

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2013-2014**

**DEVELOPMENT CONTROL
COMMITTEE
24 APRIL 2014**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 3
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: 10/1112 - Outline planning application for the demolition of existing structures, retention of listed towers, site remediation, land restoration and development to provide a mix of uses including 851 residential units (use class C3), primary school, revised access arrangements, provision of car and cycle parking, servicing, structural landscaping, formation of public spaces and associated infrastructure, and public realm works. (Revised details received 10th January 2014), Cwm Coke Works, Colliery And Tip, Tynant.
2. Application No:13/0421 - Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site, land to north - east of Llwydcoed adjacent to B4276 Merthyr Road (Grid Reference 301000, 206000).

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 10/1112/13 (GD)
APPLICANT: CPL Industries Ltd
DEVELOPMENT: Outline planning application for the demolition of existing structures, retention of listed towers, site remediation, land restoration and development to provide a mix of uses including 851 residential units (use class C3), primary school, revised access arrangements, provision of car and cycle parking, servicing, structural landscaping, formation of public spaces and associated infrastructure, and public realm works. (Revised details received 10th January 2014).
LOCATION: CWM COKE WORKS, COLLIERY AND TIP, TYNANT.
DATE REGISTERED: 10/01/2014
ELECTORAL DIVISION: Llantwit Fardre

RECOMMENDATION: Approve

REASONS:

The principle of the proposed development of the site is considered acceptable in planning terms. The proposal also represents an investment of tens of millions of pounds in this site that will result in the removal of dereliction and the remediation of contaminated land, the re-sculpting of the former colliery tip, the repair, decontamination and long term management of the grade 2* listed structures, the removal of the site from a C2 flood zone and the provision of much needed housing for the area.

APPLICATION DETAILS

The application is made in outline with only access to be considered in detail at this stage. The proposal seeks in principle consent for the removal of all buildings that remain on the former coke works site, with the exception of the Grade II* Listed cooling towers the remediation of the site coke works and colliery site, reclamation of that land and the tip. This will then bring the land up to a condition whereby it can be redeveloped for housing.

The housing, which could contain up to 851 dwellings, would occupy the land that currently comprises the valley floor and is the site of the coke works and former colliery. The proposed housing would be developed in blocks around a central spine road running north-south through the site.

Access to the site is not a reserved matter and will be formed at a point on the B4595 mid way between the existing site access and the railway line. The spine road will then extend from this into the site with key cross valley link road elements serving the various housing blocks either side of the road. While the positions of these features other than the access point would not be fixed if consent is granted for this development the masterplan gives a clear indication of the form it could take. These features include a link through to Croescade Lane in the south eastern section of the site.

The Nant Myddlyn currently runs under the site and it is proposed that its culvert is opened along with other watercourses that pass through the site to create a water feature within the development that would help to address some of the flooding issues associated with the site.

The former colliery tip will be re profiled and its slopes eased to make it more accessible to the public as a recreational facility. As well as improving access to this part of the site the proposals also involve protecting and maintaining the ecologically valuable wetlands located on top of the tip. The material to be removed from the tip will be brought down onto the valley floor to provide clean cover for the proposed housing development when remediation works to the existing ground have been completed. Raising the levels in this manner will also assist in flood prevention and alleviation in and around the site.

The Grade II* Listed cooling towers occupy an area of the valley floor immediately south of the former colliery site on the northern part of the coke works site. Their rarity requires that they be retained in situ in a parkland setting of 150m x 110m with a fenced 30m exclusion zone around the towers themselves. The land around the towers will remain at a lower level than much of the rest of the site and is linked by a green corridor that runs south from the site parallel to the access road.

The application is also accompanied by the following:

An Environmental Statement that covers the following topics –

- An outline of the main alternatives considered.
- Planning policy considerations
- Socio economic effects
- Community effects
- Transport
- Air quality
- Noise & vibration
- Ground conditions.
- Water environment
- Ecology
- Landscape and visual assessment and;

- Cultural heritage

The statement itself is supplemented with eight appendices comprising Transport Assessment, Air Quality Assessment, Noise & Vibration Assessment, Outline Remediation Strategy, Flood Consequences Assessment, Ecological Impact Assessment, Visual & Landscape Impact Assessment and Towers Outline Repair Methodology. There is also a non-technical summary of the Environmental Statement accompanying the application.

In addition to the environmental statement the applicant has also indicated the required maxima and minima dwelling dimensions as follows –

Dwelling Type	Min Height	Max Height	Min Length	Max Length	Min Breadth	Max Breadth
Apartments	7.5m	10.5m	6m	12m	8m	9m
2 bed semi's & terraces	6.5m	8m	5m	9m	4.5m	7m
3 bed semi's terraces	6.5m	8m	5m	9m	5m	9m
3 bed detached	6.5m	9.5m	5m	9m	5m	9m
4 bed detached	7.5m	9.5m	6m	10m	6m	12m

In addition to the above the application was also accompanied by –

- A Design & Access Statement
- A supporting Planning Statement and;
- A Consultation Report (Outlining public consultation undertaken and response given)

It should be noted that the application was revised in January 2014 and as a result Supplementary Environmental Information was provided in the form of a supplementary transport statement, environmental statement addendum and revised design and access statement.

SITE APPRAISAL

The application site comprises 89.3 hectares of land within (but on the western edge of) the Llantwit Fardre ward, adjoining the mainly residential communities of Ty Nant and Beddau. Land to the west and north of the site is largely open countryside other than where the site bounds the existing settlements, with Beddau and Ty Nant mostly to the south and east of the site.

Most development in the locality is residential in character and of varying design and age. The site itself comprises brown field land in the form of the former coke works and colliery and the adjacent spoil tip. Much of the plant, buildings and equipment associated with the former coke works remain in situ though the former colliery site was cleared and to some extent reclaimed in the late 1980's, it is now used for the storage of railway related plant equipment and materials (track sleepers etc). The

owner of the existing business is aware of the application and in negotiation with the applicant over the redevelopment of this site.

In terms of levels the ground rises gradually in a northward direction along the valley floor of the Nant Myddlyn with a step up of approximately 4-5 metres to the level of the former colliery site. The part of the site comprised of the former colliery spoil heap climbs steeply to a flat summit in a westerly direction.

The Nant Myddlyn runs through the site in a north to south direction, mostly in culvert. A public footpath traverses the southern part of the coke works site in an east west direction. The southernmost part of the site remains heavily vegetated and the south eastern corner of the former coke works site contains the bridge which provided the mineral line railway link to the wider network that once served the coking and coaling operations.

PLANNING HISTORY

The site has an extensive planning history associated with its former industrial use however the following applications are considered the most relevant in the context of current proposals.

10/0118	Development of fencing, remediation, repair and maintenance works to retain the Grade II* cooling towers within a parkland setting (LBC).	NYD
04/1360	Demolition and remediation of site, residential redevelopment (630 units use class C3) 1788 square metres commercial space (use class B2) community uses, landscaping, open space and revised access.	Appeal against non determination dismissed 19/07/07
04/2306	Complete demolition of listed cooling towers including documentation of structures prior to and during demolition and removal (Listed Building Consent Application)	Recovered for determination with application 04/1360 at appeal Appeal dismissed 19/07/07

PUBLICITY

The application was subject to an initial round of publicity including press notice site notices and neighbour notification letters that generated no response from the public. Subsequent to the revisions to the scheme being submitted in January 2014 a further round of advertisement was undertaken again involving press notice, site

notices and neighbour notification letters that have resulted in four letters of objection raising the following issues.

- The creation of a secondary access to the site from Croescade Road will encourage additional traffic on to that road which is incapable of accommodating it. There are no proposals to widen the road above woodlands and the road is difficult to use due to the lack of passing bays and additional traffic from new housing would only exacerbate this. This is a country lane that is already used by too much inappropriate traffic
- Additional traffic on Croescade Lane will also add to congestion through Woodlands Park and on to the B4595 and ultimately on to the by pass road and the presence of a school on the site will also make matters worse.
- The proposed entrance point would put safety at risk.
- Cuts in the existing road maintenance budget could only be made worse by allowing this development.
- Will the increase in the number of houses lead to further reductions in services?
- How will the proposed development be policed and property protected?
- Health care provision in the area is already stretched and the proposed development will only increase demand.
- How will the proposed school be funded/maintained?
- Increased traffic would lead to increased noise for existing residents.
- The proposal will have an intrusive visual impact on existing properties.
- One objector also complains that he was not notified of the revised proposals.

CONSULTATION

Transportation Section – no objections subject to conditions and the applicant entering in to a Section 106 agreement to secure a Transport Tariff contribution of £400,000.

South Wales Fire & Rescue Service – raise no objection to the proposed development and advise that the developer should consider the need for the provision of adequate water supplies on site for fire fighting purposes and the provision of suitable access arrangements for emergency fire fighting appliances.

Wales & West Utilities – raise no objection to the proposed development and advise on the location of their apparatus in the vicinity of the application site and safe working practices to be adopted by the developer when working in the vicinity of it.

Dwr Cymru Welsh Water – initially objected to the proposals but subsequent to the provision of further information raised no objections subject to conditions and they also provide maps indicating the location of their infrastructure in and around the site.

Land Reclamation & Engineering Manager – raise no objection to the proposals subject to conditions relating to drainage and the establishment of a drainage strategy for the site.

Public Health & Protection – no objections subject to conditions that would deal with the issues of contamination, air quality, noise, odour and lighting being incorporated into any consent that might be granted.

Natural Resources Wales – accept the findings of the environmental statement in all areas with the exception that they maintain a holding objection with regard to alternative bat roost provision to compensate for what would be lost on site. Specifically this relates to the lesser horseshoe bat and the brown long eared bat both of which have an association with the site for feeding and roosting. Given the nature of the proposed development and their habits better provision for them could be made off site.

Education & Children’s Services – have raised no objection to the proposed development on the basis that the proposed primary school come forward at a time that will meet the needs of the residents.

Western Power Distribution - raise no objection to the proposed development and advise on the location of their apparatus in the vicinity of the application site and safe working practices to be adopted by the developer when working in the vicinity of it.

South Wales Police – require that the developer bring forward the site with secured by design standards and that any details should aim to incorporate the following –

- 1 Surveillance levels over pedestrian and vehicle access routes.
- 2 Lighting levels giving indications in terms of lux plans
- 3 Parking which should be in curtilage or overlooked from owners houses
- 4 Security standards on doors and windows
- 5 Secure rear gardens
- 6 External service meters
- 7 Steps taken in design to avoid excessive permeability which can increase the risks of crime

Welsh Government – have not responded to consultation on this application.

Countryside Section – advise that the survey work undertaken by the applicants to date reveals the presence of protected bat and bird species at the site and that appropriate licensing will need to be secured before certain works (demolition) can take place. The ecological and landscape impacts of the proposed development on the tips area will also need to be appropriately mitigated through a Section 106 agreement to ensure that the environmentally sensitive aspects of that part of the site are protected.

Glamorgan Gwent Archaeological Trust – have no objection to the proposed development.

Housing Strategy – have indicated that in light of the viability issues associated with the site that they are content with the affordable housing offer made by the applicants.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS2 - sets out criteria for achieving sustainable growth in the Southern Strategy Area including,

- Promoting residential development with a sense of place that respects the principal towns and key settlements.
- Focussing development within settlement boundaries and on previously developed land.
- Large scale regeneration in the principal town of Pontypridd.
- Realising the importance of Talbot Green/Llantrisant for social and economic growth, and;
- Protecting the historic built heritage.

Policy CS3 - Allocates strategic sites for large scale residential, employment, retail and recreational purposes and requires that strategic sites have regard to indicative concept plans.

Policy CS4 - allocates the Cwm strategic site for 800 – 950 dwellings

Policy CS5 - requires the provision of affordable housing.

Policy AW1 - defines the sources of land for new housing.

Policy AW2 - Defines sustainable locations for development including

- Sites within settlement boundaries.
- Sites with good transport accessibility.
- Sites with good access to services and facilities.
- Sites outside of flood risk zone C2 unless there is justification.
- Sites that support principal towns, key settlements and smaller settlements.
- Sites that support the strategic sites, and;
- Sites that are well served by infrastructure.

Policy AW4 - Provides for the securing of planning obligations

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

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

Policy AW7 - Requires new development to preserve or enhance the character and appearance of sites of historic merit. This policy also requires development affecting public rights of way to enhance or replace the route unless there is no need for it.

Policy AW8 - Sets out requirements in respect of planning applications that might affect a Site of Interest for Nature Conservation.

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

Policy SSA7 - Allocates the former Cwm Coke Works and Colliery site for the construction of,

- Between 800 and 950 dwellings.
- 1.9 hectares of employment land.
- A new primary School, and;
- Associated informal amenity space.

The policy also goes on to state that the site will be subject to a large scale reclamation scheme.

Policy SSA11 - Requires a minimum housing density of 35 dwellings per hectare.

Policy SSA2 - seeks a minimum affordable housing contribution of 20%.

Policy SSA13 - Sets general criteria for housing development within settlement boundaries including that development does not prejudice the development of strategic sites.

Policy SSA19 - Safeguards land for passenger use along the mineral line from Cwm to Pontyclun.

Policy SSA24 - Proposes and supports land reclamation schemes in the County Borough including Cwm.

