of a significant effect than stated in the LVIA.

The dwelling at Fforch Isaf would have views of the turbine hub and blades which would increase the spread of turbines visible. It would be expected that the effect would be significant.

The blade of the turbine would be visible above the skyline, just extending the turbines visible, from viewpoints south of Brook Street, Maerdy, but it is agreed the effect is not significant. In addition, the A4233 passes close by and the turbine would extend the Maerdy turbine array from some views. However, the turbine would appear to complement the pattern of the existing array which already has changed the character of the views from the road, and so the effect of the turbine would not be significant in itself from these viewpoints.

The visual effects on other settlements such as Llwydcoed and Blaencwm are not expected to be significant.

The walking and cycling routes close to the turbine are not expected to undergo significant effects due to extensive views of other wind turbines on the coalfield plateau.

Cumulative Effects

The LVIA considers that there are no significant cumulative landscape or visual effects based on including the proposed Abergorki Wind Farm (13/0663/10- not yet determined). In terms of landscape effects, Abergorki extends further south into the Cwm Orci SLA and would have greater effects on it than Turbine no.9. Overall, the additional cumulative landscape effect of the turbine is not likely to be significant. In terms of visual effects, the extent of the proposed Abergorki turbines to the south beyond Turbine no. 9 and the Maerdy turbines in all other directions mean that the proposed turbine would in this application not extend the spread of turbines in any view should Abergorki be constructed. Abergorki is more prominent due to its location in some directions, whilst Maerdy is more noticeable to the north. The cumulative visual effects are therefore not likely to be significant. Turbine no. 9 would have minor adverse effects in conjunction with Abergorki in views from the south east but these are not likely to be significant.

Some concerns have been raised however about the methodology for the Cumulative Landscape and Visual Impact Assessment (CLVIA), in that it only

includes the situation where the proposed Abergorki Wind Farm would be present, and not in the event that it would not be built.

Conclusion

Overall, it is considered that the proposed turbine will result in slightly greater landscape and visual effects in addition to the existing Maerdy Wind Farm but these are not regarded as sufficiently significant or a justifiable basis to warrant a recommendation for refusal in terms of landscape and visual matters.

Further Discussion of Landscape and Visual Impacts

In respect of the issues raised regarding the CLVIA methodology, the applicant has responded stating that they consider that the approach taken is in accordance with good practice, and that the situation without Abergorki has been considered in the LVIA.

It is not considered that the issues raised with the methodology are significant enough to alter the above conclusion. It is noted that the proposed turbine will extend the spread of turbines from some view points, but it is considered that additional landscape and visual change from the existing wind farm overall is not significant given the presence of those existing turbines.

In respect of the impact on the National Park, the Park Authority has commented that the turbine will be visible from Moel Penderyn, will be visually intrusive within the landscape from this point and will therefore have some impact on the special qualities of the National Park experienced within the "Waterfall Country and Southern Valleys" landscape area. However, they are satisfied that the proposal will not have a significant detrimental impact on the natural and special qualities of the National Park as it appears to marginally extend the existing wind farm. The concerns in respect of the cumulative impact of turbine development on the National Park generally are noted, but it is not considered that this turbine contributes significantly to the visual impact of turbines from the National Park.

OTHER ISSUES

Effect on Sandstone Resources

The proposal is within a designated area in the LDP for safeguarding sandstone resources. However, it is considered that any effect on mineral resource safeguarding would be minimal and technically temporary, as the wind farm is consented for a limited period of 25 years.

Historic Sites

The nearest Scheduled Ancient Monument is Castell Nos, which is approximately 900m to the north of the site, and there is not considered to be a significant impact

on this. There is also not considered to be a significant cumulative effect on this monument, other historic sites, nor the historic landscape as a result of this proposal, due to its comparatively minor nature compared to the existing wind farm and other turbines in the area.

Community Benefit

Two funds currently exist to provide community benefit from the wind farm- the Maerdy Wind Fund and the Treorchy Wind Fund, which fund projects in the local community via a grant scheme. Community benefit will increase should turbine no. 9 be constructed, with an initial lump sum of £31,250 (12.5% increase) being shared by the funds, and an additional £11,250 being shared annually as well as this (22.5% increase). This will be secured through provision in the existing funding agreement between the Wind Farm and the Community Fund Companies.

Members are asked to note that the provision and level of community benefit is not a relevant consideration in determining the acceptability of the planning application, and the above is provided for information purposes only.

Public Health and Protection

The “standard” condition recommended for construction hours of 8am-6pm Monday to Friday and 8am to 1pm on Saturday has been altered to the one below, to reflect previous consents.

CONCLUSION

It is considered that the proposed turbine complies with Policy AW13, with the main issue being landscape and visual impacts. It is acknowledged that there will be some additional impact on the landscape and visually, but overall the impacts are not considered enough to warrant a recommendation for refusal. It is considered that the development is acceptable in other respects.

RECOMMENDATION: Grant

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

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

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority and listed below unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Environmental Statement Volumes 1 & 2 (April 2014) and Plans

therein, as amended by revised versions of Figures 1.1, 1.2, 5.1, 5.2, 5.9 and 5.10 received 16th October 2014;
Non Technical Summary and Plans therein, as amended by the revised Figure 1 received 16th October 2014;
Planning Statement (April 2014);
Design and Access Statement (April 2014) as amended by the Design and Access Statement Addendum received 20th November 2014.

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

3. a) The permission hereby granted shall expire on 26th July 2038.
- b) Not later than 12 months before the expiry date of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include:
- the removal of all surface elements, plus one metre of the turbine base below ground level;
 - confirmation of the management and timing of works;
 - a traffic management plan to fully address highway issues during the period of the decommissioning works;
 - any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority deem to be reasonable and necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To ensure derelict or obsolete structures do not adversely affect the environment in accordance with policies CS1, AW5, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Local Planning Authority. Any temporary mitigation measures affecting public highway shall be implemented prior to transportation of the abnormal loads and reinstated upon completion of the development. The TMP shall include the following:-

- a) Swept Path Analysis (showing full route and mitigation measures);
- b) Component size (width, height, length, weight);
- c) Convoy Length (number of vehicles including emergency services and escorts);
- d) Traffic Management (during transportation of abnormal loads);
- e) Structures (over bridges height, width, weight restrictions);
- f) Highway works (including all temporary works to public highway to facilitate access and reinstatement works including timescales);
- g) Dry Run (including arrangements with the Highway Authorities and Police in respect of this);
- h) Temporary Traffic Regulation Orders; and
- i) Emergency Contingencies.

Reason: In the interests of highway safety / to ensure safe and satisfactory delivery of all components, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the improvements required to facilitate access off the A4061 to the site have or information to suggest they are not required has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved plans prior to any works commencing on site.

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

6. Prior to the commencement of the development, a report detailing a methodology for undertaking a conditions survey of the A4061 Road leading to the site via the A465 shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys and the method(s) of reporting the findings to the Local Planning Authority; comprehensive photographs; and potential compensation arrangements. The survey shall be undertaken in accordance with the approved report. The development shall not become operational until the final survey (on completion of the development hereby approved) and any compensation arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety, in accordance with policy AW5 of the Rhondda Cynon Taf Local

Development Plan.

7. No development shall take place until a scheme for the protection of Public Rights of Way has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Provision to ensure that Public Rights of Way are maintained with no reasonable obstruction to use;
 - b) Measures to mitigate any damage to Public Rights of Way from constructional activity at the site.

The agreed scheme shall thereafter be implemented.

Reason: In the interest of public safety in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

8. 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: For the safety of all highway users, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season, or a scheme of alternative physical measures where appropriate),
 - d. Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Provision of training and information about the importance of the

'Wildlife Protection Zones' to all construction personnel on site.

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

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

10. Prior to the commencement of development a Construction Method Statement (CMS), describing the works to be undertaken and pollution prevention measures to be implemented during the construction phase, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved Statement. The Statement shall include provisions relating to:

- a) The construction period and sequence of development works.
- b) Pollution control (including fuel, oil, concrete and chemical storage).
- c) Constructional Noise Management Plan.
- d) Environmental Management.
- e) Details of track construction and laying of cables and measures to be implemented to ensure that there are no polluting discharges from tracks and disturbed areas.
- f) Provision of any temporary fencing.
- g) Details of excavation of the turbine base and of the nature, type and quantity of material required to be imported onto the site for backfilling operations.
- h) The management of ground and surface water.
 - a) Details of any soil storage and spreading.
 - b) The provision of any means of temporary site illumination.
 - c) Details of the site construction compound.

Reason: To minimise environmental impact in the vicinity of the application site in accordance with policies AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

11. No development shall take place until details of the following have been submitted to, and approved in writing by the Local Planning Authority:

- The final design of the turbine, including external finish and colour of the proposed turbine;
- The materials to be used in the construction of any external unit transformer housing.

Development shall be carried out in accordance with the approved details, and there shall be no subsequent change to the finish or coloration of the turbines without the Local Planning Authority's prior approval in writing.

Reason: In the interests of visual amenity in accordance with policies AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant and approved in writing by the local planning authority.

Reason: In order that the archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

14. No development shall take place until the following is submitted to and approved in writing by the Local Planning Authority:

- i) an impact assessment of proposed access tracks in relation to surface and sub water flows;
- ii) details of the location and nature of all infiltration drainage to be incorporated into the development;
- iii) details of the disposal of foul drainage resulting from on site construction compounds;
- iv) proposed mitigation of neutralised erosion down stream of access track water crossings.

The works shall be carried out in accordance with the approved details.

Reason: To ensure the proposed development does not cause or exacerbate any adverse condition on the development site and the environment with respect to flood risk, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. The wind turbine, crane pad and track shall be constructed subject to a micro-siting tolerance not exceeding 50 metres in respect of the turbine; and 20m in respect of the track (save for the last 100m of track leading to the turbine which may be microsited up to a maximum of 50m to reach the microsited crane pad), so long as they are within the red line boundary of the application site.

Reason: To ensure any new micro-siting is acceptable, in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

16. No abnormal load delivery shall take place during the construction period between the hours of 0700 – 0900 and 1600 – 1800 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and free flow of traffic, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

17. Construction work on the site, excluding the delivery of abnormal loads and actual erection of the wind turbine, shall be confined to the hours of 0700 - 1900 Mondays to Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise impact on the amenities of local residents in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. The turbine's blades shall rotate in the same direction as those approved under 11/0198/10 and 13/0086/10.

Reason: In the interests of visual amenity in accordance with policies AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

19. The wind turbine shall be of a 3 bladed configuration and not exceed an overall height of 145m to the tips of the turbine blades. The turbine shall not display any prominent name, logo, symbol, sign, advertisement on any external surface unless otherwise agreed in writing by the Local Planning Authority. The turbine shall not be illuminated and there shall be no permanent illumination on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity in accordance with policies AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

20. In the event that the turbine does not function (i.e. does not supply

electricity to the grid) for a continuous period of 12 months and, if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be dismantled, and its base removed to a depth of one metre below ground level, and removed from the site within a period of 6 months from the end of that 12 month period, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the turbine is not obsolete, produces electricity whilst in situ and is removed from the site if it ceases to function, in accordance with policies CS1, AW5, AW7, AW8, AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

21. All electricity and control cables between the turbine and the switch room shall be laid underground and alongside tracks which are constructed on the site as part of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise environmental impact in the vicinity of the site in accordance with policies AW13 and NSA25 of the Rhondda Cynon Taf Local Development Plan.

22. The level of noise immissions from the combined effects of the Maerdy Wind Farm wind turbines approved under this planning permission and permissions 11/0198/10 and 13/0086/10 (including the application of any tonal penalty) when calculated in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to first generation, shall not exceed the values for ETSU Criterion set out in Table 1 or Table 2 below (as appropriate), unless specifically authorised by the Local Planning Authority. Noise limits for dwellings (defined for the purposes of these noise conditions as a building within Use Class C3 of the Use Classes Order) which lawfully exist or had planning permission at the date of this permission but are not listed in the Tables attached shall be those of the physically closest location listed in the Tables, unless the occupier of the property has a financial interest in the wind farm in which higher limits as set out in ETSU guidance shall apply, and as may otherwise be agreed with the Local Planning Authority. The coordinate locations to be used in determining the location of each of the dwellings are listed in Tables 1 and 2.

Table 1: Night time: between 2300 and 0700 (noise level in dB $L_{A90, 10min}$)									
			Wind speed (m/s) at 10 m height						
Address	Grid reference		4	5	6	7	8	9	0
Fforch-oriky House	295471, 198506	Background	36	36	35	35	34	35	35
		ETSU criterion	43	43	43	43	43	43	43
Fforch Isaf Farm	295329, 198498	Background	36	36	35	35	34	35	35

		ETSU criterion	45	45	45	45	45	45	45
Maerdy (representative location)	297248, 198774	Background	40	40	40	40	40	40	40
		ETSU criterion	45	45	45	45	45	45	45
Treherbert (representative location)	294308, 198441	Background	36	36	36	36	36	36	36
		ETSU criterion	43	43	43	43	43	43	43

Table 2: All other times (noise level in dB LA90, 10min)									
			Wind speed (m/s) at 10 m height						
Address	Grid reference		4	5	6	7	8	9	0
Fforch-oriky House	295471, 198506	Background	34	35	35	35	35	36	36
		ETSU criterion	40	40	40	40	40	41	41
Fforch Isaf Farm	295329, 198498	Background	34	35	35	35	35	36	36
		ETSU criterion	45	45	45	45	45	45	45
Maerdy (representative location)	297248, 198774	Background	41	41	40	40	41	41	41
		ETSU criterion	46	46	45	45	46	46	46
Treherbert (representative location)	294308, 198441	Background	39	39	39	39	39	40	40
		ETSU criterion	44	44	44	44	44	45	45

Reason: To protect the amenity of residents in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

23. At the reasonable request of the Local Planning Authority and following a complaint to it about noise immissions from the turbines approved under this planning permission in isolation or combined with the wind turbines approved under permissions 11/0198/10 and 13/0086/10, the operator of the wind farm shall, at its expense, employ a consultant approved by the Local Planning Authority, to measure, assess and report to the Local Planning Authority the level of noise immissions from the wind farm at the property to which the complaint relates ('the complainant's property'). The measurement and calculation of noise levels shall be undertaken in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to first generation.

The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Local Planning Authority unless otherwise extended in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

24. Wind speed, wind direction and the operational status for the wind turbine subject to this permission shall be continuously logged and provided to the Local Planning Authority at its request and in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to first generation. Such data shall be retained for a period of not less than 12 months and shall be treated as confidential information.

Reason: To protect the amenity of residents in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

25. The operator of the wind farm shall, at its expense, employ a consultant approved by the Local Planning Authority, to measure, assess and report to the Local Planning Authority the level of noise immissions arising from the wind farm during the first year of the operation of the wind turbine subject of this permission to demonstrate that compliance with the noise levels in condition 22 are being met. The measurement and calculation of noise levels shall be undertaken in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority prior to first generation.

The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the completion of measurements unless otherwise extended in writing by the Local Planning Authority.

Reason: To protect the amenity of residents in accordance with policy AW13 of the Rhondda Cynon Taf Local Development Plan.

26. Notwithstanding the provisions of conditions 22-25, the operator shall alter the approved protocol to assist the Local Planning Authority in investigating noise immissions arising from other wind farm projects to include the turbine subject of this planning permission. The protocol shall be submitted to and be approved in writing by the Local Planning Authority prior to the First Export Date of the turbine hereby approved. The approved protocol shall be implemented in full.

Reason: To protect the amenity of residents in accordance with Policy AW13 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 14/1128/15 (SF)
APPLICANT: Sainsbury's Supermarkets Ltd

DEVELOPMENT: Variation of Condition 2 and removal of Conditions 47, 48 and 49 of planning permission 12/1102/10 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard

LOCATION: **SAINSBURYS SUPERMARKETS LTD, LAND SOUTH OF A473, TALBOT GREEN**

DATE REGISTERED: 28/08/2014

ELECTORAL DIVISION: Talbot Green

RECOMMENDATION: Approve

REASONS: The principle of the development has been previously established through application 12/1102 and the proposed changes to the approved plans (Condition 2.) providing a reduction in net sales area and other alterations will not have any significant impact on the overall scheme.

The proposed removal of the 3 BREEAM conditions (Conditions 47. 48. and 49.) is appropriate, following the withdrawal of national planning policy requirements for sustainable building standards on 31 July 2014.

APPLICATION DETAILS

This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks the variation and removal of conditions from planning permission 12/1102, which granted a full application for the erection of a supermarket, service yard, car park, petrol filling station, new customer access road and new access from the A473 and associated development on 8.65 hectares of land, to the south of the A473 at Talbot Green.

Full planning permission for the supermarket and other associated development was granted on 27 November 2013, subject to conditions and a Section 106 Agreement. The current application seeks the variation of condition 2. and the removal of conditions 47. 48. and 49. as follows:

1) Variation of Condition 2.