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. Indicates that Local Development Plans should provide a firm basis for rational and consistent decisions on planning applications and appeals. They are fundamental to planning for sustainable development. 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 circumstances dictate other wise. Conversely applications which are not in

accordance with the relevant policies in the plan should not be allowed unless material considerations dictate otherwise.

Chapter 3 (Making and Enforcing Planning Decisions),

Paragraph 3.1.2. States that planning applications should be determined in accordance with the Local Development Plan unless material circumstances dictate otherwise.

Paragraph 3.1.3. Factors to be taken into account in making planning decisions (material considerations), must be planning matters, that is, they must be relevant to the regulation of development and the use of land in the public interest towards the goal of sustainability.

Paragraph 3.1.8. Indicates that while the substance of local views must be considered, the duty is to decide each case on its planning merits.

Chapter 4 (Planning for Sustainability),

Paragraph 4.7.4 Local Planning Authorities should assess the extent to which new development is consistent with minimising the need to travel and increase accessibility by modes of transport other than the private car.

Paragraph 4.9.1 advocates the re use of previously developed land.

Paragraph 4.11.7. promotes mixed use developments.

Paragraph 4.11.8. promotes good design in high density developments.

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

Paragraph 5.1.1. Indicates that the natural heritage and valued landscapes of Wales are not confined to statutory designated sites but extend across all of Wales.

Paragraph 5.1.2. Indicates that amongst the Welsh Governments objectives for the conservation and improvement of the natural heritage are, promotion of landscape conservation and biodiversity, ensuring that statutory designated sites are properly protected and managed and the safeguarding of protected species.

Paragraph 5.1.3. Indicates that 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.

Paragraph 5.3.11. States that non statutory designations such as SINC's should not be allowed to unduly restrict acceptable development.

Paragraph 5.5.1. States that biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects.

Paragraph 5.5.11. States that the presence of a species protected under UK or European legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to a species or its habitat.

Chapter 6 (Conserving the Historic Environment),

Paragraph 6.1.1. sets out the Welsh Governments objectives in this field which includes ensuring that the character of historic buildings is safeguarded from alterations extensions or demolition that would compromise a buildings special architectural or historic interest.

Paragraph 6.5.8. states that there should be a general presumption in favour of the preservation of listed buildings...The application of development and listed building controls should recognise the need for flexibility where new uses have to be considered to secure a buildings survival. The aim should be to identify the optimum viable use that is compatible with the character and setting of a historic building.

Paragraph 6.5.9. states that where a development proposal affects a listed building or its setting the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

Chapter 7 (Economic Development),

Paragraph 7.1.5. Effective planning for the economy requires Local Planning Authorities to work strategically and co-operatively steering development and investment to the most efficient and most sustainable locations.

Paragraph 7.6.1. Local Planning Authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses Local Authorities should take account of the likely economic benefits of the development based on robust evidence.

Chapter 8 (Transport),

Paragraph 8.1.1. The Welsh Government aims to extend choice in transport and accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by encouraging a more effective and efficient transport system, with greater use of more sustainable and healthy forms of travel and by minimising the need to travel.

Paragraph 8.3.1. States that the potential to re open railway lines should be explored as rail services can provide a focus for regeneration and new development.

Paragraph 8.7.1 Indicates that 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 different transport modes.
- The willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic to overcome transport objections to the development.
- The environmental impact of both the transport infrastructure and the traffic generated, and;
- The effects on the safety and convenience of other users of the transport network.

Paragraph 8.7.2 demands that proposals for over 100 dwellings should be accompanied by a transport assessment.

Chapter 9 (Housing).

Paragraph 9.1.1. sets out the Welsh Governments objectives for housing as

- To provide more housing of the right type and to offer more choice.
- To improve homes and communities, including energy efficiency of new and existing homes, and;
- To improve housing related services and support, particularly for vulnerable people and people from minority groups.

And that the Welsh Government will seek to ensure that

- Previously developed land is used in preference to Greenfield sites.
- New housing and residential environments are well designed
- The overall result of new housing development is a mix of market and affordable housing that retains, and where practical enhances important landscape and wildlife features in the development.

Paragraph 9.2.3. States that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing.

Paragraph 9.2.14. States that affordable housing need is a material consideration.

Paragraph 9.3.1. Requires that new housing development should be well integrated with and connected to the existing pattern of settlement...Where housing development is on a significant scale, it should be integrated with existing or new industrial, commercial or retail development and with community facilities.

Paragraph 9.3.4. States that in determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an areas character or amenity,

Paragraph 9.3.5. Indicates that where development plan policies make clear that an element of affordable housing, or other developer contributions are required on specific sites, this will be a material consideration in determining applications. . If, having had regard to all material considerations, the Local Planning Authority considers that the proposal for a site does not contributes sufficiently towards the objective of creating mixed communities, then the Authority will need to negotiate a revision of the mix of the housing or may refuse the application.

Chapter 12 (Infrastructure and Services),

Paragraph 12.1.4. Indicates that the Welsh Government aims to secure the environmental and telecommunications infrastructure necessary to achieve sustainable development objectives, while minimising adverse impacts on the environment, health and communities.

Paragraph 12.1.5 States that the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development so as to minimise risk to human health and he environment and prevent pollution at source.

Paragraph 12.1.6. States that the capacity of existing infrastructure and he 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.

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

Section 13.4. Advises that development proposals in areas defined as being of high flood hazard should only be considered where new development would not increase the potential adverse impacts of a flood event.

Section 13.5. Confirms that the planning system should guide development to lessen the risk from natural or human made hazards. The aim is to ensure that development is suitable and that the physical constraints on the land, including the impact of climate change, are taken into account at all stages of the planning process.

Section 13.7 Confirms that planning decisions need to take account of the potential hazard that contamination presents to the development itself, its occupants and the local environment and; the results of specialist investigations and assessments by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Section 13.9 Confirms that planning decisions need to take full account of any hazards that might result from land instability.

Section 13.12 Confirms that the potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission.

Section 13.15 Confirms that noise can be a material consideration. Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems and prevent light pollution.

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 11: Noise;
- PPW Technical Advice Note 12: Design;
- PPW Technical Advice Note 15: Development and Flood Risk;
- PPW Technical Advice Note 16: Sport Recreation and Open Space;
- PPW Technical Advice Note 18: Transport;
- PPW Technical Advice Note 21: Waste;
- PPW Technical Advice Note 22: Sustainable Buildings;
- Manual for Streets
- Circular 61/96 Planning & the Historic Environment: Historic Buildings & Conservation Areas (1996)

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development & consideration of alternatives

In terms of principle, Members should first note that the site is one of eight strategic sites in the adopted Local Development Plan that is allocated for wholesale reclamation and redevelopment with the intention of providing new housing.

The former Cwm Coke Works, Colliery and tip site is a large and complex site that raises a variety of issues in bringing it forward as holistic, integrated development. The key issues are dealt with under a series of sub headings below, and while some are more directly tied to planning policy issues than others, they all relate to the Local Development Plan to some extent and need to be assessed against its requirements.

The application is accompanied by an Environmental Statement and part of that process requires the applicant to consider alternatives to what is currently being proposed. In this instance the applicant has considered the no development option, the re institution of the site as a coke works, the use of the site as public open space, the re use of the existing buildings for other purposes, and redevelopment for industrial or other employment uses. In each of these scenarios viability is a serious problem as there is insufficient value in the site to enable any of these proposals to proceed other than the do nothing option which of itself is unacceptable to both the site owner and the Council given the level of dereliction at the site and the consequences and liabilities that flow from that.

Members may be aware that the former coke works site was the subject of an appeal decision in 2007 where proposals for residential development were rejected. The inspector concluded that the site was in need of redevelopment and that a mixed use would be desirable in this area however, he did not consider the proposals under consideration at that time a mixed use and that those proposals in only relating to the coke works would prevent the comprehensive redevelopment of the wider area. Whilst the current proposal fully addresses the comprehensive development issue the mixed use issue has not been addressed inasmuch as this proposal is solely for housing development, however, this is a change that is driven by the requirement to keep the site viable in the current economic climate, which was not a consideration under the earlier application but is now regarded as central to the successful delivery of this site.

Sustainable location

Though the site is extensive in terms of its overall area, encompassing the former coke works, colliery site and tip, development is focussed on the former coking works and colliery sites which are located inside the settlement boundary. The site benefits from reasonable access by car, bus walking and cycling and has the prospect of rail access in the longer term. Part of the site is designated C2 flood zone though its development is justified by the need for regeneration, the fact that this is an existing brown field site and the reduction in flood risk post-development, (see below). The site is more or less equidistant between principal towns of Pontypridd and Llantrisant/Talbot Green and though the more direct route is to the

latter the site is considered able to contribute to the regeneration of Pontypridd as well. The current proposal in sustainability terms not only supports the development of a strategic site it enables and implements the development of one of the last important sites. As such the proposal in terms of sustainability is considered compliant with the Core Strategy policies of the Local Development Plan listed above and key policy AW 2, along with Chapter 4 of Planning policy Wales. The Design and Access Statement that accompanies this planning application also sets out, at an appropriate level of detail for an outline planning application, how the proposed development will meet the minimum sustainable buildings standard expected.

Housing Land Supply

The application site is allocated in the Local Development Plan for residential development, as such, it qualifies for inclusion in the Council's five year land supply figures. In the latest published report (2013), the Rhondda Cynon Taf housing land supply is 3.7 years, a shortfall of 1.3 years. The Cwm site can contribute up to 300 units to the housing land supply figures (with the balance being delivered in the longer term), granting permission for this planning application will secure the site's important contribution to the five year housing land supply. The Local Development Plan housing land supply includes a contribution of between 800 and 950 houses from this site and the current proposal for up to 851 dwellings on this site lies comfortably within the required range. Granting planning permission for this development would confirm the significant contribution this site is capable of making to housing land supply requirements for the lifetime of the Local Development Plan. In the context of housing land supply the proposal is considered compliant with Local Development Plan policies CS 2, CS 3, CS 4, AW 1, AW 2 and SSA 7 along with key elements in Chapters 2,4 and 9 of Planning Policy Wales and Technical Advice Note 1 (Joint Housing Land Availability Studies).

Affordable Housing provision

The applicants are able to make a one off up front contribution of £1,500,000 towards the provision of affordable housing off-site (see commentary on viability below). This would allow for the provision of up to 5% affordable housing resulting from the development of the site.

The Local Development Plan and associated Supplementary Planning Guidance requires a contribution of 20% affordable housing on development sites in the Southern Strategy Area. The application proposes no affordable housing on the development site. The applicants have justified this shortfall in terms of the provision of affordable homes through the viability information that they have provided in support of the application. The information is clear that there is insufficient profit in the site, given the high level of abnormal costs associated with its redevelopment (such as the need for land remediation and reclamation and the cost of retaining and repairing the listed cooling towers) to be able to justify affordable housing at any rate. However, the policy background recognises that whilst it is important to secure

affordable housing, it must be achieved in a manner that balances the social, economic and environmental needs of the wider community. Moreover there is also recognition in the supporting text that the number of units sought may be reduced where it is clearly demonstrated that a site's location, the presence of abnormal development costs or other individual circumstances would result in the development not being economically viable at the set contribution threshold.

In this instance the applicant has satisfactorily demonstrated that the site is financially incapable of delivering the level of affordable housing that would normally be expected and the proposal does not therefore breach the policy requirements set down in policies CS 5 and AW 1 or the requirements of Chapter 9 of Planning Policy Wales or Technical Advice Note 2 (Planning and Affordable Housing).

Employment land supply

The Local Development Plan allocation for this site includes some 1.9 hectares of land for employment use, and the indicative concept plan indicates that this should be centred around the Listed cooling towers. The current proposed arrangement does not involve the inclusion of any land for employment development. This is largely a result of the fragile viability of developing the site as outlined above and elsewhere in this report, and the need to bolster the site potential in this sense. In terms of the wider site objectives it is only the employment land that would be sacrificed (in terms of the land uses suggested for the proposed development) and the site would still deliver reclamation and remediation, new housing, a school, restored listed structures and public open space. Moreover, the other strategic sites would still deliver over 60 hectares of new employment land, which when coupled with employment land that is already available in the County Borough would make the loss of 1.9 hectares of employment land on this site, acceptable on balance, particularly as other sites are better located to make such provision.

In addition, the most recent employment land availability study undertaken by the Council indicates that there is a considerable amount of vacant or undeveloped employment land on sites within the County Borough and within comfortable travelling distance of the application site and this is deemed sufficient to meet immediate and future needs. Specifically, amongst the most relevant examples are the following;

The overall vacancy rates are as follows -

- Maritime Industrial Estate - 19%
- Newtown Industrial Estate - 6%
- Llantrisant Business Park - 11% (Comprising 0% on three elements, 14% on TL6 and 8% on TL9)
- Treforest Industrial Estate - 16% (Comprising 14% at West Bank and 18% at Main Avenue)

There are also vacant areas of land in the following locations:

- Llantrisant Business Park (TL6) - 6.22 hectares
- Llantrisant Business Park (TL10) - 1.43 hectares

Given that -

- The relative over provision of employment land across the County Borough is more than capable of delivering identified need across the Local Development Plan period.
- The amount of land given over to business use in the allocation for this site is relatively small at 1.9 hectares in the context of the site itself and in comparison to other more favourably located business sites.
- The need to retain the grade 2* listed towers on the site would substantially reduce the amount of land available for business development further; and,
- There is an identified shortfall in the current five year housing land supply.

It is not considered that the development of the site solely for housing with the loss of a very small percentage of land allocated for business, represents a departure from the Local Development Plan in any material sense and Members are advised that there is no need to refer the matter to the Welsh Government as a departure in this instance.

Viability

The proposed development is compliant with the key policy components that affect the determination of this particular planning application. Practical matters and their policy consequences are dealt with below. However, there is still a requirement to consider the economic viability of the proposed development and the extent to which allowances in terms of policy and potential Section 106 contributions are affected by it.

The Local Development Plan and associated Supplementary Planning Guidance set out the Council's expectations in terms of planning obligations and seeks to ensure that a new development provides benefits in its own right and through appropriate contributions to the infrastructure on which it will rely. Policy AW 4 of the Local Development Plan and the Supplementary Planning Guidance on Planning Obligations set out the Council's requirements in terms of the contributions that it will aim to secure.

The Supplementary Planning Guidance relating to Planning Obligations sets out the Council's starting point on such issues as affordable housing, education contributions, Transport Tariff payments, the provision of public open space and ecological management. In circumstances where viability becomes an issue for a developer and they indicate that the site cannot meet the required contributions then

policy requires the developer to provide evidence to this effect. If that evidence demonstrates that the required level of contribution would result in a proposal becoming unviable then it is for the Council to consider whether the benefits of the proposal outweigh refusing the scheme on the shortcomings in contribution requirements.

The former Cwm Coke Works is relatively unique in the context of the County Borough representing one of the last remnants of heavy industry that still survives in Rhondda Cynon Taf and the site consequently presents a particular set of circumstances in terms of the abnormal costs that would be associated with its redevelopment. In addition to this Members should also be aware that the applicants are aiming to deliver a very ambitious programme of redevelopment without the benefit of any grant aid or other form of assistance from the public purse.

The developer has undertaken viability testing which serves to demonstrate that the full suite of planning contributions that would normally be associated with a site of this size is not appropriate as it makes the development unviable. Most notably this will involve the site being unable to deliver only limited affordable housing provision through the conventionally accepted approach set out in the Council's Supplementary Planning Guidance, with reduced Section 106 contributions in other areas such as Transport Tariff and the provision of public open space/play provision compared to what would normally be expected on a site of this size. The abnormal costs associated with the development of this site are substantial and unique.

The information submitted by the developer has been reviewed by the District Valuer. In the District Valuer's opinion on the basis of the viability information provided, the site could not sustain a requirement to provide 20% affordable housing in addition to the other Section 106 requirements that have been requested. The District Valuer comments that in order to ensure the viability of the site it will be necessary for the costs of developing the site to be reduced and the housing prices in the area to increase by between 3% and 5%. The District Valuer recommends that because of the nature of the site the Council could take a flexible approach and defer the issue of affordable housing until the development of the site has commenced. To achieve this it is suggested that a Section 106 review mechanism should be applied to the application. Alternatively the applicant is suggesting that a financial contribution of £1,500,000 towards the provision of affordable housing off site be paid to the Council on an up-front basis. The Housing Strategy section have given consideration to both options and have indicated a preference for the up front payment as it will enable the rapid delivery of needed affordable housing in the County Borough, whereas the review mechanism would only drip feed affordable housing over a long period of time and if current economic circumstances persist it may not deliver as much affordable housing in any event.

Planning policies AW 4 and SSA 12 allow for planning contributions to be looked at in light of the viability evidence and reduced if necessary in order to support the development of the site. In this case the benefits in redeveloping the site clearly

outweigh the losses involved in the shortfall in Section 106 provision and the objectives of the development plan and the consultees to this application will not be unacceptably undermined by a reduced planning obligations package.

Socio Economic Effects

The Environmental Statement considers the socio-economic impacts of the proposed development through the construction period and on completion/occupation in terms of population, local economy, housing and community facility provisions. The statement concludes that in the medium to long-term the development will result in significant beneficial effects on socio economic conditions. Industrial restructuring means that 17 of the top 75 most deprived wards in Wales are located in Rhondda Cynon Taf and the proposed development goes some way towards addressing this issue. The development will result in addressing the Council's housing land supply shortfall and will help meet its statutory obligations in this regard. The development has the potential to generate up to 60 Full Time Equivalent (FTE) jobs in the local construction industry and the completed development will facilitate employment for up to 203 people. The immediate local population would grow by over 2400 people increasing spending in the local economy as well as potentially enhancing the area as an investment location for business. The report concludes that the proposal will facilitate the redevelopment of a site that would otherwise remain vacant and that the development will have significant socio-economic impacts that can be enhanced by local employment skills initiatives.

In that the proposal was revised with the commercial elements removed from the scheme, the Environmental Statement Addendum also considered the socio economic effects of the proposed development. It acknowledged that the planning policy context had evolved since the initial Environmental Statement, however the medium and long term effects of the proposal would remain.

Given the positive impact in socio economic terms that the proposal would deliver, it is considered broadly compliant with the aspects of planning policy that touch on those issues at the local and national level, particularly Local Development Plan Policies CS 2, AW 2 and SSA 7 and those areas of Planning Policy Wales that relate to sustainability and the statutory obligations to deliver housing and affordable housing.

Community Effects

The approach adopted towards the impact of the development on the community in the Environmental Statement was to develop a methodology that considers the baseline conditions relating to open space, education, local shops and services and healthcare and to evaluate the effect of the proposal on these particular areas. The net conclusion that has been arrived at is that the proposal will increase the resident population in the Llantwit Fardre Ward area. Following the submission of revised

proposals earlier this year, the proposal will deliver new sports pitches, play areas and areas of public open space that will benefit not just the proposed development but the wider community. The proposed development will also deliver a school that will serve the site and potentially some of the wider community if catchment areas allow. As the development will not deliver any new shops it is more than likely that the trading position of existing businesses that lie on Commercial Street adjacent to the site would be strengthened. The effect on healthcare is acceptable in that sufficient provision is identified within the existing system to cope with the increased population and in any event the Local Health Board works on a predict and provide basis and would have to respond to any shortfall in provision should such a situation arise.

Given the potentially beneficial impacts of the proposed development on the community and its associated infrastructure the proposed development is considered compliant with Local Development Plan policy AW 2 and the parts of Planning Policy Wales that relate to sustainability, good design and the provision of recreational and community facilities.

Environmental Considerations

A key consideration in the determination of this application will be the impact of the proposed development on air quality. The proposal has two different considerations in this field, firstly there is the impact whilst the site is undergoing redevelopment, (demolition, remediation and redevelopment) and secondly there are the longer term impacts of the redeveloped site. The redevelopment phase has several key elements in the potential adverse impacts that might be brought about by airborne dust, contaminated dust and the potential for disturbed contaminated ground to release volatile organic compounds and odours. The Environmental Statement recognises these difficulties and acknowledges that to reduce these emissions to an acceptable level mitigation measures will have to be put in place. This view is shared by the Council's advisors on such matters in our Public Health & Protection Section and in Natural Resources Wales. As such, these issues can be adequately dealt with by condition and do not raise objection under Local Development Plan Policy AW 10 or Chapter 13 of Planning Policy Wales. During the operational phase of the development, that is the time when the houses are built and occupied, the only potential significant impacts would arise from additional traffic generation which would not require any mitigation.

A further environmental consideration in the determination of this planning application is the impact of noise and vibration related to the proposal. Here again, the development phase and operational phase have very different characteristics. The applicants recognise that during the course of demolition, remediation and redevelopment there is considerable potential for noise and disturbance and the nature of what is proposed in total with the reworking of the tip leaves the Croescade Road area particularly vulnerable. However the use of mitigation measures such as restricting working hours and noise reduction at source is capable of reducing these

to acceptable levels. This point of view is reinforced by the view of our Public Health & Protection Section who have not objected to the current proposals. As such the proposal is considered acceptable in terms of Local Development Plan policy AW 10 and Chapter 13 of Planning Policy Wales. Noise and vibration in the operational phase of the proposed development is not problematic inasmuch as it can be controlled through good design and the application of established building requirements.

Ground conditions at the site are complex and the applicants in their Environmental Statement have focussed on contamination and remediation issues. Following on from a series of desk based assessments the applicants have developed an outline remediation strategy for the site. The outline remediation strategy identifies appropriate remediation methodologies that address the identified pollutant linkages through mitigating pathways or reducing exposure concentrations to acceptable levels. The proposals then look at the site in more detail splitting it into three separate zones, (coke works, tip and colliery sites), before turning attention to the required remediation outcomes. The approach to be adopted in dealing with this issue is to remove primary sources of contamination, to reduce the secondary source mass in relation to soil and ground water, mitigate any indirect vapour inhalation pathways, isolate future site users in a manner that mitigates any direct exposure pathway and reducing the potential for leaching of inorganic materials to ground waters reducing the risk from this secondary source. This outline remediation strategy is sufficient to deal with the issues that are likely to arise at the outline application stage and the implementation of a full strategy can be secured through appropriate conditioning of any outline planning consent should Members be minded to support the proposal.

The applicants estimate the costs associated with the remediation of the former coke works site to be £6,488,780 the remediation of the former colliery site to be £500,000 and the tip restoration works to be £3,000,000.

As matters currently stand the applicants have undertaken sufficient work to enable the outline planning application to proceed to determination and the proposals are therefore considered compliant with the requirements of Local Development Plan policy AW10 and Planning Policy Wales Chapter 13.

The applicants have also given full consideration to the impact of the proposed development on the water environment and this has encompassed a flood risk and flood consequences assessment, and an analysis of surface water drainage issues and ground water conditions. This information all forms part of the Environmental Statement and it proceeds to consider baseline conditions, potential impacts, proposed mitigation and residual effects of the proposed changes. The assessment demonstrates that part of the site currently lies within zone C2 as defined by Technical Advice Note 15 where highly vulnerable development should be discouraged.

Under Technical Advice Note (TAN) 15 Development and Flood Risk, housing is considered highly vulnerable development and should not normally be pursued. However, section 6 of the TAN sets a series of tests that highly vulnerable development should meet if it is to be allowed in such circumstances, these are –

- *Its location in zone C is necessary to assist , or to be part of a local authority regeneration initiative, or*
- *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority and other key partners to sustain an existing settlement or region*

and

- *It concurs with the aims of PPW and meets the definition of previously developed land; and,*
- *The potential consequences of a flooding event for the particular type of development have been considered and in terms of the criteria contained in sections 5 & 7 and appendix 1 and are found to be acceptable.*

In this case the proposed methodology for dealing with the flooding issue demonstrates that the consequences of flooding can be managed down to an acceptable level in that it demonstrates that the developable areas of the site can remain flood free in an extreme event without the solutions proposed exacerbating consequences elsewhere. The criteria in sections 5 & 7 of TAN 15 are therefore satisfied.

The analysis also indicates that this is a product of the existing established land use and that the regeneration of the site can achieve significant improvements through the restoration of a naturalised hydrological regime and raising of levels within the development area that allows safe permissible development within the site to occur, whilst also remedying the current flooding risks to the surrounding communities. Much of the site lies outside of the C2 flood zone and would be developed to maximise permeability and raise levels to the extent that the site would remain dry during an extreme flood event as would routes in to and out of the site, as such when developed there would be no need to consider emergency escape routes in the extreme flood event, thereby satisfying the principal concern of annexe 1.15 of TAN 15. Natural Resources Wales, fully reviewed the Flood Consequences Assessment that accompanied this planning application and were agreeable to the overall philosophy proposed of opening channels and raising levels to facilitate development and the provision of flood storage on site. However they emphasise that the flood modelling will have to be revisited at the detailed design stage. Should Members be minded to support the application this is a matter that can adequately be dealt with by condition.

The addendum to the Environmental Statement that accompanied the revised proposals for this site identified no need to alter the original conclusions that in terms of the water environment the proposals could prove acceptable.

However, in response under re consultation on the revised proposal Natural Resources Wales advised that the Flood Consequences Assessment should be updated to reflect current best available information and modelling. This is not a demand for a the submission of a new Flood Consequences Assessment to be provided before the current application is determined it merely draws the applicants attention to the requirement to review and update the process against the current working practices of Natural Resources Wales prior to any detailed submission being made. This has been drawn to the attention of the applicants. As such this is a matter that can be addressed through a suitably worded planning condition should Members be minded to support the current planning application. There is sufficient detail in the submitted strategy to allow this planning application to progress to determination. Dwr Cymru Welsh Water have raised no objection to the revised proposals. The Land Reclamation and Engineering Manager has indicated that no objection is raised to the proposal and that there is a need for a comprehensive drainage strategy/masterplan to serve the whole site and this can be delivered through appropriate planning conditions.

The applicant estimates that the cost of introducing effective drainage infrastructure to serve the development would be in the order of £2,000,000.

For the above reasons it is considered that the proposal is compliant with Policy AW 10 of the Local Development Plan and Chapter 13 of Planning Policy Wales.