This condition requires the development to be carried out in accordance with the various plans which are individually specified in the condition, unless those elements of the development are otherwise approved and superseded by details required by other conditions attached to the consent. The applicant wishes to alter this condition in order to accommodate minor physical changes to the proposed supermarket. Current planning legislation enables such changes to be agreed through a Section 73 application by approving alternative plans, without the need to submit a revised full application.

The changes which Sainsbury's Supermarkets wish to make through the variation of condition 2. are summarised as follows:

- Removal of the trading floorspace at mezzanine level. The mezzanine floor will continue to provide the cafe, WCs and colleague area, but will be reduced in size. The ground floor area of the store or footprint will remain unchanged. The proposed store would measure 9,192 sqm GEA rather than 10,801 as approved (-1,609) and the sales area would reduce correspondingly to 5,603 from 7,230 (-1,627);
- Reduction of roof height over approximately three-fifths of the store (area adjacent to the A473 and residential properties beyond) resulting from there no longer being a need for a double height roof across the entire store;
- Alterations to the roof form which allow the roof-top plant enclosure to be better located and shielded by the higher roof on 2 sides and a new stair access from the rear service yard up to the plant enclosure;
- Realignment of the front canopies of the building due to alterations to the roof.
- Changes to the internal vertical circulation spaces including the WC and ATM, as well as the cafe exit onto the balcony;
- Moving of the entrance lobby, escape doors and cycle parking to the south;
- Incorporation of photo voltaic solar panels on the roof;
- Alterations to the distribution of plant within the service yard - the access egress, docking and manoeuvring areas remain unaffected;

This part of the application has been submitted as the applicant considers that the cost of building, heating, lighting, stocking and staffing the trading mezzanine floor are not justified by potential increases in store takings, over and above that which could be taken by the store without the mezzanine floor. Accordingly, they consider it a more efficient use of investment money to remove the trading mezzanine floor.

The original planning application (12/1102) proposed other development to be provided in connection with the supermarket however, no alterations are currently proposed to any of the other development, which will continue to be provided in accordance with the approved scheme. For Members' reference, this original application included:

- An eight-pump Petrol Filling Station (PFS) with jet wash facilities;
- A 573 space surface level car park;
- A link road forming a southern arm from the Glamorgan Vale roundabout providing vehicular access to the PFS, supermarket car park and bus stop via an internal roundabout;
- Minor modifications to the east and west bound exits from the Glamorgan Vale roundabout as necessary, associated with the above;
- A new priority junction onto the A473 between Glamorgan Vale roundabout and the A4222 (Cowbridge Road) junction, to allow access/egress to the supermarket's service yard;

- Associated landscaping works;
- Re-profiling of land to provide an approximately level development plateau at 48m Above Ordnance Datum (AOD);
- Flood alleviation works comprising an earthen bund, to the east of Y Pant School.

Members may recall that the previous application was accompanied by an Environmental Statement (ES), which provided an assessment of the likely effect of the scheme, which is considered necessary where a development is likely to have a significant effect (positive or negative) on the environment. In this case, it has been determined that the current proposal does not constitute a significant amendment to the previously approved scheme. The associated conditions and Section 106 Agreement which were agreed were considered to provide appropriate mitigation against any significant effect of the scheme on the environment and as the current proposal will have less overall effect on the environment, it was therefore concluded that there was no requirement for a further ES in relation to this application.

8) Removal of Conditions 47. 48 and 49.

These conditions specify the following:

47. The supermarket shall be constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) overall 'Very Good' standard and achieve a minimum of 6 credits under category 'Ene1 – Reduction of CO2 Emissions' in accordance with the requirements of BREEAM 2008. The development shall be carried out entirely in accordance with the approved assessment and certification.
48. Unless otherwise agreed in writing by the Local Planning Authority, construction of the supermarket hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum BREEAM overall 'Very Good' and a minimum of 6 credits under 'Ene1 – Reduction of CO2 Emissions' has been achieved for each individual building in accordance with the requirements of BREEAM 2008.
49. Within 6 months of the first beneficial occupation of the building hereby permitted, the "Final Certificate" shall be submitted to the Local Planning Authority certifying that a minimum BREEAM overall "Very Good" and a minimum of 6 credits under "Ene1 – Reduction of CO2 emissions" has been achieved for that building in accordance with the requirements of BREEAM 2008.
reason:

In each case, the reason for these conditions is to ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings in Planning Policy Wales.

In June 2014 the Welsh Minister for Housing and Regeneration announced his intention to withdraw the national planning policy requirement for sustainable building standards and cancel TAN 22 'Planning for Sustainable Buildings', when the changes to Part L of the Building Regulations came into effect from the end of July 2014. In announcing the change, the Welsh Minister expressed his belief that TAN 22 had served its purpose now that the Welsh Government has control over the Building Regulations, which provide a more appropriate vehicle for setting building standards. These changes came into effect on 31 July 2014.

In making these changes, it is the view of the Welsh Government that any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes and any existing adopted Local Development Plan policy which may require a higher standard.

The purpose of this part of the application is therefore to bring the current consent in line with national policy guidance.

The current application is accompanied by the following:

- Design and Access Statement (DAS)
- Written statement accompanying application;
- Amended plans in respect of the proposed changes.

The DAS provides details of the proposed changes and sets the context of the development, identifying that land to the south and west of the site has a resolution for outline consent for a comprehensive mixed use development, of which this development forms phase 1. The use of the site from that approved (under application 12/1102) will remain unchanged and a comparison of the proposed amended floorspace is provided. It is identified that the internal layout has been amended in terms of the precise location of vertical circulation space and the removal of customer escalators, changes to adjacent areas including the position of WCs and ATMs, minor changes to the store entrance which is no longer centred on the escalators and associated changes to elements under the front canopy including, cycle parking. Further changes to the roof top plant have been incorporated and the re-distribution of plant within the service yard.

It is confirmed that the site layout remains unchanged, although the scale of the development has been reduced. In particular, the height of the roof has been reduced from 10.7m to ridge to 7.2m across approximately three fifths of the roof

area. The remaining parts of the roof at the southern end of the store would remain the same and the width and depth of the store will remain at 106m by 70m.

In relation to environmental sustainability, it is anticipated that a BREEAM Excellent rating will be achieved and the reduced roof height will contribute towards sustainability benefits by reducing demands on heating, lighting and general maintenance, as well as the building materials. It is confirmed that the removal of the BREEAM conditions 47. - 49. does not affect the anticipated rating. It is therefore concluded by the applicant that the proposed changes will not impact on the character, environmental sustainability, community safety or the access and movement at the site and the revised scheme continues to meet the design and access requirements of the Local Development Plan.

The written statement accompanying the application confirms that the proposed revised elevations retain the areas of quality materials including, on the north-elevation (fronting the A473) and also the visual interest of the south-east corner, including the cafe balcony.

It is confirmed that although during pre-application discussions, officers requested the removal of nine car parking spaces from the previously approved car park (573 spaces), it has been established that this is not feasible, due to the contractual agreement between the applicant and their developer. It is also advised that the reduction of the floor area of the store now proposed down to 9,192 sqm, would improve the ratio of spaces provided to 1 space per 16 sqm, which is closer to the Council's standard of 1 space per 14 sqm for this type of development.

The statement details that the gross external area (GEA) would be reduced from the approved area of 10,801 sqm to 9,192 sqm as a result of the removal of the trading area on the mezzanine level and the sales area would reduce from 7,230 sqm to 5,603 sqm. A comparison of the approved store and the LDP allocation against what is now proposed is also provided in a table, which is set out below:

Table 1: Floorspace comparison

	Approved 12/1102/10 (sqm)	Now proposed (sqm)	Difference (sqm)	LDP allocation (pre 1.6.16) (sqm)	Now proposed (sqm)	Difference (sqm)
GEA	10,801	9,192	-1,609	-	9,192	-
Sales	7,230	5,603	-1,627	-	5,603	-
Convenience	4,130	3,278	-852	3,700	3,278	-422
Comparison	3,100	2,325	-775	2,000	2,325	+325

N.B. Numbers may not fully tally due to sq ft to sqm conversion and rounding.

In relation to the physical and environmental impact, which was previously assessed through the submission of an Environmental Statement (ES) which accompanied application 12/1102, a brief assessment of the implications of the proposed amended scheme are provided in relation to each of the ES chapter areas including traffic and transportation, ecology and nature conservation, hydrology and flood risk, socio economic and retail, landscape and visual impact, air quality, noise and contamination. It is concluded that whilst some benefits have been identified, the conclusions of the ES in relation to overall likely significant effect remain unchanged.

The applicant's written statement also outlines a number of benefits to the proposed changes in particular, the reduction in the roof height and construction materials needed to build the store, together with the resulting reduced volume of building requiring heat and light. It is suggested that these reduced impacts, together with the introduction of solar panels on the roof will result in the proposed scheme being significantly more sustainable than the approved store. It is also confirmed that the removal of the BREEAM conditions 47, 48 and 49, will not affect the sustainability credentials of the building, which will be secured through the new Building Regulations Part L.

SITE APPRAISAL

The planning application site comprises an area of land of approximately 8.65 hectares, which forms part of the larger SSA8 allocation in the Council's Local Development Plan.

The site is located between the A473 which is immediately to the north and Y Pant Comprehensive School to the south. Beyond the A473 and now disused railway line to the north, lies the Green Park area of housing (inc. Oak Close, Cherry Tree Walk, Lllys Catwg, Ash Walk as well as Green Park itself). Also to the north and north-east lies the Glamorgan Vale Retail Park and beyond that, the further retail area of the Tesco Extra store and the Talbot Green Retail Park.

The northern part of the site includes the Glamorgan Vale roundabout and a small section of the A473, for which minor modifications were approved under 12/1102, are proposed in order to create 2 new access points to the supermarket. The northern arm of this roundabout currently provides access to and from the Glamorgan Vale Retail Park. The eastern part of the site and proposed flood bund extend into an area of Pant Marsh, which is designated as a Site of Importance for Nature Conservation (SINC), and also forms part of a Special Landscape Area (SLA).

At its western extent, a small part of the site which is proposed to provide a temporary footpath adjoins Cowbridge Road and the Leekes store is located immediately to the south, together with its associated car parking facilities. The area of land to the west of the application site, previously accommodated the former

Purolite chemical works. These buildings were demolished and cleared some years ago and works of site ground remediation undertaken. This part of the site appears as currently vacant open land.

The western boundary of the site is defined by Cowbridge Road (A4222). A number of small scale commercial uses occupy land on the opposite side of Cowbridge Road from the western end of the site. Behind these commercial uses, there are a small number of residential properties within Railway Terrace, whose access is taken from Cowbridge Road (A4222) at a point just south of the traffic light controlled junction with the A473.

The southern boundary of the site lies just north of a wooden post and wire fence which defines the existing field between the application site and northern boundary of Y Pant School grounds. To its eastern extent, the southern boundary of the site is created by the line of the new access road and the associated earthworks as it curves round to meet the Glamorgan Vale roundabout on the A473.

Part of the site extends south from the main body of the rest of the site across Pant Marsh, before sweeping to the east and ending close to the northern bank of the Afon Clun. It is on this area of the site that the flood embankment (bund) was approved under the previous application (12/1102). A well-used public footpath runs east-west across Pant Marsh and then follows a line between the Afon Clun and the southern boundary of the Y Pant School site, before it reaches Cowbridge Road (A4222).

The site accommodates a number of mature trees and a group of Welsh oak trees within the site, are the subject of a Tree Preservation Order (TPO). The other notable area, is a line of mature leylandii cypress trees along the northern boundary, which currently screen the site from the A473.

On the southern side of the Afon Clun the land rises quite significantly up to the Coed yr Hendy woodland, with the relatively recently built residential development of Cefn y Hendy beyond.

Ground levels across the site are relatively consistent but generally the higher levels are on the brown field land at the western end of the site and the lower levels on the Pant Marsh at the eastern end of the site.

PLANNING HISTORY

There are a relatively large number of planning application references going back to 1974 which relate to the former Purolite use of the site and land on the adjoining Staedtler site. These are not all listed below however, reference is made to those applications which are considered to be of greater relevance to the current application.

12/1102	Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development.	Approved 27/11/13 subject to S106 Agt.
11/1330	Outline application for development of new town centre comprising: a 10,801sqm gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sqm gross retail floor space (Class A1); 600sqm gross cafe space (Class A1); 1,000sqm financial/professional service space (Class A2); 2,390sqm gross food and drink space (Class A3); 1,400sqm gross office space (Class B1); 750sqm gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works.	Resolved to approve subject to S106 Agt.
05/1514	Variation of condition (no.7 as imposed on permission ref: 04/1820) to allow a raised clean up target for Ethyl Benzene (former Purolite site)	Cond. Perm. 21/07/06
04/1820	Remediation works (involving demolition and removal of all pipe work and buildings apart from the administration building within the site boundary and removal of soil and groundwater contaminants), (former Purolite site).	Cond. Perm. 18/02/05
94/0845	Renewal of outline permission ref: 91/0636, for a development of Class B1, B2 and B8 uses. (part of Springfield Farm, land R/O former Staedtler site).	Cond. Perm. 09/03/95
93/0705	Outline application for Business (Class B1) and Warehousing (Class B8) Development. (land south east of Talbot Green, south of New Park and west of the A4119).	Withdrawn 22/07/94
91/0636	Class B1, B2 and B8 development. (outline). (part of Springfield Farm, land R/O former Staedtler site).	Cond. Perm. 06/12/91
90/0836	Roundabout to be incorporated in a new highway – Talbot Green Bypass. (land south of Talbot Green and west of the A4119).	Cond. Perm. 21/12/90

PUBLICITY

The application has been advertised by means of direct neighbour notification letters sent to the same commercial and residential properties as the previous application (12/1102) and also site notices, which were placed in locations surrounding the site and the wider residential and retail areas in Talbot Green and Pontyclun.

In response to the public consultation exercise **1 letter of objection** has been received raising the following issues:

- The area is already adequately served for all retail needs and additional development will only further aggravate traffic congestion in the area;
- As a resident of Llantrisant who has to use the M4 to commute, it is increasingly difficult to commute along the A4119 with high volumes of traffic;
- As a parent of children at Y Pant Comprehensive School, concerns are expressed about their safety from increased traffic along the A473 and the disruption and inconvenience caused by further building work.

CONSULTATION

Transportation Section – has advised that the proposed changes have no adverse impact on highway safety or its operation and therefore no highway objections are raised subject to the re-imposition of highway conditions relating to the approved application 12/1102.

NRW - has advised that it has no comments in relation to this application.

Dwr Cymru/Welsh Water - no comments received.

Western Power Distribution - no comments received.

Wales & West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail and advised that any diversion works will be fully chargeable.

Public Health & Protection – no objections raised to the proposed development.

Petroleum Licensing Officer – has raised no additional observations, as the application has no relevance to the petrol filling station aspect of the development.

Countryside Section (Landscape & Ecology) – no comments received.

Land Reclamation & Engineering - the application refers to minor changes to the original submission and the previous observations are therefore applicable, with no further comments being raised.

WG (Highways) - no comments received.

Sustrans – no comments received.

The Coal Authority – no comments received.

Glamorgan Gwent Archaeological Trust Ltd – has advised that they have received an archaeological and cultural heritage assessment on the applicant's behalf, which showed that the likelihood of significant archaeology being located is not high. Therefore, it is their opinion that the proposed amendments are unlikely to reveal any hitherto unknown archaeological resource.

South Wales Fire & Rescue Service - no comments received.

South Wales Police (Crime Prevention Design Advisor) - no comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - confirms that in respect of development in the Southern Strategy Area, the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

Policy CS3 - in order to promote sustainable growth, this policy allocates a number of specific 'Strategic Sites' across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Mwyndy/Talbot Green Area is identified as site no. 7 (Policy SSA8)).

Policy CS7 - identifies the allocation of 23,400sqm (net) of retail development floorspace at Strategic Site 7 (Land at Mwyndy/Talbot Green).

Policy CS8 - identifies the implementation of a strategic transport corridor management system in 3 strategic corridor areas, including the A4119 / A473 Corridor.

Supporting paragraph 4.75 of the LDP confirms that appropriately sized development within the identified corridors will be required to fund the development of a strategic corridor management system.

Policy AW2 - confirms that development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

Policy AW4 - confirms that the Council may seek planning obligation contributions in association with new development. The policy identifies a number of areas including affordable housing, educational facilities, highway infrastructure works, recreational and leisure, management of Strategic Transport Corridors, where contributions could be sought.

Policy AW5 - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must also be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

Policy AW6 - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land and in the public realm and key locations, the character and quality of the built form is to a high standard of design. Development should provide a high level of connectivity and accessibility to existing centres and a wide range of modes of sustainable transport and also promote the use of renewable energy.

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

Policy AW8 - only permits development where it would not cause harm to features of the natural environment and requires proposed development to demonstrate what measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance. Under this policy, Sites of Importance for Nature Conservation (SINCs) are identified

Policy AW10 - advises that development will not be permitted where it would cause or result in an unacceptable risk of harm to health or local amenity due to various risks including air, light, noise or water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety.

Policy AW14 - deals with the safeguarding of minerals. It requires identified sites to be safeguarded from any development, which would unnecessarily sterilise them or hinder their extraction. Para 1 (site 'e') identifies Pant Marsh as being a resource of sand and gravel.