Ecology

The initial Environmental Statement considered the baseline condition of the ecology of the site and the surrounding area identifying important or significant flora and fauna in and around the site. The document then progressed, having established the baseline conditions to setting out a series of mitigation measures that would ameliorate any adverse impact to the ecology that would result from redevelopment. This involves:

- The retention of key features within the site.
- Reinstatement remediation and habitat enhancement along the Nant Ty'r Arlwyd providing a new riverine corridor along the base of the tip.
- Remediation of the Nant Myddlyn to improve its water quality.
- Retention and enhancement of woodland areas.
- Planting additional woodland and shrubs.
- Maintenance and enhancement of existing wildlife corridors.
- Provision of open space and exclusion areas around the listed cooling towers.
- Creation of new wildlife corridors.
- Maintenance and management of the existing lagoon on the spoil tip.

- Creation of flood attenuation areas, and;
- Retention of a proportion of the existing hedgerow network within the scheme.

This in turn led the environmental statement to the conclusion that the impacts on the ecology of the site are manageable and that the loss of a Peregrine Falcon nesting site would be the only adverse impact. Latest evidence suggests that the Peregrine Falcons no longer nest at this site and as such the issue is no longer a material consideration in the determination of this application.

On initial consultation Natural Resources Wales (CCW as it was at the time), took the view that insufficient study of bat roosts and potential bat roosts within the site to satisfy them that the proposal was acceptable had been undertaken. As a result further survey work was undertaken and presented for their consideration in 2012. Natural Resources Wales still had concerns that were passed to the developer in December 2012 and up to the point where the application was revised no further detail was submitted. In as much as the concerns of Natural Resources Wales in respect of bats remain unaddressed they maintain their holding objection. While the Environmental Statement Addendum refers to bat mitigation being incorporated in the revised masterplan the drawing itself does not contain any detail. Consequently the advice of Natural Resources Wales is that the further information should be provided prior to determination in order to maintain the favourable conservation status of bats.

This issue has been drawn to the attention of the applicant and the solution may be relatively simple in creating a link between the proposed masterplan and the information that has already been provided. However, if Members are minded to support the current proposal they are advised to delegate the decision in this matter to the Service Director of Planning pending a favourable outcome of the current situation relating to bats. If the issue cannot be resolved then the matter will be reported back to Members for further consideration. Subject to a successful resolution of the above issue the proposal can be considered compliant with the requirements of policy AW8 of the Local Development Plan and Chapter 5 of Planning Policy Wales.

Landscape & Visual Impact

A Landscape and Visual Impact Assessment forms a further element of the Environmental Statement and follows a pattern of assessing baseline conditions and then considering the need for mitigation or if the proposals as they stand represent sufficient mitigation in this respect.

The statement concludes that local statutory landscapes and policy areas are not widely affected by the proposals and that the main entrance and retained landscapes assist in reducing local landscape impacts. Character areas around the site will be virtually unaffected by the proposals, the impact on the more sensitive northern areas are mitigated by landscape buffer planting. The landscape impacts on the

development site will be beneficial restoring a redundant industrial landscape to more naturalised land forms.

In terms of visual impact of the current proposals in nearly all instances they will be beneficial or at worst neutral. Particularly sensitive receptors such as the properties at Windsor gardens will experience a beneficial change of view, while for properties further west or north the changes will be more of a neutral nature. Overall the redevelopment of the wider site will prove considerably less intrusive visual impact than the existing arrangements.

In light of the above the landscape and visual implications of allowing the proposed development are considered acceptable and compliant with Local Development Plan Policies AW5 and AW6 and Chapter 5 of Planning Policy Wales

Education Provision

As mentioned above in assessing the impacts of the proposed development on the wider community, a development of the size proposed would generate a need for new primary school provision to serve the proposed development. In this case the identified need is for a 240 place primary school. The intention is that this would be provided by the developer on land in the ownership of the Council that lies immediately adjacent to the site. This will be required to be provided by the developer through the Section 106 agreement should Members be minded to support the proposal.

The primary school will be required to meet the standards set in Design Bulletin 99 and include provision for changing rooms to be used by children and adults. Current estimates for the school indicate that construction will cost in the order of £5,200,000.

In terms of secondary provision, the Education Department have confirmed that there are sufficient secondary school places at Bryncelynnog and in neighbouring schools such as Hawthorn and Pontypridd High to ensure the Council does not have to extend Bryncelynnog. The Council can change the catchment area of the three schools to accommodate additional development should a need arise in the future. As such, it is not reasonable to seek a contribution towards secondary provision through this application.

Density and Design

In terms of density, the illustrative masterplan and Design & Access statement that accompany the proposed development indicate that the site will deliver a range of densities between 30 and 60 dwellings per hectare averaging 38 dwellings per hectare across the site. The Design and Access statement also contains a diagram that divides the site into high, medium and low density zones that broadly correlates with the Local Development Plan indicative concept plan for the site. Whilst this

deals with the issue of density in a broadly acceptable manner there are wider design issues that require further consideration and clarification.

It must be kept in mind that this is an outline application with only access under consideration in detail at this stage. However, there are key issues that require some consideration now if the site is to deliver a successful design. Firstly issues around density and character areas require further consideration in order to ensure that the site can deliver at the required density and properly define its character areas. This would require the preparation of a site wide strategy for density and character areas that is flexible enough to meet the needs of potentially a variety of developers and also maintain cohesiveness in the wider development. As part of this the site entrance needs to create a distinct gateway and there needs to be permeability and legibility throughout the site in the way that the built form will evolve. It is also important to make efforts to integrate the school into the development and to ensure that the public open space and play areas proposed remain to an appropriate standard and integral to the wider development.

These issues can be controlled by appropriate conditions should Members be of a mind to support the proposal. Specifically, this would involve conditions requiring the submission and agreement of design code for the site prior to the submission of any reserved matters application, and a condition requiring the agreement of a revised site masterplan that also reflects the objectives and principles set down in the design code for the site. As such the applicant is considered to have provided sufficient evidence on this issue to allow the application to proceed and the proposals are considered to be compliant with Local Development Plan policies AW 5 and AW 6 and the elements that relate to design that run through the relevant chapters of Planning Policy Wales

Transportation

In considering issues relating to transportation, access and highway safety, Members should first note that subject to conditions and a suitable Section 106 agreement the Transportation Section have no objection to the proposed development.

The Environmental Statement that accompanies the planning application takes the traditional methodology of describing the existing conditions, predicting vehicle generation and its distribution on the road network and its impact associated with the development and then goes on to propose a series of mitigation that will sufficiently ameliorate the highway impacts of the proposed development, These include –

- The preparation of a construction traffic management plan for the redevelopment of the site.
- The creation of the principal means of access from the B4295 and a secondary access on Croescade Road.

- The retention of the existing access as far as the head of Windsor Gardens. Thereafter the existing access will be bollarded off allowing for emergency access only
- The internal layout of the development being developed to provide a permeable network of internal roads, pedestrian routes and cycle ways that link with and integrate into the existing networks.

In addition to the improvements in and around the site the Environmental Statement also identified three locations off site where highway improvements would be necessary to accommodate traffic from the proposed development –

- A473 Llantrisant Road/Gwaunmiskin Road/Efail Isaf Road; has identified capacity issues that can be addressed by the provision of a 3 arm junction with dedicate left turn lane northbound from the A 473 Llantrisant Road to Gwaunmiskin Road and shifting the junction to the west to allow signal heads to be within highway land and improve visibility for southbound vehicles.
- A473 Llantrisant Road/B4595 Woodlands Road Redrow Development “Doctors Corner”; has identified capacity issues that can be addressed by the provision of a 4 arm roundabout in place of the current signalised junction.
- A473 Llantrisant Road/Crown Hill/Croescade Lane; has capacity issues at peak times that can be managed by the provision of light control arrangements.

The above alterations and improvements would be delivered through the development of the site and the Environmental Statement also identifies a public transport strategy for the site along with the need for a travel plan and a transport implementation strategy. The transport assessment element of the Environmental Statement demonstrates that the implementation of mitigation measures will mean that any adverse impacts on the highway that results from the proposed development can be ameliorated.

As a result of the alterations to the scheme earlier this year the applicants submitted an Environmental Statement Addendum and a Supplementary Transport Assessment that address the changes in the context of the impact on the highway network. The purpose of this additional work was to establish whether the package of access and off site highway measures previously considered could adequately mitigate the traffic impacts of the revised development option. The additional work concludes that the off site work identified for the original proposals would remain suitable for the revised arrangements and that where capacity and safety concerns have been identified the proposed improvements will adequately mitigate the effects.

Members should note that the total cost of the off site highways works related to this development amounts to £1,350,000, with further site related costs such as the estate spine road secondary access on to Croescade Road, east-west pedestrian/cycle link, bus stops and shelters and the diversion of the Beddau-Pontypridd bus route adding a further £1,855,000 to the cost of making the

redevelopment of this site acceptable in highway terms. This results in an overall total of £3,205,000 in addition to the Transport Tariff contribution figures referred to in the Section 106 contribution section below.

In addition to the proposed improvements being tested and proven in any given situation the phasing of the mitigating works is considered acceptable and the proposed mitigation is demonstrably adequate for up to 950 dwellings which is well beyond what is currently proposed, hence the proposals are considered acceptable in highway terms, subject to conditions and the applicant entering into the Section 106 agreement. As such the proposal is considered acceptable in terms of Local Development Plan policies CS3, CS4, AW2, AW5 and SSA7 and chapter 8 of Planning Policy Wales. Whilst a number of local residents have voiced concern regarding the impact of the proposals on the highway network, particularly in relation to how the proposals affect Croescade Lane, the detailed analysis undertaken by the applicant clearly demonstrates that these impacts are acceptable and manageable in the context of the immediate and wider highway network.

Members should also note that the above improvements would be in addition to the Transport Tariff contribution that would be secured through the Section 106 agreement should they be minded to grant consent.

Impact on the Character and Appearance of the Area

Issues relating to the impact of the proposed development on the landscape and visual character of the locality are dealt with above.

The application site covers three principal areas in the form of the former coke works, former colliery site and tip. In terms of character and appearance these three areas are quite distinct. The valley floor is dominated by the former coke works which presents a dominant but unused and decaying industrial landscape populated with large scale industrial buildings, plant and machinery associated with the former use. This includes the two listed cooling towers (see below). The former colliery site occupies a plateau raised slightly above the coke works site and to its north. This is now used mostly for storage in association with a railway engineering company who are aware of this application and who remain in negotiation with the applicants in respect of the development of the site. To the east of the site lies the tip area which has steep sided grassed slopes with a plateau top that contains some wetland flora and fauna.

The area of the site which will receive the most stark change in character and appearance will be the former coke works site itself where large industrial structure will be removed and replaced with a new development plateau and residential development along with associate highways, and public open space, These changes can only be perceived as positive, as they will deliver a new cycle of development that replaces contamination and dereliction with reclamation and new housing. The impact on the former colliery plateau will be less marked as here the site has already

been cleared and it is currently used mostly for open storage. This storage use will be replaced with housing and public open space the results of which represent a positive improvement over existing arrangements. These two areas will also be improved by opening up the currently culverted Nant Myddlyn and Nant Ty'r Arlweydd streams that cross the site which will augment the appearance of the site by bringing greater definition. The role of the tip area in the redevelopment of the wider site is central in that it will provide the clean cover necessary in the construction of the development plateau areas. The benefit of this is that it also enables an element of remodelling of the tip itself that has the potential to deliver a landform that would appear more natural than the current arrangement easing the man made landform into the wider natural landscape.

A strategic development of the size and type proposed will inevitable have a profound impact on the character and appearance of the site itself and the wider locality. In this instance though those impacts are entirely positive and consequently the proposal is considered compliant with Local Development Plan policies CS2, AW5 and AW6 and Chapters 4 and 9 of Planning Policy Wales.

Impact on residential amenity and privacy

The greatest potential impact on amenity will be in the redevelopment phase. These impacts are described above in the section of the report that address matters such as air quality and contamination and it is clear that with appropriate conditioning these issues can be managed. As this is an outline application, the long term impacts of the development on amenity are not yet known and will be more properly governed through the detailed design phase of this site should approval in principle be forthcoming.

Any redevelopment of a site for residential use has the potential to have an impact on the privacy of existing dwellings; this is usually a matter that is dealt with in the detailed design phase which will present the opportunity to filter out any adverse impacts in this regard. Given the nature and topography of the site and the fact that it has well defined boundaries with established housing it is not considered that the proposed development presents any issues in this regard at this stage.

It is intended that the site will be developed with playing fields, play areas and public open space integral to the proposed development, building in the amenity for the locality. Whilst this development will not achieve the usual standards in terms of the requirements set down in the Council's adopted Supplementary Planning Guidance (which would require a playing field, 1 NEAP, 2 LEAP's and a sports pavilion/changing rooms along with commuted sums for their upkeep and maintenance), the applicant has indicated that any future developer will be required to provide these facilities as part of the development and a budget of £200,000 is set aside for its setting up and long term maintenance (changing facilities for the playing pitch would be incorporated as part of the dual usage school facilities). Notwithstanding the difference between expectation and what is realistically

deliverable in the context of this site a level of provision that addresses some if not all of the needs generated by the development can be achieved. As such, and given the added benefit of markedly improved access to informal public open space areas, the proposals are regarded as acceptable in terms of the level of contribution and the overall beneficial improvement that they would bring in terms of improving amenity generally.

Cultural Heritage and Listed Buildings

In terms of cultural heritage the historic associations of the site with heavy industry and employment represent to many people the reason why much of the industrial towns and villages of South Wales exist and Beddau - Ty Nant is no exception to this. The importance of the works in a cultural sense, in what it represents to many local people should not therefore be underestimated. Additionally under Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 the Council has an obligation to preserve the building or its setting or any features of special architectural or historic interest that it possesses. Whilst this has largely been dealt with in an application for listed building consent that has since been referred to Cadw, this proposal will to some extent fix the new setting for the listed buildings to remain on site.

The Environmental Statement that accompanies the planning application assesses the likely heritage impacts of the proposed redevelopment. It recognises that the site has reached the conclusion of its industrial life span and that the key element in terms of the cultural heritage of the site are the two Grade II* Listed wooden cooling towers at the heart of the former coke works. In this regard the repair methodology (which has already been considered by Members in their deliberations on the application for Listed Building Consent – application no. 10/1118) is considered acceptable as it pursues good conservation practice in terms of repair and restoration of the towers.

The towers will be left in a landscaped setting replacing its existing industrial setting, with residential development set further away. Whilst it would have been preferable to have placed the towers within a new commercial setting, the commercial demands of the site have made this impossible and what is now proposed represents the next best solution. The total estimated cost of the tower restoration scheme is £1,250,000.

The Environmental Statement Addendum submitted in support of the application following alterations in the composition of the proposals indicates that whilst the application proposes changes to the mix and quantum of uses proposed there is no change in the approach to dealing with the towers or the overall footprint of the development and therefore the information in respect of this issue contained in the original Environmental Statement remains valid.

In light of the above and the fact that Members have already agreed details of the remediation and repair for the towers the proposed development is considered compliant with Local Development Plan policies CS 2 and AW 7 and Chapter 6 of Planning Policy Wales.

Other Issues:

The above assessment covers all of the key issues that are relevant in the determination of the above planning application, there are however a few outstanding matters raised by objectors to the proposal that require some further comment.

There is a suggestion that cuts in the roads maintenance budget could only be made worse by allowing the development. Notwithstanding that the objector has failed to explain why they believe this to be the case, any highways built to serve the development would have to be constructed to an adoptable standard before this Authority would take responsibility for their maintenance. This concern is not material in the determination of the current application.

One objector questions if the increase in the number of houses will lead to a reduction in services. The objector does not specify which services are being referred to and the ability of the Authority to deliver its various services is not a material planning consideration. There is no reason why new development in itself should result in a reduction of services and it would generate increased revenue from such sources as additional Council Tax.

The policing of the new development is not a material planning consideration; it is a concern for the day to day operation of the South Wales Police. However, as any development of new housing would have to take account of "Secured by Design" requirements the likelihood is that this site when developed may well prove more secure than the residential development that currently sits adjacent to it.

Whilst the proposed development may increase demand for health care provision in the locality this remains the responsibility of the Local Health Board and not the Local Planning Authority. If the development creates greater demand for these services in the area then the Local Health Board has a responsibility to respond appropriately.

The applicants, through their Section 106 contributions will fund the building of the school. The fitting out of the facility and its operation would be the responsibility of the Council as Local Education Authority.

One objector complains that he was not notified of the revised proposals; however Members should note above that the application has been advertised, initially and following the submission of revised proposals, by means of press notice, site notices and neighbour notification letters and the Council has therefore fully discharged its responsibilities under the Town & Country Planning Acts in this regard.

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. In this case there is a clear issue around delivering a site that is so clearly marginal in terms of its viability and though short of what would normally be expected on a site of this size what follows below is what officers believe to be the best available package of contributions that this site is capable of delivering with a review mechanism built in to increase contributions should market conditions improve.

The Section 106 requirements in this case

In this case it is suggested that the Section 106 legal agreement to accompany the application should reference the following heads of terms.

- The provision of a new primary school to accommodate 240 pupils to be built to Design Bulletin 99 standards. The first phase of development to be provided on completion of the 212th dwelling and the remainder to be provided on completion of the 425th dwelling.
- The provision of a contribution of £1,500,000 towards off site provision of affordable housing, comprising the payment of £750,000 on completion of the 100th Dwelling and £750,000 on completion of the 150th dwelling, all provision of affordable housing to be made off site.

- The provision of children and adult changing facilities within the new primary school.
- The provision of on site public open space comprising a minimum of 1 x NEAP; 2 x LEAP's and 1 x sports pitch.
- Future management of the public open space to be provided by a management company.
- A contribution of £125,000 (£5,000 per annum x 25 years) for the maintenance of the former colliery tip and site.
- A Transport Tariff payment of £400,000 for off site highway improvements.
- As part of the development of the site the reclamation/remediation of the former colliery tips.
- The Council agreeing access to its land to the developer for works associated with the redevelopment of the site, specifically in relation to works to the tip, the provision of the school and east – west link road.
- Meeting the Council's reasonable legal costs in preparing this Section 106 agreement.

Conclusion

This planning application relates to a site that due to its history will prove difficult to develop and any redevelopment proposals can only be implemented in the longer term. However, the application represents a potential opportunity to do a great deal of good in terms of dealing with contamination reclaiming derelict land, addressing flooding related issues, and providing new housing on one of the key strategic sites identified in the Local Development Plan. Though the site does not hold the value to be able to deliver all that would normally be expected from a site of this size the Section 106 package that accompanies the application delivers on key issues (particularly the school) and delivers to a lesser extent on other key issues such as the provision of public open space and the payment of a transport tariff. The decision to defer the provision of affordable housing on site or elsewhere is regrettable however this is fully justified in terms of the viability of the site. The proposal as it currently stands offers the opportunity to bring forward a strategic site and deliver substantial improvement in the built environment of the locality and as such support is offered for the proposal.

RECOMMENDATION: Approve Subject to Natural Resources Wales being satisfied with regard to the bat issue, the conclusion of a Section 106 agreement to the heads of terms outlined above and the following conditions -

RECOMMENDATION: Grant

1. (a) Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected, the means of access to the site and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of three years from the date of this permission.

(d) The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of 5 years from the date of this permission or (ii) the expiration of 2 years of the final approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

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

2. Before the submission of the application for the approval of reserved matters, 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.

3. The details of landscaping required to be submitted to and approved by the Local Planning Authority shall include indications of all existing trees 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.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings(s) or completion of the development adjoining the areas to be so landscaped, 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 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:
- 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.

6. Notwithstanding the submitted details, prior to the commencement of the development, a Habitat Management Plan shall be submitted to and approved in writing by the Local planning Authority. The plan shall include:
 - Purpose, aims and objectives of the scheme.
 - A review of the site's ecological potential and constraints.
 - Description of target habitat features to be restored.
 - Selection of appropriate strategies for achieving habitat restoration.
 - Selection of specific restoration techniques and practices for re-establishing vegetation.
 - Sources of habitat material.
 - Method statement for restoration of vegetation.
 - Extent and location of proposed works.
 - Aftercare and long-term management.
 - Personnel responsible for works.
 - Timing of works.
 - Monitoring.
 - Disposal of arisings.

All restoration works will be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. Any amendments to the Habitat Management Plan required as ongoing monitoring shall be submitted to and approved in writing by the Local planning Authority prior to their implementation.

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

7. Before any works start on site (other than works of demolition, decontamination and site remediation); 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.

8. The development hereby permitted shall not begin other than for any necessary works of demolition and site investigation 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.

9. No dwelling, hereby permitted, shall be occupied until the measures approved in the scheme (referred to in Condition 8 have been implemented and a suitable validation report of the proposed scheme, or scheme phase, 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.

10. 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.

11. Site Clearance, Decontamination, Remediation and 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) Nor 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development (other than works of demolition, decontamination and site remediation) 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.

13. No dwelling shall be occupied until the drainage works (or the appropriate phase of an agreed drainage programme) 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.

14. The development for which permission is hereby granted (other than works of demolition, decontamination and site remediation) shall not be commenced until a scheme for the provision and implementation of a sustainable urban drainage system 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: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

15. 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 before, 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.

16. The illustrative master plan Drawing no. L01-02 Rev K for a mixed use development is not approved as part of this planning permission.

Reason: To ensure that the site remains capable of delivering its key objectives in terms of density and design, in the interests of the free flow of traffic and highway safety and in order to secure a comprehensive and appropriate scheme of drainage to serve the development.

17. The proposed signalised primary access incorporating MOVA control off Woodlands B4595 serving the proposed development shall be laid out as shown on the revised layout plan Drawing no. 21059/001/010 Rev H, in accordance with full engineering design and details together with a Stage 2 road safety audit to be submitted to and agreed in writing with the Local Planning Authority prior to works commencing on site. The approved details shall be implemented to the agreed standard prior to the beneficial occupation of the first dwelling unless first otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and maintaining the free flow of traffic along the B4595.

18. Notwithstanding the submitted details, improvements to the existing unnamed road with Woodlands B4595 leading to Windsor Gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall be implemented in accordance with the agreed details prior to the first occupation of the first dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic along the B4595.

19. The proposed secondary access junction including highway improvements along Croescade Road shall be laid out as shown on Drawing no. 21059/001/011 Rev C in accordance with full engineering design and details together with a stage 2 road safety audit to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented in accordance with the agreed scheme prior to the beneficial occupation of the 301st dwelling unless otherwise agreed in writing with the Local Planning

Authority.

Reason: In the interests of highway safety and the free flow of traffic.

20. The signalisation incorporating MOVA control at the junction of Llantrisant Road/Gwaunmiskin Road shall be laid out as shown on the revised layout plan Drawing no. 21059/001/014 Rev. E in accordance with full engineering design and details together with a stage 2 road safety audit to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the beneficial occupation of the 151st dwelling at the development unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of highway and pedestrian safety and the free flow of traffic.

21. The proposed highway improvements at the Llantrisant Road/Cadwal Court "Doctors Corner" junction shall be laid out as shown on the revised layout plan, Drawing no. 21059/001/016 Rev. A in accordance with full engineering design and details together with a stage 2 road safety audit to be submitted to and agreed in writing with the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the beneficial occupation of the 650th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and free flow of traffic.

22. The proposed signalisation incorporating MOVA control at the Llantrisant Road/Crown Hill/Croescade Road junction shall be laid out as shown on Drawing no 21059/001/012 Rev. C in accordance with full engineering design and details together with a stage 2 road safety audit to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site. The approved details shall be fully implemented prior to the beneficial occupation of the 250th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety and the free flow of traffic.

23. Notwithstanding the submitted layout plans, other than for works of demolition, site decontamination and remediation, development shall not commence until full engineering design and details of the internal road layout including sections, street lighting details, highway structures, vehicular containments, 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 and to a schedule to be agreed with the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety.

24. Notwithstanding the submitted layout plans, access, parking, circulation and traffic calming shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site unless the Local Planning Authority gives its written consent to any variation. The approved details shall be implemented in accordance with a timescale to be agreed with the Local Planning Authority.

Reason: To ensure that adequate access, turning, parking facilities and vehicular speed reducing features are provided within the development site, in the interests of highway and pedestrian safety and the free flow of traffic.

25. Notwithstanding the submitted layout plans, details of a public transport route that shall have a minimum carriageway width of 6.1 metres together with public transport infrastructure such as borders, shelters, flags and poles, in accordance with full engineering design and details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site other than in relation to works of demolition, decontamination and site remediation. The approved details shall be fully implemented prior to the occupation of the first dwelling unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that the site can be suitably accessed by sustainable modes of transport.

26. No works shall commence on site other than works of demolition, decontamination and site remediation until details and design calculations of any retaining walls abutting the highway have been submitted to and approved in writing by the Local Planning Authority along with details of a programme for their implementation. All works shall be carried out in accordance with the approved details

Reason: In the interests of highway safety.

27. A travel plan shall be implemented prior to beneficial occupation of any dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

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

28. Within 6 months of beneficial occupation a travel plan for the school shall be submitted and approved in writing by the Local Planning Authority, the plan shall include -

- i) Details of a travel plan co-ordinator.
- ii) Targets for the reduction of road traffic and single occupancy car use, the provision and delivery of more sustainable travel such as walking, cycling and the use of public transport.
- iii) Management strategy for monitoring and delivering the objectives.
- iv) Review process, and;
- v) Financial penalties and fall back position if the targets set have not been achieved.

The travel plan shall be implemented within one month following its approval and maintained and monitored thereafter unless otherwise agreed in writing with the Local Planning Authority.

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

29. No development shall take place, including any works of site clearance, (unless otherwise agreed in writing with the Local Planning Authority), until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for:-

- i) the means of access into the site for all construction traffic.
- ii) The parking of vehicles of site operatives and visitors.
- iii) The management of vehicular and pedestrian traffic.
- iv) The haulage routes for the import and export of materials.
- v) Wheel cleansing facilities; and
- vi) The sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless the Local Planning Authority gives its written consent to any variation or alteration.

Reason: In the interests of safety and the free flow of traffic.