Policy SSA3 - identifies criteria for both new residential and commercial development in the Principal Town of Llantrisant/Talbot Green. Criteria 5 (of 8) states "Promotes opportunities for new retail, tourism and leisure development".

Policy SSA8 - allocates the current application site as part of the larger Mywndy/Talbot Green Area Strategic Site (as identified under Policy CS3) for 23,400sqm (net) of new retail floorspace.

Within supporting paragraph 6.138 it states that the Council would wish to see, in respect of the land with a frontage to Cowbridge Road:

'The area of land cross hatched on the indicative concept plan will accommodate a retail development of approximately 0.5 hectares and link road connecting the new town centre with the A473. The balance of the land will remain undeveloped.

- a) New Town Centre on the Leekes/Staedtler/Purolite site, comprising:
- 3,700sq.m. (net) convenience retail floorspace.
 - 19,500sq.m. (net) comparison retail floorspace.
 - Pub/café.
 - 10,000sq.m. (net) leisure floorspace.
 - Library.
 - Focal public space plus sensitively integrated car parking.
 - Public transport hub.
 - Pedestrian and cycle links over the A473 at Cowbridge Road and Glamorgan Vale Retail Park.
- Main road connections at Cowbridge Road and Glamorgan Vale roundabout.
- The new town centre will be laid out in a manner that reflects the characteristics of a town centre, with a range in the size of new retail units to be provided.
- b) Residential development of 100 apartments and town houses.'

Supporting paragraph 6.139 comments on the issue of Phasing and confirms that in order to reduce the risk of an over supply of comparison goods floorspace significantly in advance of the identified need for that floorspace, the retail development of the Cowbridge Road area shall be carried out in two Phases. Until 1 June 2016, the construction of new retail floorspace will be limited to a new convenience goods floorspace of 3,700sqm (net), new comparison goods floorspace of 2,000sqm (net) and the replacement of the existing Leekes floorspace with an equivalent amount of new comparison goods floorspace to that existing on those premises at the time of the adoption of the LDP.

(For Members' clarification, 'convenience goods' describes regular items such as items of food, newspapers and confectionary, etc. which are convenient for everyday living and 'comparison goods' describes largely non-food related items such as household goods, electrical goods, clothing, etc., for which more comparison between brands/retailers would be expected).

Policy SSA16 - establishes the hierarchy of retail centres in the Southern Strategy Area. Llantrisant (including Talbot Green) is identified as a Principal Town Centre. The policy states that proposals for retail development or changes of use to retail uses inside the defined boundaries, which would maintain or enhance a centre's position in the retail hierarchy, will be permitted.

Policy SSA17 - allows for new and improved retail (Class A1) facilities and other uses that are appropriate within the retail centres of Pontypridd and Llantrisant/Talbot Green (the 'Principal Town Centres' as identified under policy SSA16), where a number of criteria are met.

SPG – Nature Conservation

SPG – Design and Placemaking

SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

SPG – Planning Obligations

Community Infrastructure Levy (CIL) Liability

The application site lies within the Commercial Charging Zone for which there is a liability of £100 / sqm for Class A1 retail development (including extensions) over 100m².

In respect of applications made under Section 73 of the Town and Country Planning Act 1990, Regulation 128A of the CIL Regulations provides for CIL liability to be triggered only where any additional liability is introduced as a result of the development. In this case, the floorspace of retail development to be provided as a result of the Section 73 application will be reduced and the chargeable amount will therefore be £0.

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 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 10 (Planning for Retail and Town Centres), Chapter 12 (Infrastructure and Services) and 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 4: Retailing and Town Centres;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 8: Renewable Energy;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;

PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Principle of the proposed development

The principle of the development of a supermarket at this site has been previously established through the grant of a detailed full planning permission (12/1102) and it is therefore only appropriate to consider whether the proposed variation of condition 2. and the reduction in the size of the supermarket and other alterations proposed, in addition to the removal of conditions 47. 48. and 49, will raise any material considerations in relation to the overall scheme.

The application site is located within the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes the variation of a condition on the original consent resulting in a reduction in the trading floorspace at mezzanine level, changes to the appearance of the store and reduction in its overall height and other minor associated changes. These changes, together with the proposed removal of 3 conditions which were intended to ensure a sustainable construction (but which is now controlled through Building Regulations), are not considered to have any impact on the sustainability of the overall scheme which remains compliant with Policy AW2 of the Local Development Plan. Further consideration of the main issues resulting from these changes against other policy criteria is provided below.

Main Issues

Visual impact on the character and appearance of the area

The proposed changes to the supermarket building shown on the revised plans submitted detail the same footprint for the store however, the reduction of the retail floor area resulting from the removal of part of the mezzanine level has resulted in a reduction in the roof height (from approximately 10 metres to 7 metres) of the northern part of the building, or right-hand side when viewed from the car park. As a result, the building would be less bulky and its scale from the northern side when viewed from the A473 would be significantly reduced.

The effect of this change in roof height means that the southern section of the supermarket building now appears more prominent however, at the time the previous application was considered, particular emphasis was placed on the south-east corner as it was recognised that this would form an important frontage facing onto the proposed main shopping street in the adjacent new Town Centre.

With regard to the general appearance and materials, these replicate those approved in relation to the previous scheme, with areas of reconstituted stone slip panels (blue/grey pennant) and a double glazed walling system (dark grey) on the main elevations and composite flat metal cladding panels (mid-grey) on the less visible parts of the south and west elevations for practicality and maintenance. The design of the building also retains two steel column supported canopies at different levels along the front (east) elevation, to provide shelter for the pick-up point, trolley bays and bicycle parking. The roof will also be finished in a mid-grey PVC roofing membrane, but in addition to a series of rooflights over the sales floor and roof top plant, a number of photovoltaic panels are also incorporated within the roof.

The proposed amendments therefore represent a significant reduction in the scale of the building, which would result in the supermarket having less overall impact on the surrounding area, particularly when viewed from the A473. Whilst the appearance of the roof of the building has been altered through the incorporation of a number of photovoltaic panels, due to the distance of the site from higher ground in the surrounding area, it is unlikely that these structures would have any adverse impact on any views over the site including Llantrisant Conservation Area, particularly as the height of a substantial part of the roof has been significantly reduced and the panels are viewed against other roof top plant.

As a result, the proposed physical changes to the building therefore have no adverse impact on the character or appearance of the area and in fact, have less visual impact in comparison with the approved scheme and provide a high standard of design in compliance with Policy AW6 of the Local Development Plan.

Reduction of Retail Area and impact on retail allocation

As detailed earlier, as a result of the removal of the trading area on the mezzanine level, the gross external area (GEA) of the supermarket would be reduced from the approved area of 10,801 sqm to 9,192 sqm and there would be a corresponding reduction of the sales area from 7,230 sqm to 5,603 sqm. This reduction is illustrated in the table included earlier in the report, which also provides a comparison of the approved floor area and the LDP allocation against what is now proposed. The applicant maintains that the table illustrates that whilst the approved application did not fully comply with the LDP allocation in that it approved sales areas over and above the allocation (430 sqm of convenience and 1,100 sqm of comparison goods), the current proposal by providing a reduction in floorspace, removes the non-compliance, at least in relation to convenience goods.

In relation to the LDP retail allocation, the Strategic Site retail allocation in policies CS 3, CS 7 and SSA 8 is for 23,400 sqm or retail floorspace (net sales). Para. 6.138 indicates that all but 200 sqm of this should be within the New Town Centre, and that 3,700 sqm should be convenience floorspace and 19,500 sqm should be comparison floorspace. Para. 6.139 also indicates that before 1 June 2016, no more than 3,700 sqm convenience floorspace and 2,000 sqm additional comparison floorspace should be completed and this phasing was introduced on the LDP Inspector's recommendation, to better relate the LDP to the retail evidence base and so make the LDP sound.

The approved plan is for 4,130 sqm of convenience floorspace (430 sqm over the LDP allocation) and 3,100 sqm comparison floorspace (1,100 sqm over the LDP allocation), whereas the floorspace now proposed is for 3,278 sqm of convenience and 2,325 of comparison. This is therefore now 422 sqm less than the convenience allocation and 325 sqm more than the pre-2016 comparison allocation.

In relation to the convenience floorspace, the approved overprovision of 430 sqm was considered justified in 2013 by the more spacious nature of a Sainsbury store. Whilst this has now been identified as an under provision of 422 sqm, this is not considered to be significant and would also provide flexibility for a small convenience store in the Phase 2 small units of the new Town Centre development.

The approved over provision of 1,100 for comparison floorspace was previously justified in 2013 by the likely timeframe for opening the superstore, which seemed unlikely before 1 June 2016 when the comparison floorspace limit would be lifted. The proposed overprovision of 325 sq m is now considered modest and the timeframe for opening the superstore is now very likely to be after 1 June 2016.

It is also identified within the application submission that the number of jobs created in the supermarket will reduce from approximately 430 full and part-time jobs to approximately 410. It is acknowledged however that the quantum of retail trading space would be reduced to fall more in line with the LDP allocation and whilst the turnover of the store would be reduced, the implications of this reduction is not judged to be significant, as the store would continue to provide a moderately beneficial retail impact.

In conclusion, it is maintained by the applicant that the proposed alterations are more acceptable from a planning policy perspective than the approved scheme. Whilst it has been identified through the updated floorspace figures provided that the current proposal are not fully compliant with the LDP retail allocation, it is accepted that through the proposed revised scheme, the floor areas to be provided are now closer to the limitations set out in Policy SSA8 and on that basis, no policy objection raised.

Removal of Sustainability Conditions

The application also seeks to remove the three BREEAM conditions imposed on planning permission 12/1102, which was granted consent on 27 November 2013.

The removal of these conditions is sought on the basis of changes to the Welsh Government's legislation on sustainable buildings, which has resulted in national planning policy requirements for sustainable building standards being withdrawn and Technical Advice Note 22: Planning for Sustainable Buildings (TAN22) being cancelled, with all requirements relating to energy efficiency being included within Part L of the Building Regulations. As a result of the legislative changes there is no longer any requirement to meet mandatory levels of Code for Sustainable Home (Code) and BREEAM accreditation as part of the planning process.

Welsh Government Circular WGC 016/2014: The Use of Conditions for Development Management includes the 'six tests' that have been laid down by the Courts as the general criteria for the imposition of conditions on a planning permission which must be:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

It is anticipated this development will be the subject of sustainability requirements under Building Regulations and therefore, it is considered that retention of conditions 47, 48, and 49, on planning permission 12/1102 would not be necessary, reasonable or enforceable.

Other Issues

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

Access and Highway Safety

It is confirmed that there are no changes to the previously approved access arrangements either in relation to customer access or deliveries. As identified earlier in the report, pre-application discussions were held with the applicant during which it was suggested that 9 car parking spaces were removed in order to improve pedestrian circulation adjacent to the south-east corner of the store. Although the applicants initially agree to this suggestion, it has been confirmed through this application submission that this was not a feasible option to Sainsbury's due to their contractual agreement with the site developer. Whilst it would have been beneficial for these spaces to have been removed, it is considered that the level of parking

provided is acceptable and the reduction of retail floorspace also provides an improvement to the ratio of parking spaces.

The application details acknowledge that whilst trip attraction to the store may reduce slightly as a result of the proposed reduction in floorspace, there is unlikely to be any resulting change to the impact on road links, driver delay, impact on pedestrians and cyclists and public transport.

The Transportation Section has raised no objections to the revised scheme, subject to the imposition of the previously approved conditions and it is therefore considered that the current application is considered to remain in compliance with Policy AW 5 of the Local Development Plan.

Drainage

It is confirmed that there are no changes to the footprint of the store, site levels and general layout of the site and the previously approved flood mitigation remain unaffected by the proposed amendments.

As identified above, all of the other development included in the original application including the provision of the flood bund, will continue to be provided and no objections or other issues have been raised by NRW or the Land Reclamation and Engineering section in relation to the current scheme.

Noise

As a result of the reduction in the height of the roof, the roof top plant would be moved further from residential properties to the north and better screened from the south by the higher parts of the store. The minor alterations to plant within the service yard area will not have any significant impact. It is also acknowledged that whilst there may be a reduction in the amount of traffic attracted to the store as a result of its reduced floorspace, there is unlikely to be a significant reduction in traffic noise.

Other Issues Unaffected by the Current Application

As detailed earlier, in relation to the reduced physical and environmental impact of the current scheme, the application provides a brief assessment of various issues which were previously including within the ES submitted in support of the original application 12/1102.

It is identified that in relation to a number of the issues previously identified (other than those already identified), as the footprint of the store and general layout of the site remains unaffected by the proposed changes, there should therefore be significant implications or changes to previous conclusions regarding likely significant environmental effect. The issues to which this assessment has been applied

includes, Ecology and nature conservation, Hydrology and flood risk, Archaeology and cultural heritage, Air Quality, Geology, Hydrology and drainage, Lighting and Land Contamination.

As previously detailed, the other development included in the original application will continue to be provided in accordance with that scheme and it is considered that all of the conditions and requirements secured under the Section 106 Agreement attached to that consent remain relevant and are therefore proposed to be attached to any consent granted.

Issues raised by third parties

The issues raised in the letter of objection received relate to the need for additional retail development and the impact of increased traffic along the A473 and surrounding area, both of which were considered in some detail under the previous application (12/1102), which established the principle of the development. No additional objections have therefore been raised that are relevant to the issues raised by this application.

Section 106 Contributions / Planning Obligations

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

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

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

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

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) is anticipated to come into effect on 31st December 2014 for all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing and

may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue contributions via Section 106 Agreements.

The Section 106 requirements in this case

Members will recall that the approval of the original application was subject to the completion of a S106 Agreement requiring a package of highway and habitat management related contributions including:

A Transport / Highways contribution comprising:

- **£2.05m** for improvements to the strategic highway network (comprising improvement works to the A4119/A473 roundabout) to be paid pre-occupation of the supermarket (Sainsbury's);

A Habitat / Management contribution & requirements comprising:

- **£50k 'Habitat Management Contribution'** towards the management of Pant Marsh which will be specified in the agreement (**'Pant Marsh Maintenance'**).
- Prior to the payment of the 'Habitat Management Contribution', the owners to undertake certain **'Management Works'** including, the erection of stock proof fencing, gates and public access arrangements.
 - Following construction of the bund, the owners to maintain the structural integrity of the embankment in accordance with an **'Embankment Maintenance Regime'**.

As the current application seeks to vary the original planning permission and if approved, would result in the reissuing of a further planning permission, the applicant will need to enter into a Deed of Variation of the original Section 106 agreement, to ensure that these obligations are applied to the new planning permission. It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

CONCLUSION

The current application constitutes a small but material amendment to the original application for a supermarket and will deliver a sustainable form of development in accordance with policies of the Local Development Plan and national planning policy and guidance. The proposed removal of conditions 47. 48. and 49. will have no impact on the sustainability of the scheme, which will still be secured through Building Regulations.

It is therefore recommended that conditions 47. 48. and 49. are removed from the application, that all of the other conditions imposed on the planning permission

12/1102 be reiterated (with condition 2. amended to reflect the amended plans submitted) and the application be approved subject to the applicant entering into a Deed of Variation of the original Section 106 Agreement.

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 following approved plans, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Drawings Nos: 7730_PL 001, 7730_PL 002, 7730_PL 003, 7730_PL013, 7730_PL 014, 40116_LP(90)002 Rev A, 40116_LP(90)004 Rev B, 40116_LP(90)005 Rev B, 40116_LP(90)008, 40116_LP(90)009, 40116_LP(90)010 Rev A, 40116_LP(90)011 Rev A, CD V_C7915 C22 Rev RO, CD V_C7915 C23 Rev RO, CD V_C7915 C24 Rev RO, AL (90) 140 Rev G, 4449_201 Rev P1, 5023353_RCF_I_RC4 Rev P3 dated 22 October 2012;

Drawing No: 3168 / 20 dated 1 February 2013;

Drawing Nos: 40116-LP(90)001 Rev E, 40116_LP(90)003 Rev C, 40116_LP(90)006 Rev C, W110033/A/B/06 Rev A, W110033/A/B/05 Rev A dated 18 February 2013; and

Drawing Nos: 7730_PL 079 Rev A, 7730_PL 080 Rev A, 7730_PL 081 Rev A, 7730_PL 082 Rev A, 7730_PL 083, 7730_PL 084, 7730_PL 085, 7730_PL 086, 7730_PL 087 dated 20 August 2014.

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

3. This permission grants the development of a supermarket with the following uses and maximum floorspace areas:
 - a supermarket 10,801sqm gross/7,230sqm net of floorspace;
 - an associated car park (573 spaces);
 - a petrol filling station including above ground fuel tanks;
 - a link road (south) from the Glamorgan Vale roundabout;
 - modifications to the east and west bound exits of the Glamorgan Vale

roundabout;

- a new junction onto the A473 between Glamorgan Vale roundabout junction and the A4222 Cowbridge Road;
- associated landscaping works;
- re-profiling of the land to provide an approximate level development plateau at 48m AOD;
- Flood alleviation works comprising an earthen bund of c.280m length at c.46m AOD.