30. No development shall take place other than works of demolition, decontamination and site remediation until details of the Landscape Mitigation Plan to be submitted to and approved in writing by the local planning authority.

The Landscape Mitigation Plan shall include details of;

- i) Purpose, aim and objectives of the scheme;
- ii) A review of the plans ecological potential and constraints;
- iii) Details of the landscaping schemes, including;
 - a) species composition,
 - b) source of material (all native planting to be of certified British provenance),
 - c) techniques and methods of vegetation establishment (natural restoration),
 - d) method statements for site preparation and establishment of target habitat features;
 - e) extent and location of proposed works;
 - f) aftercare and long term management;
 - g) personnel responsible for the work;
 - h) timing of the works;
 - i) monitoring;
 - j) disposal of waste arising from the works;

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

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

31. No development shall take place until full details of Public Open Space/Ecological Mitigation area and its Management Plan and other measures for species and habitats has been submitted to and approved by the Local Planning Authority. These measures will include all the mitigation measures of the 'Cwm Colliery and Coking Works, Beddau EIA (October 2010) Appendix 6 section 5.4 should include;

- a) Details of species re-surveys and inspections associated with the period leading up to and including site development.
- b) Details of habitat features of particular importance for key species, which will be retained within the development.
- c) Details of species and habitat mitigation and compensation measures. To include details of habitat creation within the site boundary, working methods (including tree felling, scrub clearance, grassland management etc), contingency provisions, site enhancement proposals, long-term management practices, agreements and arrangements.
- d) Habitat restoration details, to include details of restoration techniques, preparation works to encourage natural regeneration, utilising existing seed sources/material, etc.
- e) Details of species and habitat enhancement opportunities, with particular reference to the creation of useable marsh fritillary butterfly habitat to

support the functionality of the butterfly's Ely Valley meta-population.

- f) Public and management access,
- g) Invasive weed control
- h) Public safety provisions,
- i) Boundary treatments,
- j) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually),
- k) Personnel responsible for implementation of the plan and the details and confirmation of provision of the Environmental Liaison Officer position and post,
- l) Monitoring and Remedial measures triggered by monitoring,
- m) Details of any species licensing requirements from the Welsh Assembly Government.

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

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

32. Prior to the submission of any application for the approval of reserved matters a series of strategic masterplan documents covering the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The masterplan documents shall specifically relate to urban design, drainage and highway development at the site.

Reason: In order to ensure that the details of reserved matters applications for the redevelopment of the site are delivered in accordance with a site wide design strategy that satisfies policies CS2, AW5, AW6 and AW10 of the Rhondda Cynon Taff Local Development Plan 2006 2021.

33. Prior to the approval of any reserved matters a design code document covering the whole site shall be submitted to and agreed in writing by the Local Planning Authority. The design code document shall set out a vision for cohesive and distinctive characteristics for each character area identified in the masterplan referred to in condition 35 above. Any amendments to the agreed design code documents shall be agreed in writing with the Local Planning Authority prior to the approval of any reserved matters and shall take the form of a fully updated design code document.

Reason: In order to ensure that the details of reserved matters applications for the redevelopment of the site are delivered in accordance with a site wide design strategy that satisfies policies CS2, AW5 and AW6 of the

Rhondda Cynon Taff Local Development Plan 2006 2021.

34. Applications for the approval of reserved matters shall be in accordance with the agreed masterplan and design code unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to ensure that the details of reserved matters applications for the redevelopment of the site are delivered in accordance with a site wide design strategy that satisfies policies CS2, AW5 and AW6 of the Rhondda Cynon Taff Local Development Plan 2006 2021.

35. Any future planning application or reserved matters submission for the development of the site shall be accompanied by a flood consequences assessment which fully demonstrates the acceptability of the proposals for the whole site in flood management terms.

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 flooding.

36. No development whatsoever shall take place until all bat mitigation measures to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority in consultation with Natural Resources Wales. Such details to be agreed shall be implemented prior to the commencement of any works or in accordance with a timetable to be agreed as part of the bat mitigation measures.

Reason: In the interest of maintaining biodiversity and to ensure the favourable conservation status of European Protected Species.

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APPLICATION NO: 13/0421/10 (DB)
APPLICANT: Celtic Energy Limited
DEVELOPMENT: Development of Bryn Defaid Surface Coal Mine for the extraction of coal and associated ancillary activities including restoration and subsequent aftercare of the full development site.
LOCATION: LAND TO NORTH - EAST OF LLWYDCOED ADJACENT TO B4276 MERTHYR ROAD (GRID REFERENCE 301000, 206000).
DATE REGISTERED: 29/04/2013
ELECTORAL DIVISION: Aberdare West/Llwydcoed

RECOMMENDATION : Approve subject to a Section 106 Agreement

Reasons:

This is an application by Celtic Energy Ltd for a surface coal mine on a 104 hectare site on the northern end of the Mynydd Aberdâr ridge to the north east of Llwydcoed, adjacent to the B4276 and immediately adjacent to the County Boundary with Merthyr Tydfil County Borough Council.

The site comprises mainly of conifer forested land and open moorland but also the remains of former coal and ironstone workings, the most distinctive feature of which is the coal spoil tips known as Fothergill Patches. The south western part includes a large open field of agricultural land. Access is gained from the existing access to the Bryn Pica Waste Management Site. The course of the Nant Y Derlwyn runs along the southern boundary.

The majority of the site is designated as a Site of Importance for Nature Conservation, Aberdare Mountain SINC 29. The site is used by great crested newts, a European Protected Species and other protected species including bats and birds. There are also three Tree Preservation Orders and two Public Rights of Way which are located within the site. The site also lies in close proximity to three designated Scheduled Ancient Monuments and the Bryn Carnau Grassland SSSI. The Merthyr Tydfil Landscape of Outstanding Historic Interest lies immediately adjacent to the eastern boundary of the site. The site is located in close proximity to a number of isolated residential properties which would be sited more than 200m from the proposed site coal operations. The settlement known as Grey's Place, Llwydcoed and the residential estates of Beacon Heights, Castle Park and Winchfawr are located at least 500m from the proposed coal operations.

The proposals involve the extraction of 1.2 million tonnes of coal over a 48 hectare area over a 5 year period with a 1 ½ year restoration period. The remainder of the application area would accommodate the operational infrastructure (access roads, offices, overburden and soil storage mounds, water treatment areas etc). Coal will be transported north on the B4276, along the A465(T) towards Celtic Energy Ltd's Onllwyn Washery. The proposed hours of working would be 7.00am to 7.00pm Monday to Friday and 7.00am until 1.00 pm on a Saturday.

The application is accompanied by an Environmental Statement (ES), a Health Impact Assessment, a Traffic Impact Assessment together with further information, other information and information to verify information in the ES.

The application has been subject to direct neighbour notification, site notices, press notices. Copies of the submitted documentation have been made available at Sardis House, and at Hirwaun, Aberdare and Merthyr Central Libraries. Substantial representation has been made about the environmental effects and the benefits of the proposed development. Responses have been received from consultation bodies with environmental

responsibilities, including NRW, Cwm Taf Health Board, Glamorgan Gwent Archaeological Trust, Cadw, The Coal Authority, The Health and Safety Executive, Welsh Government (Transport Division and Department for Natural Resources and Food). Internally, responses have been received from the Public Health and Protection Division and the Transportation, Countryside and Drainage Sections. In addition Merthyr Tydfil Borough Council have also been consulted as the site adjoins their administrative boundary. The only objection from consultation bodies has been received from the Council's Ecologist and from Merthyr Tydfil Borough Council, which are on ecological grounds.

The proposed development would bring positive short term socio-economic benefits in terms of the clear employment creation of 50 new jobs, 75-150 indirect jobs in the service and transport sectors, a community benefit fund of approximately £500,000 for the benefit of the local and wider economy and there is the acknowledged need for indigenous coal where it can be obtained in accordance with National and Local Policy. It is considered that these benefits should be given significant weight in the determination of the application.

The development is considered to have a significant negative impact on the site's ecological assets, which are designated as SINC. However the proposed restoration scheme and 25 year aftercare period for the site and 130ha of other SINC in the applicants control are considered to be adequate mitigation for some of this loss. The Council's Ecologist has raised an objection in relation to the loss of Local Biodiversity Action Plan (BAP) coal spoil tip habitats on the site, which represent a locally distinctive habitat type which are becoming increasingly rare in the County Borough. The character of these features is intrinsically related to their age and the potential to recreate these habitats includes a high level of uncertainty. It has therefore been concluded that in these respects the scheme would result in lasting environmental damage.

Apart from the ecology reasons provided above, it is considered that in all other environmental aspects, with adequate mitigation secured by planning conditions and a S106 Agreement, the environmental impacts would be limited to acceptable levels. These environmental aspects include:-

- impacts on the amenities and living conditions of nearby residents and sensitive land uses (from the effects of noise, dust, air quality, traffic movements)
- transportation considerations
- impact on the historic environment
- impact on the existing landscape character and visual impact
- impacts on health for the local community
- impact on the Blaen Cynon Special Area of Conservation and the Bryn Carnau Grassland SSSI
- impact on protected species
- impact on the water environment and
- whether the proposed restoration and aftercare proposals are acceptable.

Taking all these factors into account, having weighed all the environmental and other evidence, the planning policy background and balanced the potential costs and benefits of

the proposal, it is considered that the balance falls in favour of recommending that planning permission ought to be granted.

APPLICATION DETAILS

The application proposals involve surface coal extraction with associated ancillary development including restoration and subsequent aftercare of the site and additional land.

In total the site occupies about 104 hectares of land. This would comprise the main extraction void of 48 hectares within the main central area, the overburden storage mound of approximately 24 hectares on the northern part of the site, with around 3 hectares which would be surcharged on the backfilled area of Phase 1, and areas of soil storage mounds, water treatment, site administration and coal processing. There would be some other areas that would remain undisturbed within the western and south western parts of the site which include woodland and trees, a woodland covered by a Tree Preservation Order and some archaeological remains.

A series of phasing drawings are submitted which show how the site would develop over time. This would include a site establishment phase, (0-6 months), including amphibian and reptile captures. There would follow phased stripping of soils, overburden, extraction of coal and the replacement of overburden and soils over five phases of development, Phase I (6 months to 1½ years, Phase II (Years 1½ to 2½) Phase III to V (Years 2½ to 5½ and a Restoration and Remediation Phase (Years 5½ to 7). This would be followed by a minimum period of 5 years aftercare, although an extended aftercare of 25 years would be provided for woodland and nature conservation areas.

The proposals also include the realignment of the access road to the Bryn Pica Waste Management facility within the site boundary, as it would be affected by the excavation works.

Within the southern parts of the site a number of baffle mounds are proposed as noise mitigation measures to provide a minimum height of 5m and where it is below this level an acoustic fence would be erected to ensure a 5m screen is provided. Along the northern boundaries of the site the existing trees, to a minimum depth of 16m, are to be retained to provide a landscape screen for the development

Surface water run-off would be diverted via temporary open drainage channels along the northern and southern perimeter boundaries into water treatment areas prior to discharging from the site at two discharge points. An attenuation pond would also be provided in the working void and pumped to the surface water treatment areas. Foul drainage would be contained in a sealed cess-pit.

The application proposals are contained within the Environmental Statement and supporting information submitted to accompany the application. Since the application was originally submitted additional supporting information has been submitted regarding a water features survey, surface water drainage proposals, ponds on Winch Fawr, Nant Y Derlwyn stand off, a concept restoration plan regarding marsh fritillary butterfly and a commitment to the management of SINC land to south. These amendments are included within this section of the description of the application details or referred to in the planning considerations section of the report.

Coal operations

It is proposed to excavate approximately 1.2 million tonnes of coal at a production rate of 250,000 tonnes per annum over a 5 year period. Coal would be transported to Celtic Energy's central washery located at Onllwyn Washery and Distribution Centre. (20km to the west of the site) at a rate of approximately 5,000 tonnes per week.

The principal coal seams to be worked would be the two-feet-nine, four feet, six feet and Yard, contained within the Middle Coal Measures Series, some of which would have already have been worked previously. The site would be excavated in two contiguous halves commencing in the western section at the northern end and progressing southwards, then the eastern section starting at the western end progressing eastwards. The maximum depth of excavation below original ground level would be approximately 110 metres in the south eastern corner.

The coal extraction works have been designed to limit the overall land take and involve a series of three strike cuts (cuts that are at 90 degrees to the dip of the seam) followed by the final two cuts which are dip cuts. The carbonaceous material between some of the seams would be processed through an on site barrel washing plant in order to recover the contained coal.

It is estimated that there would be a minimum of 80,000 cubic metres of soil and soil forming material and 20.65 million cubic metres of overburden material would be generated. The overburden mound would reach up to 70m high from existing ground levels and reach a height of 410m Above Ordinance Datum (AOD)

Access, Coal Transportation and Public Rights of Way

The proposed access would utilise the existing access on the B4276, which is used by the Bryn Pica Waste Management Site. A number of highway improvements are proposed at the A465/B4276 (Baverstocks Junction). It is proposed that all of the coal excavated from the site would be removed from the site by road in coal lorries (typically by 20 tonne capacity HGV's), north via the B4276 and then west via the A465, to the Onllwyn Washery Distribution Centre and then by rail. Upon return the HGV's would be directed to use the Cefn Coed roundabout on the A465/A470 in order to avoid the right turn at the Baverstocks Junction of the B4276/A465.