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of building/floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development.

4. The net sales floorspace (excluding check-outs) of the supermarket hereby permitted shall not exceed 7,230sqm net of which no more than 3,100sqm shall be used for the sale of comparison goods, unless otherwise agreed in writing with the Local Planning Authority. The store shall not be subdivided into separate retail units or any further element of mezzanine level provided without the further written consent of the Local Planning Authority.

Reason: In order that the development accords with the retail assessment undertaken and having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

5. The development hereby permitted shall provide no less than 573 car parking spaces and these shall be provided in a car park to serve the supermarket. The car park to serve the supermarket shall be completed prior to first beneficial occupation of the supermarket.

Reason: In order to ensure that a satisfactory level of car parking is provided within the development in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the first beneficial occupation of the development hereby approved, a scheme detailing the hours of operation of all other activities (including a Deliveries and Servicing Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall require:

- a) Deliveries to the service yard between the hours of 23:00 and 06:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be limited to no more than one delivery per hour.
- b) Deliveries to the service yard between the hours of 07:00 and 23:00 from Monday to Saturday and between 08:00 and 22:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard Management Plan - (Daytime / Evening Deliveries).

c) Deliveries to the service yard between the hours of 23:00 and 07:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard Management Plan – (Overnight Deliveries).

d) Details which demonstrate how deliveries and service trips will be managed and shall include a routing agreement for all delivery and service vehicles accessing the site to ensure that deliveries are made via the strategic road network and not via secondary routes.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of residential properties within the development in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The supermarket and petrol filling station shall not be open to the public outside of the following times:

Supermarket:

Monday to Saturday: 07:00 - 22:00

Sundays and Bank Holidays: 10:00 - 18:00

Petrol Filling Station:

Monday to Saturday: 06:00 - 23:00

Sundays and Bank Holidays: 06:00 - 23:00

Reason: To protect the amenities of nearby properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Construction Environmental Management Plan (CEMP), relating to the development, has been submitted to and approved in writing by the Local Planning Authority to provide for:

- the means of access into and egress from the site for all construction traffic;
- the routing of construction traffic on the public highway;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials, storage of plant and materials used in the construction of the development;
- wheel washing facilities;
- the suppression of dust;

- the sheeting of lorries leaving the site;
- details of plant and equipment;
- methods and types of ground compaction;
- mitigation measures for the control of noise;
- location of site compounds;
- use of artificial lighting and details of the measures that will be put in place to reduce the impacts of light fall from construction lighting onto the adjacent Pant Marsh SINC and other habitats;
- measures to treat and remove suspended solids from surface water run-off;
- method statement for the working on the retained areas of Pant Marsh SINC;
- the temporary protection of trees and/or hedgerows to be retained during periods of construction.

The approved Construction Method Statement Management Plan shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free flow of traffic and in order to ensure that the amenities of residents in proximity to the site are not unduly impacted upon in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Any facilities for the storage of oils, fuels and chemicals associated with the construction compounds 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 tank plus 10%. If there are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks 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: In order to prevent pollution of the water environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to its installation a full specification of all fixed building plant shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be in full accordance with the approved details.

Reason: In order to ensure that the plant is not of nuisance to nearby residential occupiers having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Construction of the development, with the exception of prior agreed highway works, shall not take place other during the following times:

- Monday to Friday: 0800hrs to 1800hrs
- Saturday: 0800hrs to 1300hrs
- Not at any times on Sundays, Bank or Public Holidays

Unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In order to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

13. Details of the finished floor levels for buildings and finished site levels (for all hard surfaced and landscaped areas) in relation to existing site levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the supermarket building. The minimum slab levels for the development shall be 46.5m AOD. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development having regard to the surrounding area and to ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to import to site, soil material or aggregate used as clean fill or capping material shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information

shall be submitted to and approved in writing by the Local Planning Authority: no other fill materials shall be imported to the site.

Reason: To ensure that the site is safe and suitable for its proposed use in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- a Desk-top Study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The Desk-top Study should contain a Conceptual site model. A copy of the Desk-top Study shall be submitted to the Local Planning Authority without delay on completion.
- a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a Desk-top Study has been completed satisfying the requirements of paragraph a) above.
- a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development hereby permitted shall be occupied and/or operated until the measures approved in the scheme (referred to in condition 15.) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. If during development works any contamination should be encountered

which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No construction of the supermarket, petrol filling station or car park shall commence until such time as details of all materials and finishes to be used externally (including the provision of site sample panels where appropriate) have been submitted to, and approved in writing by the Local Planning Authority. The materials used shall be in accordance with the details as may be approved.

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

19. Details indicating the positions, design, materials (including, where necessary, samples) and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details as soon as practicable following the completion of the development and prior to the first beneficial use of the development.

Reason: In the interests of the security of the site, the visual amenities of the area and to safeguard the standards of amenity occupiers of properties in that area can reasonably expect to enjoy in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

20. Notwithstanding the details submitted as part of the application, no development shall be occupied until such time as details of all external lighting, including lighting within the entrance of the retail unit and details of measures that will be put in place to reduce impacts of light fall from the supermarket, access and associated infrastructure onto the adjacent Pant Marsh SINC and other habitats, have been submitted to and approved in writing by the Local Planning Authority.

Any lighting installed shall be carried out and operated in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that residents and wildlife living in close proximity to the

site are not unduly affected by the levels of light emanating from the proposed development. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the beneficial occupation of the supermarket hereby approved, details of the temporary panel to be provided on the southern elevation of the development and the timescale for its installation and retention, shall be submitted to and agreed in writing by the Local Planning Authority. The panel shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development integrates with its surrounding and having regard to policies AW6 and SSA8 of the Rhondda Cynon Taf Local Development Plan.

22. Prior to occupation of the development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority, detailing measures to be incorporated into the design, construction and operation of the development for the prevention of crime. The development shall comply with the details contained in the approved scheme.

Reason: In order to comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the requirements of TAN12: Design and Planning Policy Wales.

23. Prior to the beneficial occupation of the development hereby permitted, the footpath shown to the north of the supermarket on plan reference W110033A/B/05 Rev A, shall be constructed in accordance with details relating to its design and method of construction, which shall first be submitted to and approved in writing by the Local Planning Authority.

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

24. The timetable for the full implementation of the areas of public realm, shall be agreed in writing by the Local Planning Authority, prior to the occupation of the development and the identified area/s shall be carried out in accordance with the timetable and thereafter used for no purpose other than as areas of public realm.

Reason: To ensure that the new development makes the necessary and appropriate provision for public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

25. There shall be no beneficial occupation of the development, until a Management Strategy for the maintenance of all areas of public realm has

been submitted to and approved in writing by the Local Planning Authority. The Management Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the new development makes the necessary and appropriate provision for areas of public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

26. No development comprising the erection of commercial development (buildings) shall commence before a scheme for the provision and implementation of a sustainable urban drainage system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the proper drainage of the site in accordance with policies AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

27. No development comprising the erection of commercial development (buildings) shall commence, until foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works have been completed in accordance with the approved scheme.

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

28. No beneficial occupation of any commercial building hereby approved shall occur until all necessary improvements to the public sewerage system to accommodate the development have been completed and this has been confirmed in writing to the Local Planning Authority.

Reason: To protect the existing community and the environment from the adverse affects of sewerage flooding and pollution and to ensure the development is effectively drained.

29. Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

30. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the

Local Planning Authority.

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.

31. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

32. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Reason: To protect the integrity of the public sewerage system and sustain as essential effective service to existing residents.

33. A surface water regulation system, the details of which shall be first submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

34. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings associated with construction compounds, shall be passed through an oil and petrol interceptor, the capacity and design of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The interceptor shall be installed prior to the parking areas and hard standings being used and retained thereafter and maintained in accordance with the manufacturer's instructions.

Reason: In order to prevent water pollution in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

35. No development whatsoever shall be allowed to commence until measures to protect the existing private sewerage crossing the site have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing private sewerage does not increase as a result of any development activities.

36. No development whatsoever shall be allowed to commence until the structural condition of existing culverted watercourses crossing the site has been determined and measures to protect such culverted watercourses have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing culverted watercourses does not increase as a result of any development activities.

37. Notwithstanding the details submitted and considered as part of this application the landscaping of the site shall be carried out in the first planting and seeding season following the completion of the development in accordance with a scheme to be first approved in writing by the Local Planning Authority, which shall include the suitable replacement of the TPO trees proposed to be removed under this application. Any vegetation planted which within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other(s) of similar size and species unless the Local Planning Authority gives its written consent to any variation

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

38. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority prior to the beneficial use of the development. The landscape management plan shall be carried out as approved.

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

39. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012) and the following mitigation measures detailed within the FCA:

- Minimum slab levels to be no lower than 46.5m Above Ordnance Datum (AOD) for the development area;
- A proposed mitigation scheme in the form of a raised earthwork embankment on the Pant Marsh, as outlined in section 3 and figure 3.3 of the FCA.

Reason: To reduce the impact of flooding on the proposed development

and future occupants and prevent flooding by ensuring the satisfactory storage of fluvial floodwater.

40. No development shall commence until a scheme detailing the phasing of the earthworks proposed to be carried out on site, including the re-profiling works and construction of the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc dated August 2012), has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policies AW 8 and AW 10 of the Rhondda Cynon Taf Local Development plan.

41. Prior to any works commencing on site, a strategy confirming how it is proposed to maximise mitigation opportunities for the areas of SINC habitat that are removed within the development site, for use within the landscaping of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be implemented in full in the course of the development.

Reason: In order to minimise impact on the natural habitat in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

42. No works shall commence in relation to the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012), until a Bund Construction Scheme has been submitted to and approved by the Local Planning Authority which provides the following details:

- Details of the method of construction;
- Proposed materials to be used in construction;
- Method statement including cross sectional details of how the existing public right of way will be incorporated into the bund;
- Method statement which demonstrates how the public right of way will remain open, accessible and unobstructed throughout the course of the construction and a schedule of the measures, which will be employed to ensure that the public right of way is not damaged by the construction.

All works shall be carried out in accordance with that scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development plan.

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

- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- A timetable to show phasing of construction activities required in the Wildlife Protection Zone(s) to minimise, as far as practicable, works during periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles, etc.);
- Details of specific species and habitat mitigation measures;
- Persons responsible for:
 - i) Compliance with legal consents relating to nature conservation;
 - ii) Compliance with planning conditions relating to nature conservation;
 - iii) Installation of physical protection measures during construction;
 - iv) Implementation of sensitive working practices during construction;
 - v) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - vi) Specific species and Habitat Mitigation measures;
 - vii) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW 5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

44. No development shall take place until details of the Flood Bund Habitat Mitigation Plan have been submitted to and approved in writing by the local planning authority.

The Flood Bund Habitat Mitigation Plan shall include details of;

- a) Purpose, aim and objectives of the scheme;
- b) A review of the plans ecological potential and constraints;

- c) The method statement for the careful striping and (if necessary) storage of SINC grassland soil/vegetation/seed sources to be lost to the Supermarket development, including timescales and plans showing areas from which habitat material will be salvaged and where material will be stored;
- d) The method statement for the replacement of SINC grassland soil/vegetation/seeds onto the newly constructed flood bund;
- e) A 5 year aftercare plan for the translocated flood bund grassland, to include:
 - i) Techniques and methods of vegetation establishment;
 - ii) Method statements for site preparation and establishment of target habitat features;
 - iii) Extent and location of proposed works;
 - iv) Aftercare and long term management;
 - v) Personnel responsible for the work;
 - vi) Timing of the works;
 - vii) Monitoring;
 - viii) Disposal of waste arising from the works;

All construction activities shall be carried out in accordance with the Flood Bund Habitat Mitigation Plan approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

45. Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread from the development there would be the risk of an offence being committed, and avoidable harm to the environment occurring. Its effective management is considered to be in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

46. No works of construction comprising the erection of commercial development (buildings) shall commence before a Sustainable

Development Strategy (SDS) report has been submitted to and approved in writing by the Local Planning Authority. The SDS report shall have regard to matters of energy efficiency and the efficient use of other resources and seek to minimise the use of non-renewable resources and minimise the generation of waste and pollution, where practically possible and viable; the conclusions of the report shall be implemented in full within the development.

Reason: In order to secure accordance with policy AW6 of the Rhondda Cynon Taf Local Development Plan.

47. Condition removed

48. Condition removed

49. Condition removed

50. Within 6 months of the first beneficial occupation of the development hereby permitted a "Green Travel Plan", comprising measures to promote and encourage alternatives to single occupancy car use shall be submitted to, and approved in writing by, the Local Planning Authority.

The "Green Travel Plan" should include details of a Travel Plan Co-ordinator, proposals for setting and monitoring targets (including use of public transport, walking, car-sharing and cycling) and mitigation measures if targets are not achieved. The "Green Travel Plan" shall be implemented in accordance with the details approved under this condition, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure optimum provision for a range of alternative travel modes to and from the site in the interests of sustainability in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

51. Prior to the commencement of any of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the

site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to take account of controlled waters at this site and their high environmental sensitivity and the potential contamination of both soil and groundwater at the site from the historic site use associated with the former Purolite works and Staedtler factory sites.

52. No development hereby permitted shall be occupied and/or operated until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

53. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

54. 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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any further remediation measures required shall be carried out in accordance with the amended remediation strategy.

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

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

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling, and also a risk that piling or other foundation excavations could disturb and mobilise residual soil contamination, providing preferential migration pathways to groundwater.

56. Notwithstanding the submitted plans, details of the design of the service yard junction with the A473 shall be submitted to and approved by the Local Planning Authority. The junction shall be constructed in accordance with the approved details prior to beneficial use of the development and shall be operated as a 'left in, left out' junction only.

Reason: In the interests of highway safety and the free flow of traffic along the A473 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

57. The development hereby permitted shall not be occupied until the following transportation infrastructure has been completed in accordance with details that shall have been agreed with the Local Planning Authority prior to any other works commencing:-

- Improvements to the A473 Glamorgan Vale Retail Park Roundabout and the Southern Link Road and new roundabout serving the proposed Sainsbury's Car Park and petrol filling station including pedestrian linkage toward the Glamorgan Vale Retail Park.
- Pedestrian and cycle linkage (temporary) between the proposed Sainsbury's and existing pedestrian provision at the A473/A4222 junction.
- New junction serving the Sainsbury's service yard from A473 which shall be left in / left out only.
- A scheme of signage appropriate to Phase 1 of the development to inform road users of the location of the site and to inform pedestrians and cyclists of routes to and from key local destinations.

The details of the above infrastructure shall include full engineering design and details including drainage, longitudinal and cross sections, street lighting, highway structures, highway verge, public/community transport facilities, swept path analysis and relevant Road Safety Audits with designer's response. These proposals shall be in compliance with the current requirements of the Designed Manual for Roads and Bridges (HMSO).

Reason: To ensure the adequacy of proposed development, in the interests of highway and pedestrian safety.

58. No part of any sign or lighting unit shall be less than 2.3m above any adjacent footway or within 450mm of a vertical line above the edge of any adjacent carriageway.

Reason: For safety of all highway users.

59. Details of a geotechnical site investigation and appropriate mitigation measures in relation to highway infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be incorporated in the highway infrastructure design and implementation of the works prior to beneficial use of the roads associated with Phase 1 of the development.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

60. Detail and Method Statement of a car park and on-site traffic management and operation system must be submitted to and agreed in writing by the Local Planning Authority prior to beneficial occupation of the development. The scheme shall include opportunities for annual monitoring of the effectiveness of the layout and measures by which amendments can be secured. The approved management and operation system shall be

implemented to the satisfaction of the Local Planning Authority prior to development of Phase 1 being brought into beneficial use. The management arrangements shall be subject of a review and monitored to the satisfaction of the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

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APPLICATION NO: 14/1205/10 (GD)
APPLICANT: Persimmon Homes East Wales
DEVELOPMENT: Re-plan of phase 2 of planning permission 12/1313 to include residential development (213 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works (Amended plans received 24/10/14 (site layout) 27/10/14 (Landscaping) and 29/10/14 (house type details)
LOCATION: DUFFRYN BACH FARM, STATION ROAD, CHURCH VILLAGE, PONTYPRIDD, CF38 1AH
DATE REGISTERED: 18/09/2014
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve

REASONS:

The site forms part of a housing allocation within the adopted Local Development Plan therefore the principle of housing is acceptable. Furthermore the granting of planning application 12/1313/10 for Residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works) on 21st February 2014 has established the residential use of the site.

The application is located within the settlement development limits of Church Village and is in keeping with the requirements of the policies of the Rhondda Cynon Taf Local Development Plan and National Policy in that it is acceptable in terms of layout, design, and density its impact on residential amenity, highway safety impact on trees and ecology and drainage.

APPLICATION DETAILS

The site was previously granted planning permission via application 12/1313/10 for the development of 276 houses. The development was split over two parts: area 1 to the south, adjacent to Station Road comprising 108 dwellings, on which work has

commenced and area 2 to the north, to the rear of the properties in The Ridings which contained 168 dwellings, connected to area one by a short road link road in the middle.

The current application seeks full planning permission to re-plan area 2 to provide 213 houses along with revised areas of open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works. The application proposes to increase the number of 1 bedroom flats, 2 and 3 bedroom houses, provide less 4 bedroom houses and remove all 5 bedroom houses from this part of the wider site. If granted consent this application would be independent of the previous approval.

Accommodation type	Area 2- Permitted Scheme 12/1313/10		Proposed scheme	
	Number of units	Number of affordable units	Number of units	Number of affordable units
1 Bedroom flat	10	10	12 (+2)*	12 (+2)
2 Bedroom House	17	16	39 (+22)	22 (+6)
3 bedroom house	57	7	123 (+66)	8 (+1)
4 bedroom house	81	0	39 (-42)	0
5 bedroom house	3	0	0 (-3)	0
Total	168	33	213 (+45)	42

* Figures in brackets highlight change in numbers relative to approved scheme 12/1313/10

The development of area 1 by virtue of application 12/1313 would provide 108 units and the development of area 2 in line with the current application would provide 213 generate a cumulative of 321 dwellings.

Like area 1 and approved scheme 12/1313 the buildings would be largely two storey, with some two and half storey dwellings also proposed. Externally the dwellings would be finished with a mix of brick, render and reconstituted stone and would have concrete tile roofs. 42 of the units would be affordable homes, with a mix of social rented houses and houses and flats for low cost ownership.

Vehicular access would be as originally proposed: by a single point of access from Station Road, to the south of Duffryn Bach Farmhouse, leading through area 1. A second access, for pedestrian, cyclist and emergency vehicular use only via Meadow Brook and a Locally Equipped Area of Play (LEAP) (approved as part of application 12/1313/10 and within the boundaries of area 1) would remain unaffected by the current proposal. It is also proposed to enhance an existing Public Right of

Way that passes through the site from The Ridings, to provide a pedestrian and cyclist access to the Church Village Bypass Community Route to the south.

The documents submitted in support of the application provide the following information:

“Following approval of planning permission 12/1313/10 it has become apparent that the development of Phase 2 would be problematic to implement due to constraints associated with site levels. Furthermore it has also become apparent that there is a lack of demand for large 4 and 5 bed units within the location area...The current proposal seeks to respond to existing site levels by minimising cut and fill / earth work operations and minimise the level of engineered retaining structures required throughout the site.”

The application is accompanied by:

- An Environmental Statement, which comprises a number of studies including Ecology, Landscape and Visual Impact, Hydrology, Air quality, Noise and Mitigation etc;
- A Planning Statement;
- Transport Assessment and “Highways Brochure”;
- A Design and Access Statement.

SITE APPRAISAL

The site comprises an irregularly shaped parcel of land measuring 6.07 ha in area. The topography of site is undulating in nature and is currently greenfield land divided by hedgerows of varying maturity and quality. Woodland is located adjacent to the north-eastern boundary. Power-lines, supported by a pylon, run through the site from south-west east to north-east. As specified above, there is also an existing Public Right of Way passing through the site, connecting The Ridings in the north to the Church Village Bypass Community Route in the south.

To the south and east of the site is the Tonteg Marsh Site of Importance for Nature Conservation (SINC). This is characterised as a complex mosaic of wet and drier grasslands, wet scrub and species-rich woodland. Marshy grassland is a major habitat feature of the SINC. The SINC has a very high potential for invertebrates, including Marsh Fritillary Butterfly. The development does encompass part of the SINC at the point where the access road crosses from one parcel of land to the other.

The site is also bound by Station Road and the Meadow Brook housing development to the west; the remainder of the land forming part of the housing allocation in the Local Development Plan to the north-west; and the residential area: The Ridings, a residential street with houses backing onto the site, lies to the north.

PLANNING HISTORY

The relevant planning history in respect of this site is as follows:

14/0290/15	Variation of Conditions 3, 5, 16, 18, 19, 26, 27, 30, 31, 35, and 42 of planning approval; 12/1313/10 to allow for a phased development of the site (Residential Development of 276 houses) (Amended description 02/04/2014 to accommodate additional conditions 3 (landscaping details), 30 (boundary treatment) and 31 (external materials))	Granted 11/08/14
12/1313/10	Residential development (276 houses) along with associated open space, landscaping, access (vehicle, cycle and pedestrian), drainage and highways works	Granted 21/02/14
94/0843	Residential development at Tyn Y Waun (Outline)	Withdrawn 17/03/95
92/0837	Provision of 4 sports pitches with ancillary changing facilities, car parking, roundabout and access roads (full)	Refused 19/04/93
91/0479	Golf course, sports pitch, tennis courts, bowling green, public open spaces, residential development at Tyn y Waun	Refused 15/10/91
91/0210	Residential development (outline) proposed golf course (full) at Tyn y Waun	Refused 24/06/91

PUBLICITY

The application has been advertised by direct neighbour notification, the erection of site notices and publication of a press notice. The press and site notice advertised the site as a major application, affecting a Public Right of Way crossing the site.

24 letters of objection have been received in addition, one Community Councillor has raised a separate objection. The concerns are summarised as follows:

Highways/Traffic

- The development will increase already substantial traffic flows and congestion along Station Road and on the new bypass;
- Concerns with regards to increased number of vehicle movements onto Station Road with no traffic control measures causing highway safety issues and lengthy delays;
- At peak times local roads including Station Road, Main Road and St Illtyd's Road become grid locked;

- Request a deferral until such a time that a Traffic Impact survey has been carried out;
- The bypass will be completely ineffective following the Council's decision to allow this and other developments along the route. In 10 years the congestion will be as bad if not worse than before;
- A complete review of the highway network needs to be undertaken;
- The development will result in traffic moving back towards levels seen in Church Village prior to the bypass being built and would exacerbate existing problems;
- The development will cause an increase in traffic and will cause extra noise, disturbance and pollution in the area.

Residential Amenity

- Concern that the layout plan is inaccurate as it does not accurately show the boundaries of gardens in The Ridings, many of which extend to the boundary of the site preventing the provision of a green buffer;
- The former railway corridor does not provide a green edge to the boundary. There is not railway corridor and some of the photographic evidence included in the application is at least 10 years old and does not reflect the current position;
- The gardens of The Ridings will be 'divorced' by a wooden fence;
- The scale and form of the development will have a major effect on the surrounding areas. The photographs and statements provided are misrepresentative, misleading and do not reflect the true impact to the local area;
- Concerns that the significant re-profiling of the land on the northern boundary, in association with the design of the dwellings proposed (particularly the 2 & 1/2 storey units) will result in the development having a greater ridge height than the existing houses in The Ridings and will appear out of scale with the existing dwellings;
- The current working practices of the site contractors and the frequency of the various delivery vehicles already cause a nuisance and disturbance and at regular intervals have blocked the highway whilst awaiting access to the site. Site workers also park in limited spaces that should only be made available for resident's parking;
- The contractors regularly flout hours of operation, starting before 7am in the mornings and on weekends;
- The development works have created significant dust issues for residents which will only be made worse;
- The houses and garages to the rear of The Ridings will cause loss of light and overshadowing to gardens, and development will cause loss of light to the area in general;
- The development would impact on privacy of local residents, including in The Ridings due to houses looking directly into existing properties;

- The development will increase noise levels in the area due to the loss of the fields to development, increased people and traffic, and will destroy the tranquillity of the area.

Wildlife/ Ecology/ Trees

- There would be detrimental impacts on wildlife;
- Trees would need to be cut down;
- The development would take away countryside widely used by local people that is of outstanding natural beauty.

Education Places

- Class sizes have increased owing to extra demand and several local schools have had to introduce mobile classrooms. Research shows such arrangements are detrimental to the life chances of pupils. The compensatory sums offered to address this problem are inadequate;
- Most schools in the area are full, so there are no places for children from this development;
- An email from the Head of School Organisation Planning and Governance dated 7th February 2013 states: *“This development sits in an area where there is very little surplus capacity in either the English or Welsh Medium Primary school sectors and limited scope to extend some of the existing schools...My main concern would be whether the 282 houses planned (reference to application 12/1312) is just the first phase of a much larger scheme, if this is the case the requirements would be for a new school to serve the whole site, which would be a dual-language provision (the LDP suggests the site could accommodate 500+ houses.”*
- A new school should be provided on the site, and this is suggested by the Local Development Plan.

Other

- The Council should mandate a significant amount of social and affordable housing, and open spaces, be included in the development to encourage families from modest backgrounds to settle there and make the area more diverse.
- Residents currently experience long waits to see a GP, which will only get worse with the provision of more housing.
- Community health care services are stretched to maximum
- A&E services at Glamorgan Hospital are due to close
- Existing infrastructure and local services cannot cope with the increased demand resulting from excessive house building in the Llantwit Fardre area
- There is insufficient amenity provision in the area with the impending closure of Llantwit Fardre Sports Centre
- Concerns regarding the accuracy of documents submitted in support of the application and discrepancies within
- The original planning report acknowledged that the Local Equipped Area of Play (LEAP) provision did not meet the Supplementary Planning Guidance

(SPG) requirements and only provided for 55% of the requirement. Given that the requirement for a LEAP is based on occupancy levels of household types and then area per person. Information as to how this re-plans affects this percentage and failure to comply with the SPG requirements is requested

- The infrastructure of the area is not designed for such a big increase in people and vehicles;
- Church Village has been swamped with new housing developments and this will exacerbate existing problems caused by this;
- Concerns regarding noise, disturbance, debris and mess caused by construction;
- Health and safety concerns relating to the power lines crossing the site, especially with informal public open space and parking be provided underneath the cables

Non-planning related concerns

- Loss of views;
- Concerns that flats on the site may be occupied by some antisocial tenants
- Devaluation of existing properties.

CONSULTATION

Transportation – no objections subject to conditions. Recommended the provision of a Transportation Tariff of £501,548 be paid via a Section 106 Agreement.

Land Reclamation and Engineering –raise no objections subject to conditions.

Countryside - are unsure of how the management of the SINC and Public Open Space will be implemented and have concerns that the loss of boundary trees will be greater than suggested by the plans. In respect of drainage, measures to try and mimic existing hydrological inputs to the SINC are an important mitigation issue, but again there is concern about the level of drainage detail submitted.

Public Rights of Way Officer - A Diversion and an Extinguishment Order will be required for the Public Right of Way running through the site, and that if opposed it may be difficult arguing that this is necessary.

Public Health and Protection – have requested conditions in respect of restricting hours of construction and a site investigation, and suggested that proposals for the minimisation of dust and noise should be submitted.

Strategic Housing - the provision of 42 units of affordable housing, comprising both houses for social rent and houses for low cost home ownership meets the requirements of policy SSA12 of the LDP. However there are concerns with regards to the mix of tenure proposed as part of this application and the affordable units to be provided on area 1.

Education and Children's Services - require a contribution of £1,262,471 for the provision of additional school places at local primary schools.

Natural Resources Wales – no objections subject to conditions with regard to biodiversity, drainage and preventing pollution of the water environment.

Dwr Cymru Welsh Water – no comments received during the Statutory Consultation Period.

South Wales Police – no comments received during the Statutory Consultation Period.

South Wales Fire and Rescue Service – no comments received during the Statutory Consultation Period.

Western Power Distribution – no comments received during the Statutory Consultation Period.

National Grid - no comments received during the Statutory Consultation Period.

Glamorgan Ramblers – raise no objection but suggest that footpath Llantwit Fardre 48 be the subject of a part extinguishment order. Suggest that part of the path south of the estate be given a hard surface.

Open Spaces Society – no comments received during the Statutory Consultation Period.

Wales and West Utilities – raise no objections but highlight that apparatus may be at risk during construction work.

Welsh Government Economy Science and Transport – raise no objections. There is no direct access to the trunk road network. The County Roads will continue to operate within operational capacity.

Llantwit Fardre Community Council – no comments received during the Statutory Consultation Period.

Glamorgan Gwent Archaeological Trust - there are no archaeological sites within the proposed development area. At the time of the previous application, it was our opinion that the developer may wish to undertake an archaeological desk-based assessment, this remains unchanged.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is within the Southern Strategy Area, within the settlement boundary and is allocated for residential development by Policy SSA 10.18 of the Local Development Plan.

A large area of the allocated site is a designated Site of Importance for Nature Conservation (SINC).

The relevant policies in the Local Development Plan are as follows:

Policy CS2 - sets out criteria for achieving sustainable growth including, promoting and enhancing transport infrastructure services promoting residential development with a sense of place and focusing development within defined settlement boundaries.

Policy AW1 defines the housing land supply, to be met partly by development of unallocated land in Key Settlements.

Policy AW2 promotes development in sustainable locations, which includes site within settlements boundaries, benefiting from existing services and sites that support the roles and functions of Key Settlements. The locations should not unacceptably conflict with surrounding uses.

Policy AW4 lists community infrastructure and planning obligation contributions which the Council may seek in respect of new development.

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

Policy AW6 outlines design and placemaking criteria that will be supported in new development proposals

Policy AW8 seeks to ensure that the area's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

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

Policy SSA5 specifies that land will be made available within allocated site as defined by SSA10 for the provision of new educational facilities.

Policy SSA10 allocates land south of The Ridings, Tonteg and east of Station Road, Church Village for the provision of 500 dwellings.

Policy SSA11 seeks a minimum housing density of 35 dwelling per Hectare and gives criteria for accepting lower densities.

Policy SSA12 seeks the provision of 20% affordable housing on residential development of 5 dwellings or more.

Policy SSA13 gives further criteria for suitable housing development within settlement boundaries.

The following SPG is also relevant to this proposal:

- Design and Placemaking;
- Affordable Housing;
- Planning Obligations;
- Nature Conservation;

- Access Circulation & Parking Requirements.

National Guidance

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

Planning Policy Wales (Edition 7 July 2014), Chapter 2 (Development Plans), Chapter 3 (Making and Enforcing Planning Decisions) Chapter 4 (Planning for Sustainability) Chapters 5 (Conserving and Improving Natural Heritage and the Coast), 8 (Transport) and 9 (Housing) 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 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- Manual for Streets.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Therefore, in considering and determining applications of this nature, the key considerations are considered to be:

- Local Development Plan Housing Allocation
- Impact on highway safety;
- Impact on neighbour amenity;
- Housing numbers;
- Site layout and design;
- Impact on trees and ecology;
- Provision of suitable drainage arrangements.

These matters are addressed in turn below:

Local Development Plan Housing Allocation

The site forms part of the allocated housing site SSA 10.18 within the adopted Local Development Plan. Therefore the principle of housing on this site is considered acceptable. Furthermore the granting of planning permission 12/1313 for the development of 276 units has further established the residential use of the site as acceptable.

Impact on Highway Safety

As specified above, access to the site would remain via the existing access, through area 1 and onto Station Road. No new or additional accesses, relative to those approved as part of application 12/1313 are proposed as part of the application.

Following consultation, the Transportation Section has provided the following response:

The site access remains as previously approved with access gained off Station Road and formed as a priority junction with a right turning lane.

The previous Transport Assessment submitted in December 2012 considered the effect of 300 dwellings on the local and strategic highway network. Utilising data from the Trip Rate Information Computer System Database the provision of an additional 22 units at the site would result in 15, two-way traffic movements in the AM peak period and an additional 16, two way traffic movements in the PM peak period. This equates to an additional vehicle every 4 minutes in both the AM and PM peak periods.

The result of the capacity assessment of the junctions of

- St Illtyds Road/ B4595 Main Road/ Station Road;
- Station Road/ Coed Dowlais; and
- Station Road/ A473 Church Village Bypass

identify that there is sufficient capacity at each junction to accommodate the additional vehicles movements associated with the proposal and that the increase in dwellings would have a negligible effect on the capacity of these junctions. However, there is concern that the proposal will have a detrimental impact on highway safety along the B4595 where the Council is currently considering traffic management to maintain lower vehicles speed and improve highway safety. As such a financial contribution from the developer is requested to allow for a Traffic Management Feasibility Study to be carried out.”

With regards to the internal road layout the principle of the layout and provision indicated of the primary, secondary, tertiary and shared surface roads is deemed acceptable in principle subject to detailed design and layout. Concerns are raised in relation to the private shared access serving plots 182-184 and plots 193-197 as

such the Transportation Section have advised that the design and construction of the private shared accesses would not be to adoptable standard and these accesses will remain private in perpetuity.

With regards to parking the following comments have been provided:

“Although there is a concern that a reduced level of parking is provided, this on its own does not warrant a highway objection to the proposal. Considering that the proposal incorporated future public transport and is within walking distance to existing public transport and local amenities, on balance, the proposal is considered acceptable.”

In conclusion it is noted that the increase in the number of residential units by 45 from the previous approval has a negligible impact on the local highway network capacity. However, it will exacerbate highway safety along the B4595 due to higher speeds along this road. The Council is considering a traffic management feasibility study with a view to reduce vehicles speeds and therefore, in line with the SPG a financial contribution of £501,584 would be required to mitigate the impact of the proposed development on the strategic highway network.