It is proposed that coal transportation would avoid the weekday morning and evening peak times of 8am to 9am and 4pm and 5pm and between 7am and 8am on Saturdays. It is anticipated that approximately 5,000 tonnes of coal would be removed each week from the site over a five year period, i.e. about 45 - 50 HGV's of 20 tonne capacity, leaving the site each day. The site operatives would mainly arrive and depart outside peak hours and between the hours of 06:30 to 07:00 and 19:00 to 19:30.

There are a number of Public Rights of Way (PROW) which cross the site, known as OED 9 and 10. It is proposed that the majority of OED 9 and OED 10 would be temporarily diverted during the site establishment so that they can be used to access the wider footpath network during the development of the site. A small section of OED 9 would be temporarily closed for practical and public safety purposes.

Preliminary works / site establishment Years 0-6 months

The preliminary works would include site fencing, fencing of any particularly ecological, archaeological, heritage or hydrological sensitive features, diversion and fencing works for the Public Rights of Way crossing the site, improvements to the B4276/A465 Road Junction, vegetation clearance and tree felling for the site operations including the site access road, site administration, coal processing and water treatment areas, and the construction of these features, establishment of a surface water management system and mobilisation of site equipment and plant. It would also involve the establishment of the environmental monitoring works (dust and noise), construction of the noise baffle mounds/fencing, re-surveying for breeding birds and bats in advance of tree felling, ecological mitigation work, including the capturing and holding of reptiles, capturing of great crested newts and other amphibians, creation of receptor ponds and heritage mitigation works.

Hours of Working

It is proposed that the operations involved in coaling and overburden would extend from 7 am to 7pm Monday to Friday and 7am to 1pm on Saturdays. There would be no working on Sundays and Public and Bank Holidays. During the short term site establishment phase when works may be of a more intrusive nature, due to the construction activities near the site boundary, it is proposed that works would be limited to 8am to 7pm Monday to Friday and 8am to 1pm on Saturdays, excluding Public and Bank Holidays. It is also proposed that any blasting operations would be limited to the hours of 10am to 1pm and 2pm and 4pm on weekdays and 10am and 1pm on Saturdays.

Lighting

Portable lighting would be required during operational hours of darkness for the working areas and fixed lighting in the office/workshop complex and coal handling areas.

Employment

It is anticipated that the site would provide 50 new full time jobs for 24 management, technical and plant servicing staff, (including 4 apprenticeships) and 26 plant operators. The site would also support the operations at Onllwyn Washery which employs 72 full time people.

The site would also provide a significant number of support jobs including contractors whose businesses rely upon the surface mining industry and supply firms.

Restoration

The proposed restoration concept plan comprises of the recreation of the gently sloping nature of the site with some shallow hollows, ridges and hillocks. The site would be restored to mountainside moorland vegetation for biodiversity value to the north and east with broadleaf and mixed conifer woodland on the lower slopes. A more accentuated undulating landform would be recreated on the site of the existing coal spoil tips. The western part of the site would be restored to grassland suitable for marsh fritillary butterfly, with hedgerows, woodland and wetland areas. The realigned access to the Bryn Pica Waste Management Site would be retained. Across the site there would be a network of at least 20 new ponds created including the modification of the water treatment areas and the upper catchments of the minor on-site tributary streams- the Nant Y Derlwyn and the Nant y Faeldref would be reinstated. The Public Rights of Way on site would be reinstated and new permissive paths constructed.

Land to the south of the southern boundary, within the control of the applicant is proposed to create a replacement Great Crested Newt breeding pond.

Aftercare and community benefits

It is proposed that the majority of the land would be subject to an extended aftercare period of 25 years.

Additional land measuring 130 ha to the south of the application site and in the control of G. Walters Holdings Ltd/Walters Mining Ltd Group has been offered for extended management for nature conservation purposes for 25 years.

A restoration guarantee fund to secure the restoration of the site in accordance with the submitted restoration concept plan, agreed details, proposed extended aftercare for the site and the additional land, would be provided through a Section 106 Agreement.

The applicant has offered to provide a community levy of 40p for every tonne of coal extracted, which would equate to a gross figure of £500,000, which would be provided for community benefits. This is proposed to be secured as part of any Section 106 Agreement accompanying any consent.

Site Management and further consultation

The site would be operated by Celtic Energy, who would have a dedicated officer to deal with any complaints. Celtic Energy would operate a Site Liaison Committee as a forum for community discussion and would establish a Technical Working Party to oversee the technical aspects of the development and to agree the final details of the restoration scheme to be implemented.

Environmental Statement

As the surface of the proposed development site exceeds 25 hectares, the application comprises a "Schedule 1" development within the meaning of paragraph 19 of Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 (As Amended). The application has therefore been accompanied by an Environmental Statement (ES) in accordance with the provisions of Regulation 4 of the 1999 Regulations. The submitted ES incorporates a number of environmental reports, assessments and various mitigation measures to reduce the environmental impacts of the proposed development.

Health Impact Assessment

A Health Impact Assessment (HIA) accompanies the application, as required by MTAN2. It is included within an integrated Environmental, Social and Health Impact Assessment Report.

Transportation Impact Assessment

A Transportation Impact Assessment accompanies the application.

Mitigation Measures

The proposed development incorporates a number of mitigation measures which are referred to in the planning considerations section of the report.

Additional Permissions/Permits/Authorisations

The development of the site would require (inter alia) an Environmental Permit for coal washing and the loading and unloading of coal products, Ordinary Water Course Consent for the alteration and creation of new water channels, Coal Authority Authorisation to remove the coal and licences from Natural Resources Wales under Regulation 53(2) e of The Conservation of Habitats and Species Regulations 2010.

SITE APPRAISAL

The site extends to 104 hectares. The majority of the site comprises of 71 hectares (ha) of dense conifer forestry plantation dominated by pines, with larch, spruce and scattered native broadleaved woodland which is located within the western part of the site. This area is dissected by access roads and tracks and the access road to the Bryn Pica Waste Management Site. Surviving areas of historic industrial workings are largely confined to the southern and eastern parts of the site, and consist of an open area of extensive 18th to 20th Century coal and ironstone workings, the most distinctive features being the large spoil tips known as Fothergill Patches and associated structures of levels, tramways, tramway bridges, gullies and leats of the later 19th and early 20th Century. This area has a diverse vegetation of grassland, heath, marsh and wetland which is presently used for upland rough grazing for cattle and sheep. The site includes a large open field adjacent to Dyllas Farm of 5.32 ha which is restored previous opencast land and in agricultural use.

The site lies between a height of 260m AOD at its lowest point in the south east to its highest point at 430m AOD on the eastern boundary. At least 90% of the site is made up of previously disturbed ground, mostly as a result of previous surface and underground coal and ironstone mining activity resulting in a great variety of localised landforms over the site with poor soil cover. In accordance with the Agricultural Land Classification System the agricultural parts of the site are assessed as Grade 5 and the conifer plantation as non agricultural. The applicant's fieldwork surveys have shown that there is very limited natural soils on the site and it is of poor quality.

There are two water courses which run through the site, the Nant Y Derlwyn which runs close to the southern boundary in a southerly direction and the Nant Y Faeldref just north of the site access which runs in a westerly direction. Both leave the site in 600mm diameter culverts to eventually join the River Cynon. There are also two artificial ponds, four ephemeral watercourses, various areas of wetland and water seepages within the site.

The western boundary of the site lies adjacent to the B4276 Merthyr Road, the eastern boundary coincides with the boundary with Merthyr Tydfil County Borough and the northern boundary adjoins existing conifer plantation. The southern boundary adjoins the valley of the Nant Y Derlwyn watercourse and the private road leading to Tir Eryd.

There are a few isolated residential properties in the immediate vicinity of the site which are located along the B4276, namely Dyllas Farm to the west, Dyllas Cottage and Drift Houses to the south west, Tir Eryd Bungalow and Gelli Uchaf Farm further to the south west and Bryn Y Gwyddel to the north-west. A residential home, Jah Jireh, (formerly Baverstocks Hotel), lies some 570 to the north of the site. The western parts of the residential estates of Beacon Heights, Castle Park and

Winchfawr, all within the administrative boundary of Merthyr Tydfil County Borough Council, lie within 1km of the site boundary to the north east of the site. The residential areas on the north east side of Aberdare, namely Tre-lfor, Tre-Gibbon and Llwydcoed lie within 1km to the south west of the site. The town centres of Aberdare and Merthyr Tydfil lie about 3km from the site boundary. Immediately adjacent to the southern boundary lies the Bryn Pica Waste Management facility, operated by Amgen Cymru, which is accessed from the B4276. Further to the south lies the other waste recycling facilities adjacent to Bryn Carnau and Gelli Uchaf Farm. Just over 1km to the north lies the Liquefied Natural Gas (LNG) Storage facility with its associated gasometer.

The A465 Heads of the Valley Road lies approximately 500m to the north of the site.

The access to the site is gained from the existing access to the Bryn Pica Waste Management Site, the junction of which with the B4276 has recently been upgraded.

Landscape Designations

- The Merthyr Tydfil Landscape of Outstanding Historic Interest lies immediately to the east of the site although it does also extend into the north eastern tip of the site;
- The East Forest Fawr and Mynydd Y Glog Landscape of Special Historic Interest lies about 1.5km to the north west of the site;
- Aberdare Park Registered Parks and Gardens of Historic Interest lies 2km to the south west of the site;
- Cyfarthfa Castle Registered Parks and Gardens of Historic Interest lies 2.5km to the east of the site.

Scheduled Monuments

There are three Scheduled Ancient Monuments ((SAM's)) which lie within close proximity to the site. These are:-

- Hut Circles and Enclosures on Buarth Maen, (GM410), 60m to the south,
- Pillow Mound at Bryn Y Gwyddel (GM517) 220m to the north and
- An area of scour and patch iron working known as Winch Fawr 460m to the north west (GM554).

Listed Buildings

Within 1km of the site boundary lies Llwydcoed Crematorium which is designated a Grade II* Listed Building.

Nature Conservation Designations

The majority of the site, apart from the south western corner of the site, lies within a Site of Importance for Nature Conservation, Aberdare Mountain SINC 29.

Within 3km of the site there are several areas of land that are protected for nature conservation purposes. These include:

- Bryn Carnau Grassland Site of Special Scientific Interest (SSSI), Grasslands situated approximately 0.24km to the west,
- Brecon Beacons National Park situated approximately 775m to the north of the site,
- Cwm Glo A Gyndryys SSSI Grassland/Heath land/Woodland situated approximately 1.34km to the southeast,
- Tir Mawr a Dderi Hir Llwydcoed SSSI, Grasslands situated approximately 1.5km to the west,
- Cwm Taf Fechan SSSI Woodland situated approximately 2.56km to the northeast,
- Penmoelallt SSSI Woodland situated approximately 2.77km to the northeast.

There are a number of SINC's in close proximity to the site within Rhondda Cynon Taf and Merthyr Tydfil Borough Councils.

Other Designations

The south eastern part of the site is open access land under the Countryside and Rights of Way Act (CROW Act).

Within the south western part of the site there are three Tree Preservation Orders, TPO 127/W1, 1/W3 and W2 which cover a group of mixed woodland vegetation.

Within 300m to the north west of the site lies the Brecon Beacons Edge at Llwydcoed Special Landscape Area.

Public rights of way and cycle routes

Two Public Rights of Way cross the application site. PROW known as OED 10 runs east from Gelli Uchaf and then turns north to cut across the southwest corner of the site to Dyllas Farm on Merthyr Road. PROW known as OED 9 runs from Bryn Y Badell within the northern part of the site in a south westerly direction connecting to the B4276 Merthyr Road via two spurs. PROW OED 15 passes close to the south western boundary of the site.

There are a number of long distance and local cycle routes which pass within 2.5km of the site. The National Cycle Route 46 The Celtic Trail from Merthyr Tydfil to Hirwaun passes within 500m of the north of the site, on a route just to the south of the A465 Heads of the Valley Road.