The proposal provides for satisfactory access and circulation. The parking provided is less than the maximum required in accordance with the Council's adopted SPG. However considering that the site has public transport provision and is within walking distance to existing public transport facilities, on balance it is considered that the proposal is acceptable subject to conditions.

Whilst the objectors have requested enhanced traffic assessment of the wider network area, no concerns with regards to the details submitted have been raised by Transportation Section. In respect of whether there is a need for a Transport Assessment covering the whole of the Bypass route and a complete review of the transport network, the capacity of the highway network, including the Bypass, was considered when sites were allocated during the production of the Local Development Plan. Therefore, it is considered that no further assessment should be requested in this respect. In addition, the Transport Tariff, applicable to this development, is in place to seek contributions from developers towards addressing problems on the Strategic Highway Network, including the Church Village Bypass.

On the basis of the above, subject to conditions it is considered that the development proposed would not have a significantly detrimental impact on the highway safety or free flow of traffic and the application is considered compliant with the requirements of the relevant policies of the Rhondda Cynon Taff Local Development Plan.

Impact on Neighbour Amenity

It is considered the development is acceptable in terms of its impact on existing neighbours, with distances between the rear of existing houses and the proposed

houses being sufficient not to unacceptably impact on privacy, light or be significantly overbearing.

It is acknowledged that most of the existing properties within The Ridings do adjoin the development site as gardens have been extended through purchase of the former railway route. The proposed site layout plan indicates that the dwellings along the northern boundary of the site would predominantly be two storey in design and would be 'back to back' with the dwellings in The Ridings. A minimum garden length of 9m would be maintained between the proposed dwellings and the boundary of the site, with a minimum distance of 29m being maintained between the elevations of the existing and proposed dwellings. Whilst the topography of the site does undulate it is considered that the layout proposed and distances maintained would prevent the proposal from having a significantly detrimental impact on the residential amenity of those living closest to the site as a result of increased overlooking, loss of privacy, loss of light or overshadowing.

In respect of the concerns regarding the height of proposed dwellings and ground level of the houses to the rear of The Ridings, being mindful of the distances to be maintained between the proposed dwellings and existing houses in The Ridings it is not anticipated that ground levels will cause a significant issue in terms of neighbour amenity.

In respect of landscaping, the current layout offers little opportunity for a landscape buffer between the new houses and The Ridings. While it is acknowledged that the site will significantly alter the outlook of residents within The Ridings, it is considered the distances between new and proposed houses are sufficient to prevent unacceptable impacts on neighbours without such planting.

The use of the site for residential purposes in comparison to the existing fields, will obviously generate some increased level of noise disruption and disturbance not currently experienced by existing residents. However, notwithstanding the construction phase, it is considered that such increased disruption would not be so significant to warrant refusal of the application.

On the basis of the above, whilst the development proposed would significantly alter the outlook of residents within The Ridings, it is considered that the layout and house types proposed, in association with the distance maintained would not have a significantly detrimental impact on the residential amenity of those living closest to the site. In light of the above the application is considered compliant with the relevant policies of the Rhondda Cynon Taff Local Development Plan.

Housing Numbers

This site and the land to the north west are allocated for 500 houses in total by policy SSA 10.18 of the Local Development Plan. However, due to the constraints on the

site, mainly the power lines and the trees surrounding and on the site, it is estimated that the whole allocated site will yield 480 dwellings.

Policy SSA 11 requires a minimum density of 35 dwellings per hectare unless it can be demonstrated that a reduction in density can be justified. The number of dwellings proposed on the application site is 213, and the area of the application site is 6.07 ha, which provides an overall density of 35 dwellings per hectare. As such the application is considered compliant with the requirements of the policy SSA11 of the Rhondda Cynon Taff Local Development Plan.

Site Layout and Design

The layout and design proposed has been the subject of negotiations between the Council's Urban Designer and the applicants and is now considered acceptable. The key changes to the proposed layout in respect of Urban Design are detailed below.

The general aspects of the layout are similar to the approved scheme in Urban Design terms and reflects the principles set out in the Design Brief, in particular in terms of retaining a sense of legibility through the route of the mains and secondary streets, retaining the tree belt, the Public Right of Way as a green corridor and maintaining a sense of permeability through the layout of other residential streets. The layout retains a similar sense of connection to the neighbouring residential areas to the north and to the Church Village community route to the south, and retains future connection to the remaining allocated land to the west.

In a number of instances, buildings on corners have been rearranged or altered to avoid the dominance of blank gable walls in prominent or highly visible locations. This has included inserting gable windows into some buildings to ensure that buildings turn corners well and provide a sense of natural surveillance over surrounding streets. In some cases, houses have been reoriented or the house type changed in order to ensure that long vistas are closed in an appropriate manner.

The street hierarchy and design of streets has been refined to create a balance between highway movement and place creation.

As part of the original application the Parks Section indicated that they were satisfied with the play space proposed although the amount of equipped play space proposed fell short of the standard set out in the Planning Obligations SPG. The SPG requires that the site should provide 2,247.5 square metres of equipped play space, but the LEAP is approximately 1,226 square metres of such space.

No new or additional areas of formal play space are proposed as part of the current application. Given the above, the amount of informal open space on the site, including the pathway along the power line corridor and alongside the Public Right Way, and access to the open space within the adjacent SINC from the site, the

amount of equipped play space provided is considered acceptable. In addition, it is noted there is a children's play facility in close proximity in The Ridings.

At this time no comments have been received from the Parks Sections with regards to the new application. Any update or observations will be provided orally.

Impact on Trees and Ecology

Within the boundary of the Local Development Plan residential allocation there is a large Site of Importance for Nature Conservation (SINC). The intention for this SINC has always been to protect it and it was specifically included in the allocation boundary to allow for its effective management and enhancement as part of the residential development. This is recommended to be secured via a Section 106 Agreement.

In order to facilitate the development including the provision of the access point to area 1 and the principle highway network beyond, the applicants propose to develop designated SINC land within the site boundary, as described above.

As part of the 2012 application the Council's Ecologist agreed to allow these areas to be developed subject to the appropriate mitigation being secured, however it is recognised that in line with policy AW8 of the Local Development Plan, this loss of SINC requires robust mitigation to off-set drainage impacts, tree and hedgerow loss, light pollution, physical disturbance and the urban edge impacts which will be associated with the proposed development. Whilst the current application does not propose to include any more of the SINC than that indicated as part of the 2012 application, being mindful that the granting of this development would approve a new independent consent, securing the management of the rest of the SINC and mitigation for the SINC land lost and associated impacts of development is of vital importance if the planning application is to satisfy policy AW8. It is proposed the mechanism for management will be addressed via the Section 106 Agreement. The Council's Countryside Section is keen to ensure that the establishment and management of all parts of the SINC are delivered to a recognised and appropriate standard which can illustrate through Local Development Plan monitoring that the SINC and other features have not deteriorated through the granting of planning permission, the Maintenance Companies employed are of a competence and capability to undertake the different management functions, that sufficient funding is available, and that if works are not satisfactory, the Council is able to ensure compliance with the S106 agreement. As recognition of their ecological, landscape and amenity importance, the SINC and compensation area are proposed to become a Nature Reserve. Because these details have not yet been established or agreed as part of the current or previous consent, these matters will be addressed via clauses in the section 106 Agreement. There is therefore a very important requirement for robust and controllable mechanisms to be delivered through the S106 negotiating process.

As specified above, there are numerous trees and hedgerows across the site. These are distinctive elements of the site and form the traditional field boundaries, which play an important role in the wider landscape. These trees and hedgerow are not subject to any Tree Preservation Orders (TPOs), however, they are considered to be ecologically important and form important landscape features. Their protection, where practically possible, is considered to be a key element of the design and layout of the proposed development.

Although it is accepted that trees will be lost, negotiations have taken place with the applicants to ensure that as many trees as possible are retained. However, Countryside have raised concern that more mature trees are likely to be lost than shown when the scheme is built and as such have requested conditions with regards to landscaping, and tree management and protection measures at the site. It is considered that these conditions, in association with ecological management plan will provide some mitigation against further tree loss than is shown by the plans and allow for additional vegetation planting.

While such potential tree loss is regrettable, it is considered this should be weighed against the allocation for residential development in the Local Development Plan and that due to site constraints the number of houses delivered on the allocated site is already likely to be marginally less than the site is allocated for in the Local Development Plan. Therefore, on balance, the risk of this additional tree loss is accepted, and conditions will be used to try and mitigate this as far as is possible.

Concerns are also raised by Countryside regarding the landscaping plan, but it is considered these can be addressed through conditions.

In respect of bat survey work, the applicants have stated that all trees within the survey boundary were subject to ground-based bat inspections, including all trees identified as being retained. This is considered satisfactory.

Following consultation the Council's Ecologist is of the view that sufficient Ecological survey work has been done. A condition is recommended for the protection of wildlife during construction will require a method statement to be submitted in respect of working practices to ensure the protection of any protected species should they be found on site, including dormice.

It is noted that Natural Resources Wales have requested a condition for the provision of compensatory habitat given that the development does encroach on to the designated Tonteg Marsh SINC. However, being mindful of the extent of the encroachment, it is considered that this matter is most appropriately dealt with through the Ecological Management Plan recommended as part of the Section 106 Agreement.

Provision of Suitable Drainage Arrangements

The proposed development area is largely set on higher ground relative to the SINC and as such will have an impact on the hydrology of the SINC. Following negotiations with the Council's Drainage Engineers, as part of the original 2012 application, drainage proposals were put forward to try and replicate as far as possible the existing pattern of water discharging into the SINC. As part of the current application, the Council's Drainage Team have raised no objection to the application subject to the imposition of conditions.

Part of the LDP residential allocation falls within the C2 flood risk zone, although this is within the area of SINC land and does not include the land proposed for development. Land Reclamation and Engineering have not objected in respect of flood risk more generally on the site subject to conditions being imposed, which have been recommended below.

In respect of the potential impact on the hydrology of the SINC, Countryside have raised concerns that the level of information submitted in respect of drainage is not enough to understand how the drainage will function, particularly in respect of its impact on the SINC. The concerns relate to:

- The construction and maintenance of drainage features;
- That the drainage features may lead to further loss of trees;
- Being unsure of how successful the drainage solutions will prove in mimicking the existing hydrological conditions of the SINC, resulting in a need for strict conditioning and long- term provision for after care in the S106 Management Plan.

It is therefore suggested that conditions and a Management Plan be imposed to address the above concerns.

OTHER ISSUES

Policy SSA5 in the Local Development Plan indicates new educational facilities will be provided on this site, i.e. a new primary school. However, this is based on the provision of 500 houses on the whole of the allocated site. However due to site constraints, it is unlikely that these two principle sites and the land to the north west, which is also allocated for housing in the Local Development Plan, would provide enough units to justify requesting the provision of a school on the site.

Following consultation the Education Department have provided the following information:

“The land available for development appears to be substantial, and the new development could very well increase in size in the future. The need for a new school will only become necessary if the adjacent land is developed as well. A new school for a development under 500 houses in total would not be financially or educationally viable.

This is an area where both English and Welsh Medium school places are at a premium and where additional school places would have to be provided to cater for a development of this site. There is no requirement to provide any Secondary School places.

A cumulative provision of 321 houses would potentially generate 103 children of Primary age. This figure will reduce if any of the properties are 1 bed, Using the calculation in the SPG, the S106 requirement for this site is £1,262,471 (103 x £12,257). This money would be used to construct an extension to an existing school in the catchment area and to remodel existing provision to create additional teaching accommodation.”

Whilst the development of the land to the north-west of the current site could take the site as a whole very close to its allocation figure (the developer has previously inferred that the remaining land could accommodate 159 units, yielding a total of 480), at this time and as specified above the Council's Education Section have advised the provision of a new school is not justified in this case, and an appropriate financial contribution will allow for the educational need arising from the proposal to be met.

Due to there being a policy in the Local Development Plan for the provision of a school on the site, the application is considered a departure to the Development Plan as one is not being provided, even though this is not requested by Education. Therefore, the application is required to be referred to the Welsh Ministers for consideration of whether they wish to call this in, prior to a decision notice being issued.

There are overhead power lines and associated pylons running across the site, and a 20 metre buffer zone has been allowed for in the layout. Although Western Power Distribution have not responded to the current application at the time of the 2012 application they indicated that the layout proposed was acceptable. Being mindful that the layout plan proposed broadly reflects that of the approved scheme it is considered unlikely that Western Power Distribution will raise an objection to the application. Moving the power lines away from the application site was considered, as part of the original application but discounted due to the likelihood that they would have to be diverted via the SINC, which would not be considered acceptable on ecological grounds.

In respect of the visual impact of the development, the Landscape and Visual Impact Assessment compiled for the original 2012 application concluded that there would be significant impacts from some public viewpoints, including Dryscoed, Efail Isaf; Heol y Parc, Efail Isaf; The Church Village Bypass Community Route; Station Road; and from the Public Right of Way within the site itself. It is considered that this is to be expected due to the changing of character of the site from agricultural fields to a housing development. In respect of the closest of those viewpoints, i.e. Station Road

and the Public Right of Way, it is considered that landscaping will reduce the visual impact as it matures. Although the current proposal involves an increased number of dwellings, the boundary of the site is the same as that approved for area 2 of application 12/1313 and as such it is considered that the visual impact would be no greater than that associated with application 12/1313.

In respect of the concerns raised by the Council's Public Rights of Way Officer, a Diversion Order is required in the north of the site for the Public Right of Way as its route will be altered. An Extinguishment Order is required through the rest of the site as the Public Right of Way will effectively become part of the Highway. The Public Rights of Way Officer is concerned that if these orders are opposed it may be difficult to argue that they are necessary as the site could be designed around keeping the Public Right of Way on its existing route with a more "green" setting. However, this would potentially reduce the number of houses provided further which would be unacceptable in terms of meeting the Council's targets for provision of houses.

Given this, and that it is unknown if the orders will be opposed, it is considered that this matter can be dealt with at a later date by the separate procedures outlined above. It is noted that the Glamorgan Ramblers have not objected.

The Local Development Plan requires that all residential developments of 5 units and over in the Southern Strategy Area provide a minimum of 20% affordable housing units. The application proposes that 42 of the units in the development be will be affordable, which meets the requirement of the Plan. The Housing Officer has raised concerns with regards to the tenure mix of the properties to be provided, in relation to those to be provided as part of the scheme approved under application 12/1313. However, it is felt that this matter can be resolved as part of the Section 106 requirements

Turning to other concerns raised by neighbours not addressed above, it is considered concerns regarding the impact of construction on neighbours can be addressed through conditions. Public Health and Protection have recommended that a Remedial Method Statement be sought via condition to provide for the removal of the old coal gas main.

It is acknowledged there have been some inaccuracies in the submitted documents, but these have been assessed by the relevant officers who will have highlighted where errors are considered to be pertinent to the decision on the submitted scheme.

PLANNING OBLIGATIONS

It is recommended that a Section 106 is signed in respect of the following:

- **The provision of £1,262,471 for the provision of additional school places at local primary schools.**

- **The payment of a transport tariff of £501,584 towards improving the strategic highway network.**
- **The provision of an ecological management plan to ensure appropriate long term management of the Tonteg Marsh Site of Importance for Nature Conservation and the provision of compensatory habitat, the details of which shall be submitted to and approved in writing by the Local Planning Authority.**
- **The provision of 42 affordable houses on-site in accordance with the agreed schedule.**

CONCLUSION

In conclusion the development of this site for a residential scheme is considered acceptable. The site is allocated in the Local Development Plan, is within the settlement boundary and will contribute to the Council's overall housing provision. It is considered that the other matters above have been addressed to a satisfactory extent for approval to be recommended.

On the basis of the above the application is recommended for approval. Therefore planning permission is recommended.

RECOMMENDATION: Approve subject to:

- 1. The Section 106 Agreement as detailed above;**
- 2. The referral of the application to the Welsh Minister as a Departure to the Local Development Plan; and**
- 3. The conditions below:**

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(s) received by the Local Planning Authority on the 24th October 2014, 27th October 2014 and 29th October 2014.

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

3. Notwithstanding the submitted details, no development shall take place until a landscaping scheme and management plan, including long term design

objectives, management responsibilities and maintenance schedules for all landscape areas, has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme and management plan shall be carried out as approved and any subsequent variations shall be approved in writing by the Local Planning Authority. The scheme and management plan shall include the following elements:

- A review of the plans landscape and ecological potential and constraints;
- Species composition;
- Indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development (employing BS: 5837 'Trees in Relation to Construction');
- Pre-construction tree and hedgerow works;
- Detail, extent and type of new planting;
- Method statements for site preparation and establishment of target habitat features;
- Techniques and methods of vegetation establishment;
- Personnel responsible for the work;
- Timing of the works;
- Disposal of waste arising from the works;
- Details of maintenance and monitoring regimes;
- Details of any new habitat created on site;
- Details of treatment of site boundaries and/ or buffers around water bodies;
- Details of management responsibilities and provision of appropriate funding.

Reason: To ensure that the new development will be visually attractive in the interests of amenity, to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 policies AW5 and AW6 of the

Rhondda Cynon Taf Local Development Plan

5. No construction works shall commence until full details of the surfacing materials proposed to be used on any roadway, footpath, car park, lay-by, play areas or other paved or metalled areas have been submitted to and approved, in writing, by the Local Planning Authority and the part of the development served by that area shall not be occupied until the works have been completed in accordance with the approved details.

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.

6. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid where possible periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles etc), along with measures to avoid impacts where this is not possible;
 - d. Details of specific species and habitat mitigation measures (including nesting birds, reptiles and amphibians);
 - e. Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - i) Compliance with planning conditions relating to nature conservation;
 - ii) Installation of physical protection measures during construction;
 - iii) Implementation of sensitive working practices during construction;
 - iv) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - v) Specific Species and Habitat Mitigation Measures;
 - vi) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

Reason: To afford protection to animal and plant species in accordance

with policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan

7. No development shall take place until a detailed method statement for removing or the long-term management / control of Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations such as mowing, strimming, or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/ root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Japanese Knotweed and avoid harm occurring to the environment, in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan

8. 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 shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, 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 shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund. The above details shall be complied with, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Construction works on the development shall not take place other than during the following times:
- vii) Monday to Friday 0800 to 1800 hours;
 - Saturday 0800 to 1300 hours;
 - Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

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

Plan.

10. No development shall commence until a method statement addressing how noise and dust will be minimised on site during construction has been submitted to and approved in writing by the Local Planning Authority. This shall include a programme for construction and the name of the person who will be responsible for dealing with environmental issues. The development shall be carried out in accordance with the approved details.

Reason: To minimise the impact of construction on local residents, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Notwithstanding the submitted details, the development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

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

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

12. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 11) for the relevant area of development have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

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.

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

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

14. No development shall commence until all relevant matters outlined on the Planning Requirements Relating to Flood Risk Management have submitted to and approved in writing by the Local Planning Authority. Specifically the details will include the requirement for surface water regimes to mirror pre-development water quality and greenfield conditions, at the previously agreed storm durations. The details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site and maintain representative flows to the SINC. The storm periods previously agreed are QBAR, Q5, Q10, Q30, Q50 and Q100 within 30% climate change for the assessment of the developed site.

15. No development shall commence until measures to control groundwater issues from retaining walls have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that groundwater issues associated with the retaining wall cut features do not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure with regard to flood risk.

16. No development shall commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development programme with respect to:

- a) protection of open and culverted sections of the existing watercourse during and after construction;
- b) Protection of properties downstream of the development from increased flood risk during and after construction owing to the development;
- c) Protection of properties within the development from flood risk.

Reason: To ensure that the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties and environment with respect to flood risk.

17. No dwelling shall be occupied until the drainage works relating to that dwelling have been completed in accordance with the approved plans.

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

18. No development shall commence until an approved method statement for excavation, installation and restoration of drain runs through the Site of Importance for Nature Conservation has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To minimise adverse impacts to the Site of Importance for Nature Conservation, ensure sympathetic working practices, restoration and monitoring of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

19. Prior to the commencement of development details of the construction of the shared footway and cycleway along the route of the existing Public Right of Way shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first beneficial occupation of any dwelling on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the construction is satisfactory to serve this purpose, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

20. No dwelling shall be occupied until the area of Public Right of Way between houses no. 33 and 52 the Ridings has been finished in surface materials to match those used on the adjoining shared cycle and walkway.

Reason: To ensure the construction of the access to the shared footway/cycleway is acceptable, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

21. Notwithstanding the submitted plans, infrastructure work shall not commence until full engineering design and details of the internal road layout including sections, street lighting, surface water drainage, highway structures, traffic management measures including junction plateaus, turning facilities, shared pedestrian cycle facilities, public transport

infrastructure, footways, link footpaths, hard margin strips and associated works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the adequacy of the proposed development, in the interests of the safety of all highway users, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

22. Notwithstanding the submitted plans, the private shared accesses including turning facilities shall be laid out, constructed and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of the safety of all highway users, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

23. The parking areas shall be constructed in permanent materials and retained for the purposes of parking only unless otherwise agreed in writing by the Local Planning Authority.

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

24. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for;

- the means of access into the site for all construction traffic,
- the parking of vehicles of site operatives and visitors,
- the management of vehicular and pedestrian traffic,
- loading and unloading of plant and materials,
- storage of plant and materials used in constructing the development,
- wheel cleansing facilities,
- the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

25. Surface water run-off from the proposed parking areas shall not discharge

onto the public highway unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

26. No works shall commence on site until a geotechnical report incorporating any mitigation measures required to be deal with ground conditions, mine workings and mine shafts have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details prior to any building works commencing on site.

Reason: In the interests if the safety of all highway users.

27. No construction work shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed for the relevant dwelling before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

28. Notwithstanding the submitted details, no construction works shall commence until samples of all the external finishing materials, including colour, to be used on houses and garages have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

29. Notwithstanding the details of the approved plans, details of the boundary finishes of plots 186 and 199 shall be submitted to and approved in writing. The boundaries shall be completed in accordance with the approved details prior to the occupation of the relevant dwellings and shall be maintained as such thereafter.

Reason: In the interests of the residential amenity of the dwellings.

30. Notwithstanding the submitted details, no development shall take place until a plan showing retained trees has been submitted to and approved in writing by the Local Planning Authority. This plan shall form part of a Tree Management Plan in which provision for protection of retained trees during construction (to accord with BS 5837: Trees in Relation to Construction)

and agreed tree works (to accord with BS 3998: Tree Works) is provided and details of the personnel responsible for the provision of such measures are identified and agreed. All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To ensure that the new development will be visually attractive in the interests of amenity, to ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

- 31. No development shall take place until details of a Construction Environmental Management Plan (in conjunction with Condition x) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plan.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 32. No development shall take place until details of site lighting mitigation to minimise light fall impacts on adjacent SINC habitat and flight lines/foraging areas, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

- 33. Development shall not commence until a scheme for providing bat roosting features is submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site, in accordance with policy AW 8 of the Rhondda Cynon Taf Local Development Plan.

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APPLICATION NO: 14/1283/10 (GD)
APPLICANT: Davies Homes Limited

DEVELOPMENT: Construction of 50 new build residential dwellings with garages and associated works
LOCATION: **LAND OFF MAES-YR-EGLWYS, CHURCH VILLAGE, PONTYPRIDD, CF38 1EJ**
DATE REGISTERED: 21/10/2014
ELECTORAL DIVISION: Church Village

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development is clearly acceptable in planning terms as is the detailing of the current proposal which will deliver much needed housing and affordable housing in the Church Village area.

APPLICATION DETAILS

This planning application seeks full planning permission for the construction of 50 homes on land between Maes Yr Eglwys and Brecon Way in Church Village. The site would be developed with 20% affordable housing and would comprise the following –

- 8no. 5 bedroom houses to two untitled different designs.
- 3no of the 5 bedroom Llandovery house type.
- 6no of the 4 bedroom Canterbury house type (two and a half storeys).
- 6no of the 3` bedroom Ascot house type.
- 9no of the 4 bedroom Radleigh house type
- 6no of the 3 bedroom Dorchester house type (two different designs), and
- 2no of the 3 bedroom Hereford house type
- 6no of the 4.2.1. 2 bedroom affordable housing units
- 4no of the 2.1.1. 1 bedroom affordable flats.

The site will be developed entirely as detached or semi detached properties.

Access to the site will be derived from the access road that currently services the existing Maes Yr Eglwys estate that forms a junction with St Illtyd's Road. The access will extend into the new development through a curved arrangement towards its north western boundary. The road will be constructed to adoptable standards with raised tables at key points acting as traffic calming measures, the exception to this will be a short private drive servicing some of the larger properties on the sites northern boundary.

The site will have a central area of public open space which will enable the retention of some well established silver maple trees that remain centrally within the site.

Other worthy tree and hedgerow specimens at the site boundaries will also be retained where appropriate.

The application is accompanied by the following:

- An Ecology Assessment
- Design and Access Statement:
- Transport Statement

SITE APPRAISAL

The application site is broadly rectangular in shape and slopes downward from north to south. The site is surrounded on three sides by residential development with an area of relatively steep, enclosed and undeveloped land lying between the site and the narrow section of Church Road to the North. The site itself was formerly occupied by the Silverbrook home which was demolished some years ago and the site is now somewhat overgrown having been left to nature since the works of demolition. The site has four mature silver maple trees located centrally within the site and other mature and semi mature planting at its boundaries.

The surrounding area is overwhelmingly residential in character with development to the south of the site at a higher density than elsewhere in the locality. The neighbourhood is characterised by property of varying age and type ranging from traditional stone built workers cottages through to large modern detached family homes. There is consequently no overriding design theme in the area though the nature of development is largely conventional two storey construction with additional rooms occasionally worked into roof space.

Access to the site is principally derived via the existing Maes Yr Eglwys arrangement though there is also a pedestrian route through to Fardre Court. The site is close to though not directly on the principal highway network with St Illtyd's Road providing the nearest bus stops to the site.

PLANNING HISTORY

The following history reflects planning applications relevant to the development site itself and the adjacent site

06/1431	Residential development for 44 dwellings	Approved 19/02/07
06/1250	Redevelopment for Housing (outline application)	Not yet determined
03/1547	Redevelopment for Housing (outline application)	Approved 16/12/04

56/84/1130 Change of use from regional assessment centre Approved
to use for student accommodation and teaching 10/09/84
for Polytechnic

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has led to the submission of representations from 23 sources, some of which have written more than once. The concerns and objections raised can be summarised as follows –

- The proposed access is substandard being less than 6m in width and is not of sufficient size to be able to cater for large delivery vehicles that would be associated with site development. There are no road markings other than at the entrance to the site. Using the existing entrance through Maes Yr Eglwys would represent a health and safety risk and an erosion of people's established quality of life.
- The existing access is already heavily used by existing residents and it would be unsafe and inappropriate to add to its existing level of use.
- At present many existing residents do not have sufficient parking space to meet their own needs and this leads to on street parking on the existing Maes Yr Eglwys development which further constrains the proposed access.
- The proposed means of access would result in heavy plant and machinery passing occupied housing during the development phase.
- There are many young children living within the existing development who play in the street and there is concern at potential conflict with large vehicles could lead to accidents.
- It is suggested that a better means of access could be delivered from the Tonteg (Brecon Way) side of the development or from Fardre Court, and that Maes yr Eglwys should only be a pedestrian link to the proposed site. This would also facilitate better access to the shops at Cardigan Close. It is also argued that the development will not comply with policy if there is no vehicular access on to Brecon Way as it will lead to increased congestion on Church Road.
- This along with other housing development in the locality would lead to increased congestion on the bypass road leaving the area no better off than before the bypass was built.
- Medical professionals who live in Maes Yr Eglwys are on call 24/7 and are concerned that their progress to work could be obstructed by the presence of machinery through the development phase and that noise associated with the development might affect their capacity to operate at an optimum level.
- There is concern that the social infrastructure of the area would be unable to cope with further demand (doctors surgeries, schools, Council services, local amenities etc)

- There is concern that the footpath link with Brecon way might at some point be upgraded to a road and that this would lead to highway related problems and might form a focal point for anti social behaviour.
- The social housing should be set further from the Cae Fardre site.
- The proximity of house 22 to Menai Close will have a detrimental impact on the nearest neighbours
- The creation of a building site in such close proximity to established residential property would lead to established properties and cars becoming dirty or grimy on a regular basis adversely affecting the amenity of the area, it is also suggested that neighbours should be compensated should this occur.
- There are general concerns about the level of noise and pollution that development might bring.
- There are general concerns about the loss of trees on site.
- One resident has expressed no objection to the development subject a limitation on working hours, a programme of development with a fixed end date for the completion of development and the developer undertaking a condition survey and properly addressing any pollution that affects existing residential property.
- All on site facilities to cater for the development should be contained on site and must not encroach on to the adjacent estate.
- The current topography of the site would lead to the development of the houses at higher levels than those currently at Menai Close which would be to the detriment of their general amenity.
- Loss of view – particularly long distance views from established properties.
- Distances between existing and proposed dwellings are generally too little.
- Many local residents hope that the Glebelands to the north of the existing site might at some point serve as a cemetery extension to the existing church and the view is expressed that the proposed arrangement is not suitable for funeral corteges
- If Glebelands comes forward for housing then it would amount to three estates from an inappropriate access.
- The Council should consider the proposal in the context of the wider area and should not exacerbate the existing Church Road rat run.
- Existing problems with nuisance vegetation on the existing site should be dealt with before any further development takes place.

CONSULTATION

Highways & Transportation – no objections subject to conditions and the developer entering in to a Section 106 agreement to secure an appropriate transport tariff.

Land Reclamation & Engineering Manager – no objections subject to conditions.

Public Health & Protection – no objections subject to conditions.

Natural Resources Wales – raise no objection to the proposed development and apply their standard advice in respect of flooding, pollution and contamination, foul drainage and biodiversity.

Dwr Cymru Welsh Water – no response received within the statutory consultation period.

Western Power Distribution – no response received within the statutory consultation period.

Wales & West Utilities – raise no objections to the proposed development and advise in respect of the location or their plant in relation to the site and safe working practices to be adopted when working in proximity to it.

South Wales Fire & Rescue Service – raise no objection to the proposed development and advise that the developer should consider the need for adequate water supplies on the site for fire fighting purposes and access for emergency fire fighting appliances.

Countryside, Parks & Open Spaces – SEWBREC records reveal that there are no statutory protected species affected by the proposed development and indicate that a bat advisory note should be attached to any consent that might be issued.

The site would have a population calculated at over 160 people which would generate a requirement for a Local Equipped Area for Play and since there is no scope to install on site there is a requirement for an off site contribution of £70,000 for construction and £32,758 for 20 years maintenance.

Education – raise no objection and advise that a contribution of £196,112 would be required to extend and improve school facilities in the locality with a trigger point no later than the completion of the 10th dwelling.

Housing Strategy – raise no objection to the proposed development and advise that mix and tenure for the proposed affordable housing is acceptable and consistent with the findings of the most recent Local Housing Market Assessment.

Police Authority – raise no objection to the proposed development and go on to provide detailed advice in respect of entrances, footpaths landscaping, lighting and creating natural surveillance, all of which when applied appropriately can reduce crime and anti social behaviour. They also advise that the social housing element of the proposed development will be required to meet the secured by design award standard and that the developer is advised to contact them to establish what their requirements would be.

Glamorgan Gwent Archaeological Trust – given that the site of former children's homes and that the ground has been disturbed, it is our opinion that the proposed

work will not encounter archaeological remains that would require mitigation. As the archaeological advisors to your Members we therefore have no archaeological objections to the determination of the application.

Community Council – no response received within the statutory consultation period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out the strategy for the southern area of the County Borough with an emphasis on sustainable growth.

Policy CS4 identifies the housing requirement figure for the plan period.

Policy CS 5 identifies the affordable housing figure requirement over the plan period.

Policy AW1 Identifies how the housing requirement figure will be met including through the allocations in the Local development Plan

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

Policy AW4 Identifies that the Council may seek Planning Contributions on development proposals.

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

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

Policy AW8 – sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

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

Policy SSA11 - Identifies a housing density requirement for the southern strategy area at a minimum of 35 dwellings per hectare.

Policy SSA12 - Identifies a requirement for the provision of 20% affordable housing for the southern strategy area.

Policy SSA13 - Supports development within defined settlement boundaries.

National Guidance

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

Planning Policy Wales

Chapter 2 (Development Plans),

Paragraph 2.1.2 states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Chapter 3 (Making and Enforcing Planning Decisions),

Paragraph 3.1.2. In line with the principles of sustainable development planning decisions should be made in accordance with the policies of the local development plan unless material circumstances dictate otherwise

Chapter 4 (Planning for Sustainability),

Paragraph 4.9.1. states that previously developed land should wherever possible be used in preference to Greenfield sites.

Paragraph 4.9.2. states many previously developed site in built up areas may be considered suitable for development because their re use will promote sustainability objectives.

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

Paragraph 5.1.3. A key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated.

Paragraph 5.5.1. It is important to balance conservation objectives with the wider economic needs of local businesses and communities.

Chapter 8 (Transport),

Paragraph 8.7.1. When determining a planning application that has transport implications local planning authorities should take into account:

- The impacts of the proposed development on travel demand.
- The level and nature of public transport provision.
- Accessibility by a range of transport modes
- The willingness of developers to promote modes of transport other than the private car.
- The environmental impact of both transport infrastructure and the traffic generated
- The effects on the safety and convenience of other users of the transport network.

Chapter 9 (Housing),

Paragraph 9.1.2 advocates residential development that is easily accessible by public transport, cycling and walking, and making the most efficient use of land.

Paragraph 9.2.3 states that a five-year supply of housing land should be available.

Paragraph 9.2.14 and TAN2 state that a community's need for affordable housing is a material consideration.

Paragraph 9.3.1 states that new housing developments should be well integrated and connected to the existing pattern of settlements.

Paragraphs 9.3.3 & 9.3.4 state that residential developments, including conversions, should not be allowed to damage an area's character or amenity.

Chapter 12 (Infrastructure and Services),

Paragraph 12.1.6. States that the capacity of existing infrastructure and the need for additional facilities should be taken into account in the preparation of development plans and the consideration of planning applications. In general Local Planning Authorities should seek to maximise the use of existing infrastructure and should consider how the provision of different types of infrastructure can be coordinated.

It is considered that the issues highlighted above set out the Welsh Government's policy on planning issues that are most relevant to the determination of this planning application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 15: Development and Flood Risk;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23 Economic Development
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

In the case of this particular planning application there are four key areas of consideration that affect its determination and they are the planning policy position, highway safety, the impact of the proposals on residential amenity and privacy, and the impact of the proposal on the character and appearance of the area. These matters are dealt with in turn below.

Main Issues:

Principle of the proposed development

The application site lies within settlement limits and is not allocated within the Local Development Plan for any specified use. In such circumstances residential development would usually be considered acceptable subject to the proposals being able to demonstrate compliance with the planning policies that would affect the proposed development.

One of the key requirements of policy is that residential development in the southern strategy area should achieve a density of 35 dwellings per hectare. The current proposal would deliver a density of only 28 dwellings per hectare. However, the proposed layout has also had regard to the marketing brief prepared in support of the current proposal which notes that the site, particularly in its central areas has a number of protected trees. This has effectively reduced the developable area of the site and in effect to some extent constrained to options for layout and it is therefore considered that the proposed density is in this case acceptable in planning policy terms.

Another key requirement of planning policy is that the site should deliver 20% affordable housing and the current proposal achieves this target delivering the required number of dwellings at a housing and tenure mix acceptable to the housing strategy team.

A further policy consideration is that the site lies close by an air quality management area however the limited number of housing units along with the fact that the Public Health and Protection division have not raised this as an issue makes the current proposals acceptable.

One of the objectors to the current proposal has suggested that it is unsustainable and contrary to policy due to the alleged impact the proposal would have on the highway network and particularly Church Road. Notwithstanding the comments of the Highways and Transportation Section that have indicated that the proposal is acceptable in highway terms, the relatively limited impact on Church Road would not of itself make the development unsustainable particularly as the proposal meets those aspects that define sustainability in all relevant criteria.

In conclusion on this issue it is considered that the proposed development is planning policy compliant in respect of Local Development Plan policies CS2, CS4, CS5, AW1, AW2, AW8, AW10, SSA11, SSA12 and SSA13 inasmuch as the issues outlined above relate to those policies and is considered policy compliant against these tests and the broader requirements of Planning Policy Wales.

Impact on the character and appearance of the area

The proposed development would lead to the development of 50 homes of varying size, mass and design at a density of 28 dwellings per hectare. The development site is currently a cleared overgrown area of underused land sitting centrally within the urban fabric of Church Village. The replacement of neglect and dereliction with new housing which bring a clear improvement in the physical environment and new life to the area would represent an improvement in the character and appearance of the area of itself. The proposed houses present a variety in design of themselves but are in no way untypical or at any great variance to those in the wider locality in terms of their siting, appearance, scale, height, massing or elevational treatment and in the view of officers represent a good fit with the wider neighbourhood. The proposed development will also improve the character and appearance of the area in making the central area with the protected silver maple trees a focal point of public open space for the wider estate that is also overlooked by the proposed dwellings. As such the proposed development is considered to satisfy the requirements of policies AW5 and AW6 insofar as they relate to the character and appearance of the area.

Impact on residential amenity and privacy

In terms of the issues of amenity and privacy it is considered that the scale form and general design of the proposed development is acceptable in terms of its impact on the character and appearance of the area as explained in greater detail above. Whilst there are no remnants of the built environment to be retained within the proposed development the best features of the natural environment in the form of the protected trees within and around the boundary of the site will be protected and kept within an appropriate setting which has a positive effect on the amenity of the area. There would be a minor adverse impact on the amenity of houses facing the proposed access route as more traffic from the development (including traffic associated with the development of the site itself) would now pass those properties but it is not considered sufficient to warrant the refusal of the proposed development. In terms of the impact of the proposed development on privacy, within itself the spacing between dwellings and their relationship to each other is considered acceptable. In terms of the relationship with buildings around the site the layout has been devised in a manner that generally maintains acceptable distances between buildings where rear elevations directly face each other. The exception to this is plot 38 where the developer has modified the design of the rear elevation of the proposed Dorchester house type so that internally at first floor level it will comprise non habitable rooms or double glazing will be used. Elsewhere around the site

dwellings have been placed at an angle to or with gable elevations facing established properties thereby reducing the potential for overlooking to acceptable levels. Along the southern boundary of the development plots 3-6 inclusive on the proposed development sit in close proximity to the properties at the northern end of Fardre Court. However this is considered acceptable in this instance as the distances involved are similar to those established within Fardre Court itself and because the existing boundary hedgerow to be retained would provide more than sufficient screening in any event. Consequently the proposed development is considered acceptable in terms of those elements of policies AW5 and AW6 and the wider requirements of Planning Policy Wales that relate to amenity and privacy

Access and highway safety

The first point to make with regard to the issue of access and highway safety is the Highways and Transportation Section have given full and proper considerations to the current proposals and subject to conditions and the applicants entering into a section 106 agreement to deliver a transport tariff contribution, they find the proposals acceptable. Much has been made by residents of Maes Yr Eglwys in particular that the access road is of insufficient width to cater for a further 50 dwellings. This is not the case and the Highways and Transportation Section confirm that the Highway is 5.6m wide with appropriate footways either side and this is an appropriate arrangement capable of accommodating more than the amount of dwellings currently existing and proposed that would be served by this arrangement. The public have also commented that they believe the arrangement would be unsafe in highway terms due presumably to the increased volume of traffic that the proposal would generate, however, the road arrangement for the proposed development has clearly been designed with highway safety at the forefront as the curved general arrangement would keep traffic speeds low in any event and the presence of substantial raised table areas along the access road would act to further reduce traffic speeds. There has been some comment that the site access would be unsuitable to cater for larger delivery vehicles associated with the development of the site and with day to day deliveries when the site is established – there is no foundation in either claim given the comments of the Highways and Transportation Section.

Some residents have suggested that this and other residential developments in the wider area would result in increased congestion to the point where there would be a return to levels of congestion experienced before the bypass road was built. However, no evidence is produced to support this view and that provided by the applicant in the form of the transport statement supporting the current proposal clearly suggests that the impact of the development will be of a considerably lesser order.

Other Issues:

The following issues have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

The applicants have pointed out that they consider the requirement for a financial contribution in lieu of the provision of a local equipped area for play and its associated commuted sum as unduly onerous. Whilst the request made by the play officer is broadly compliant with the requirements in the Council's Strategic Planning Guidance in respect of planning obligations, it ignores the fact that the marketing brief issued for the site by the Council makes reference only to the provision of 1500 square metres of public open space and this the applicant has provided within the proposed layout. In the circumstances it would not be appropriate to pursue the play officers full requirement in this instance.

Some members of the public indicated that the existing site contained insufficient parking provision to meet their needs and that this resulted in on street parking that constrained the highway network. The Charles Church development at Maes Yr Eglwys was developed to the parking requirements applicable at that time. In any event the perceived deficiencies of the adjacent development can form no basis for resisting the current proposal.

Other residents have suggested that alternative access points would better serve the proposed development however Members have to consider what is currently proposed on its planning merits and not what the public might consider more desirable and in that respect the proposed development is acceptable.

Residents to the east of the application site have objected to the footpath link with Brecon Way and in the latest iteration of the layout plan this particular feature has been removed.

No greater weight can be afforded to the comments of medical professionals in respect of what amounts to no more than possible inconvenience than can be afforded to the same claims made by other residents.

No evidence is provided to support the claims in respect of the impact on social infrastructure. The Education Department have made their position clear in that their concerns can be addressed through the provision of a financial contribution and the health Board tend to respond to increased population by improving provision after development has occurred.

The amenity impacts of the proposed development are addressed above, time constraints imposed by conditions and appropriate site working practices should reduce other environmental impacts to an acceptable level. Any issue of compensation would be a matter to be resolved between the developer and the local residents and can have no bearing on the consideration of the planning application. Setting a fixed date for the completion of the proposed development would be either

ineffective or unreasonable and could not form the subject of a planning condition in the circumstances pertinent to this case.

As far as the proposed levels of the site relative to existing property are concerned the detail provided to date gives sufficient confidence that an acceptable outcome can be achieved, however further detail in particularly sensitive areas will form the subject of conditions should members be of a mind to approve the current proposal.

As members will be aware the loss of a private view is not a planning consideration.

The land to the north of the site – Gelbelands – does not form part of the current application and cannot affect its outcome as the current proposals do not prejudice its future use for any particular purpose.

The presence of nuisance vegetation on the adjacent housing site cannot prevent the determination of this planning application. However, if Members are of a mind to support the current proposal then it can be appropriately conditioned to properly address the issue of any nuisance vegetation on this site

Section 106 Contributions / Planning Obligations

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

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

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

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

The Section 106 requirements in this case

- That the developer provide a transport tariff contribution of £120,320 to mitigate the impact of the proposed development on the strategic highway network.
- That the developer provides an education contribution of £196,112 to mitigate the impact of the proposed development on schools in the locality.
- The transfer of the public open space on the site to the Council or an appropriate management company along with a commuted sufficient to service the site for a 20 year maintenance period.
- The applicant meeting the Council's reasonable legal costs in preparing the Section 106 agreement.

Should the requirements of the section 106 agreement not be finalised before 31st December 2014 then the proposed development would become liable for the Community Infrastructure Levy Charge. The Rhondda Cynon Taf Community Infrastructure Levy (CIL) will come into effect from 31st December 2014 on all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing. The scheme is liable for a CIL payment of £496,995, which is non-negotiable.

Conclusion

As outlined above the application is considered to comply with the relevant policies of the Local Development Plan representing as it does acceptable residential development within the settlement limits of Church Village. The proposal is considered acceptable in all other key areas such as its impacts on privacy, amenity and the highway network and Members are consequently recommended to approve the proposal subject to conditions and the requirements of the Section 106 agreement set out above.

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 consent hereby granted relates to the following plans: -

- i)The proposed site layout drawing no DH/NSCV/100 revision C.
- ii)House type 4.2.1. drawing no.DH/NSCV/421 revision A.
- iii) House type 4.2.1. drawing no.DH/NSCV/211 revision A.
- iv)The Hereford house type drawing no. DH/NSCV/HE2.
- v)The Dorchester house type drawing no.s DH/NSCV/DOR & DOR(V).
- vi)The Llandovery house type drawing no. DH/NSCV/LLA revision A.
- vii)The Radleigh house type drawing no. DH/NSCV/RAD revision A.

- viii) The Ascot house type drawing no. DH/NSCV/ASC revision A.
- ix) The 5 bedroom house type drawing no. DH/NSCV/5B2.
- x) The 5 bedroom house type drawing no. DH/NSCV/5B1.
- xi) The Canterbury house type drawing no. DH/NSCV/CAN.

Reason: for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

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

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

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

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. Before any work is commenced on site, including site works of any

description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Before any works start on site existing and proposed levels including relevant sections, showing the relationship of the proposed dwellings with those established on Fardre Court, Beaching Way, Brecon Way, Menai Close and Maes Yr Eglwys shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

8. Building operations shall not be commenced until samples of the external materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

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

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

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

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

Plan.

10. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

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

11. No dwelling shall be occupied until the drainage works have been completed in accordance with the approved plans.

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

12. Prior to the commencement of any works on site the developer shall submit a tree maintenance and management plan to be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the tree maintenance and management plan.

Reason: In the interests of maintaining a high standard of amenity in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

13. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering design and details of the road layout and tie in to Maes-Yr-Eglwys, traffic calming, street lighting, surface water drainage and highway structures including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved engineering drawings to the satisfaction of the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interest of highway safety.

14. Access, parking and turning facilities shall be in accordance with the submitted layout plan, Drawing No. *DH/NSCV/100 Rev C*, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate access, turning and parking facilities are provided in the interests of highway safety.

15. Surface water run-off from the proposed parking areas and shared accesses shall not discharge onto the public highway, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

16. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;
- the means of access into the site for all construction traffic,
 - the parking of vehicles of site operatives and visitors,
 - the management of vehicular and pedestrian traffic,
 - loading and unloading of plant and materials,
 - storage of plant and materials used in constructing the development,
 - wheel cleansing facilities,
 - the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

17. No HGV deliveries, during construction, shall take place between the hours of 08:00-09:00am and 15:00- 16:00pm Monday to Friday, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

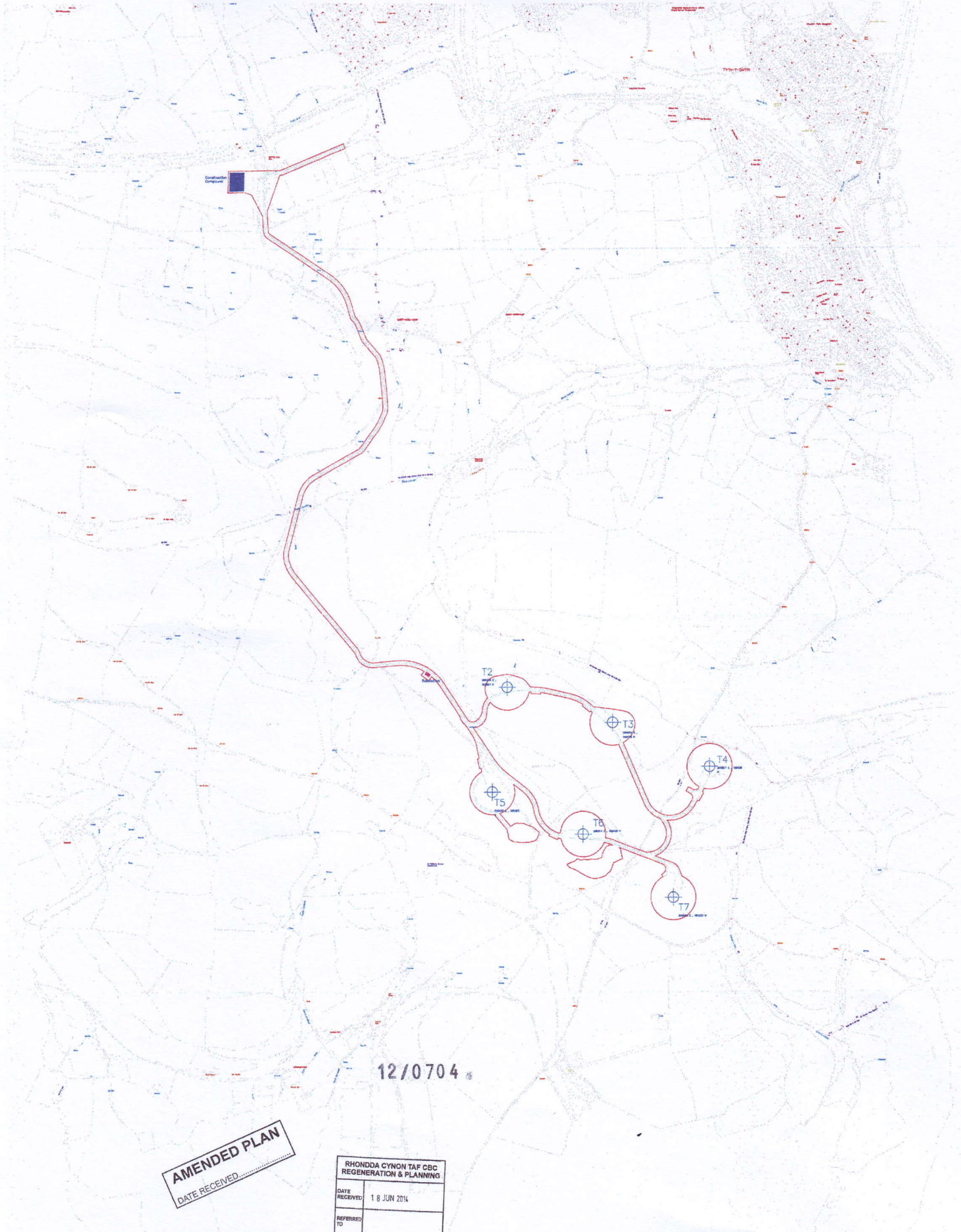
18. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a. An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
 - b. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
 - c. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as nesting bird season).
 - d. Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation;
 - Installation of physical protection measures during construction;
 - Implementation of sensitive working practices during construction;
 - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;

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

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

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

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AMENDED PLAN
DATE RECEIVED

RHONDDA CYNON TAF CBC REGENERATION & PLANNING	
DATE RECEIVED:	18 JUN 2014
REFERRED TO:	

Project: Mynydd Portref
Drawing Title: Red Line & Construction Layout - Overview

- Legend**
- Red Line Boundary
Acreage = 17.73 ha
 - Access Tracks & Crane Hardstandings
 - Substation
 - Construction Compound
 - ⊕ Turbines

Drawing No.: 013a
Drawn: MH Checked: OS Date: May 2014
Scale: 1:5,000 @ A1

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LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

18 DECEMBER 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File

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