PLANNING HISTORY (Relevant applications within the site and adjacent)

13/0186	Land at Bryn Pica Landfill, Bryn Pica, Llwydcoed, Aberdare	Construction of an anaerobic digestion facility, landscaping and associated infrastructure.	Approved Conditions 12/07/13
03/0026	Bryn Pica Landfill Site, off Merthyr Road, Llwydcoed, Aberdare	The installation & operation of an electricity generation project using engine/alternator sets fuelled by landfill gas from the Bryn Pica Landfill Site.	Approved Conditions 21/03/03
02/1007	Land south of A465, east of B4276 to the north east of Llwydcoed, Aberdare	Extraction of coal and sandstone by opencast and auger method.	Withdrawn 08/03/05
00/4242	Land south of A465, west of A4102 and Castle Park Estate and east of B4276	Observations sought by MTBC for land reclamation scheme at Winch Fawr	Raise Objections 02/11/01
00/4228	Forestry land, east of B4276 and Bryn – Y Gwyddel Cottage, Llwydcoed	Construction of new junction and access road from B4276 (Merthyr Road and provision of site administration area (including coal preparation area and plant yard) in association with proposed Winch Fawr West Opencast Coal Recovery/Land Reclamation	Granted Conditions 14/08/01
92/0578	Dyllas Farm, Merthyr Road, Llwydcoed	Variation of condition of consent 90/0751 re. duration of operations and retention of site	Conditions 14/07/93
90/0751	Dyllas Farm, Merthyr Road, Llwydcoed	Amendments of details of current mining operations and extension of duration of operations	Conditions 29/05/91
89/0086	Land adjacent to Dyllas Farm,	Extraction of coal by surface mining methods	Conditions 02/05/89

Llwydcoed

86/0508	Land rear of Dyllas Cottage, Merthyr Road, Llwydcoed	New access road	-
86/0035	Land adjacent to Dyllas Farm, Llwydcoed	Extract of coal by surface mining methods, including renewal of dereliction present on site	Conditions 22/07/87
85/0406	Dyllas Farm, Llwydcoed	Proposed open cast coal site	Refused 22/01/86
84/0160	Land adjacent to Dyllas Farm, Llwydcoed	Proposed drilling of boreholes	Conditions 18/07/84

PUBLICITY

The application as originally submitted, together with the further information and other information, has been advertised by means of direct neighbour notification, site notices and notices in the local press. A copy of the submitted documentation has been made available at Sardis House, Pontypridd and at Hirwaun, Aberdare and Merthyr Central Libraries. This level of consultation is considered appropriate.

At the time of writing the report 142 letters had been received, of these:-

109 support the application, 32 letters raise concerns and objections and 1 letter raises a comment. Two petitions objecting to the development have also been received as well as three letters of a substantial nature.

The issues raised are summarised below into different headings, and have been taken into account in the planning assessment of the proposals. A copy of all correspondence received is included in the planning file.

Letters of support

The reasons for support include the following reasons:-

Economy

- Employment 50 people, including apprenticeships, well paid and skilled, support to Onllwyn Washery, secures jobs in coal industry
- Local Economy Provides industrial jobs, support to local businesses, provide revenue and taxes to this deprived area of RCT

- Coal Locally produced, more reliable, secure, competitive and sustainable than imported coal, for Aberthaw Power Station, Tata Steel Works, steam locomotive and multi fuel stove markets
Coal can only be mined where it exists
Need for coal in electricity generation

Restoration

- Restore site previously mined
- Improve landscape and biodiversity
- Beneficial after use
- Newts can be translocated to safe areas

Good Operator

- Reputation of applicant – responsible operator, manages sites professionally, restoring sites in timely manner to high standard, with community benefits

Environmental Impacts

- Noise and dust can be managed to prevent nuisance to local community
- No impacts to Llwydcoed Village or residents of Merthyr Tydfil. other than returning lorries
- Community benefits including support to local youth projects

Other Comments

- RCT should make decision not MTBC

Letters of Objection

The grounds of concern and objection include the following reasons:-

Access

- Adequacy of local road network
- Safety of B4276/A465 – Baverstocks Junction
- Increase in congestion and danger to road users
- Adequacy of highway mitigation measures and the compliance of operator
- Improvements to Baverstocks Junction negated when A465 dualled

Health

- Impact on health especially to young/old, those with cardiovascular and respiratory

problems

- Cumulative impact with Tower & Fros y Fran
- Local area has high health inequality

Economy

- Questions need for coal
- Questions number of new jobs/apprenticeships and support to local services
- Questions benefits to community projects
- Questions income to local economy

Amenity/Quality of Life

- Dust, air quality and traffic pollution
- Blast vibration, disturbances, structural damage and anxiety.
- Light pollution and nearness of BBNP
- Noise from heavy plant, lorry traffic and blasting
- Time scale of overall scheme and length of working day.
- Cumulative impact with Tower
- Proximity to residential properties and school
- Prevailing winds causing dust, air and noise pollution to travel towards Merthyr Tydfil.

Environment

- Impact on local habitats and protected wildlife
- Impact on landscape
- Loss of public rights of way and effects on new cycle way
- Attractiveness of area and closeness to BBNP
- Cumulative impact with Tower, Fros y Fran and possibly Nant Llesg
- "Bad neighbour" type development - blight landscape
- Coal effects climate change, not environmentally sustainable and questions carbon footprint
- Questions sufficiency of funds for restoration
- No guarantees of timescales of scheme
- Visual impact in general and in particular of overburden mound
- Water pollution. loss of water supply and contamination
- Risk of instability of overburden mound
- Questions deliverability of ecological works, which is also questioned by NRW

Policy

- Contrary to RCT LDP Policies which promote tourism and leisure
- Threat to Welsh Governments aims to regenerate area for tourism
- Contrary to policies promoting clean industries and green jobs for Heads of Valleys

area

Controls

- Question adequacy of RCT monitoring
- Dust, air quality and noise mitigation requirements inadequate, need to be independently verified
- Ecological management plan required prior to any planning permission

Other Comments

- Devaluation of property
- Blight on residential sale
- Defer outcome until outcome of fraud investigations at applicants other sites
- Questions adequacy of H.I.A.
- Consultation limited by RCT and by applicant in MTBC
- Community benefits on offer less than at Fros Y Fran
- Questions whether licence forthcoming re Great Crested Newts

Petition

One petition with 526 signatures has been received from the Merthyr Tydfil Anti Opencast Campaign raising objections for the following reasons:-

“Our objections include dirt and dust generated, the prevailing winds and the resulting impact on resident’s health and property, close proximity to Cyfarthfa Ward residential areas, blasting, volume of lorry movements onto the dangerous junction on the A465 at Baverstocks, long hours of work and the consequent disruption to residents. Over 1000 properties in Castle Park, Twyncarmel, Beacons Heights and surrounding area will be affected.”

Another petition with 132 signatures has been received from Llwydcoed Action Group raising objections for the following reasons:-

“Our objections include: dirt and dust generated which through the prevailing winds will impact on resident’s health and properties in close proximity to Llwydcoed Ward residential areas, blasting daily, the volume of lorry movements onto the dangerous junction on the A465 at Baverstocks, long hours of work which will be a consequent disruption to residents; damage to the environment and wildlife. Many hundreds of properties in Llwydcoed and th surrounding areas will be affected.”

In addition three letters have been received from community groups, a summary of the comments made are set out below:-

- Cyfarthfa Branch Labour Party – object to the application, expressing concerns regarding the inadequacies of the ES, lacking sufficient detail to demonstrate scheme can comply with its design objectives, without being detriment to:- the environment, ecological interests, water quality, cultural heritage assets, control of dust, noise and particulate emissions, the health and wellbeing and amenity of residents and highway infrastructure. Throughout the documents, the applicants commercial interests are given greater weight at the expense of the environment and other constraints. Questions the objectivity of the E.S. and whether it is fit for purpose.
- Castle Park Residents Association – raise objections and concerns on behalf of the 400 (approx) houses on the estate, located in close proximity to the site. (All concerns expressed are based on the objection submitted by Cyfarthfa Branch Labour Party).
- Llwydcoed Action Group – object to the proposals. Views represent comments of approximately 80 residents who attended a public, meeting held on 11.12.2012. (These concerns are based on the objections submitted by Cyfarthfa Branch Labour Party with additional concerns raised regarding impact on local ecology).

CONSULTATION

Merthyr Tydfil County Borough Council – raises an objection due to insufficient information submitted as part of the Environmental Impact Assessment to appropriately assess and draw conclusions on the potential impacts of the proposed development on the natural environment.

Natural Resources Wales(NRW) – raises no objections subject to the imposition of a Section 106 Agreement and prior commencement conditions to ensure that the proposals secure measures to provide the following measures:-an additional area of land to mitigate for significant losses of SINC habitats, appropriate restoration and long term habitat management and monitoring, secure habitats for Great Crested Newts, a lighting plan to minimise light pollution, a bat survey of trees to be felled, soft engineering techniques where appropriate for new drainage channels, monitoring of impacts to groundwater, scheme to dispose of surface water and foul drainage, an Environmental Management System. NRW raise some concerns that the ES downplays the significance of the biodiversity losses and advises that the losses of habitats and species are significant in a local and regional scale and that the scheme should be carefully considered in light of the Authority's responsibilities to comply with Section 40 of the Natural Environment and Rural Communities Act 2006. Whilst acknowledging that there are likely to be adverse landscape impacts during the operational phase, NRW do not consider that the overall impact is unacceptable given the duration of the operations, the location of the site and the potential for the restoration scheme to improve the existing landscape by the removal of non forestry plantation and restoration to a more "natural" landscape.

Glamorgan Gwent Archaeological Trust – raises no objections but advises that the proposed development would have significant impact on archaeological sites of regional and local importance and a regionally significant historic landscape. Members need to determine whether or not the economic advantages are sufficient to outweigh this loss, in accordance with advice provided in PPW. Should Members decide to grant planning consent then recommends measures should be secured either by conditions or a legal agreement to ensure that the archaeological resource is properly investigated and results are made available to the public.

Cwm Taf Health Board – raises no concerns and makes a number of recommendations in relation to dust and PM₁₀ monitoring, NO₂ contributions, dust preventative measures, noise monitoring, an Environmental Management System and a health impact assessment. Public Health Wales have reviewed the integrated Environmental, Social and Health Impact Assessment and found it to be sound.

Dwr Cymru Welsh Water – raises no objections as there are no assets in the area affected by the proposal.

Cadw – raises no objections.

Welsh Government (Transport Division) – as highway authority for the motorway and trunk roads raises no objections.

Welsh Government (Department for Natural Resources and Food) - confirms that it is appropriate to specify agricultural use of the land south of the AMGEN access road. Subject to appropriate restoration and aftercare conditions being imposed, the proposals should enable the land to be restored to agriculture to a standard that satisfies the requirements of Paragraph 4(1) of Part 1 of Schedule 5 of the Town and Country Planning 1990 Act.

The Coal Authority – as the owner of the coal, the Coal Authority encourages and supports the planning application.

Health and Safety Executive – does not advise, on safety grounds, against the granting of planning permission in this case.

Countryside Section - The Council's Ecologist raises an ecological objection to the loss of the Victorian tips known as Fothergill's Patches due to their ecological and biodiversity significance, uniqueness and rarity which would represent a very significant and irreplaceable habitat loss. He also raises concerns that the ES has underestimated the ecological importance of the site and is overly optimistic regarding the ability to re-create existing habitats and species features and hydrological variety within the timescale of the restoration programme. The loss of 80 ha of SINC habitat will have a long term and significant detrimental ecological impact, but the proposals, enforced by planning conditions and a S106 Management

Agreement would provide some mitigation. The Council's Landscape Architect advises that the proposal would have minimal long term landscape impact on the surrounding area although there would be significant long term loss of the existing landscape character and visual experience which needs to be weighed against the short term gains of the scheme. The PROW Officer raises a number of matters which would need to be subject of further detail including the need to temporarily distinguish or divert footpaths and the purpose and treatment of new permissive paths.

Public Health and Protection Division - raises no objections subject to the imposition of robust and comprehensive conditions regarding dust/air quality management and monitoring; operational hours to accord with MTAN2; noise levels, management and monitoring; a scheme of blasting to accord with MTAN2 and a scheme of external lighting, in order to minimise the environmental effects to acceptable limits.

Transportation Section – raises no objections subject to the imposition of conditions and the provision of a S106 Agreement to secure either a one off payment towards any remedial works associated with additional damage by extraordinary traffic use or annual condition surveys of the highway between the site access with the B4276 and the junction with the A465.

Land Reclamation and Engineering Section – raises no objection and recommends a number of drainage conditions to be approved prior to works commencing.

Amgen Cymru (Operator of the Bryn Pica Waste Management Facility) – seeks assurances that any impact on the commercial operations due to the transport and traffic management, dust generation and blasting proposals of the proposed development will be negligible.

Brecon Beacons National Park - no comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The Proposal and Constraints Maps show that the site lies in the countryside, approximately 700m to the north east of the settlement boundary of Llwydcoed and within the area of safeguarded primary and secondary coal resources. Much of the site, particularly the area proposed for extraction and the overburden mound lies within a designated Site of Importance for Nature Conservation (SINC 29 – Aberdare Mountain). The site is located adjacent to a designated regional waste management facility at Bryn Pica. The eastern boundary of the site adjoins the County Borough boundary with Merthyr Tydfil County Borough Council.

CS9.1 – Identifies land at Bryn Pica as a regional waste management facility.

Policy CS10.2, 4 & 6 – seeks to safeguard areas of coal resources and to contribute to the local, regional and national demand for a continuous supply of minerals without compromising environmental and social issues by ensuring that appropriate restoration and after care measures are incorporated and impacts upon residential areas and sensitive land uses from mineral operations are limited to an acceptable proven safe limit. Within the written justification Para 4.96 advises that national policy prevents coal extraction within 500 metres of settlements. Para 4.98 advises that any minerals applications would also be subject to a range of area wide policies including AW4, AW5, AW8 and AW10, and to any site specific allocations.

Policy AW2 - seeks to ensure that development proposals on non-allocated sites are located in sustainable locations. Sustainable locations include sites that would not unacceptably conflict with surrounding uses and have good accessibility by a range of sustainable transport options

Policy AW4 - sets out the potential community infrastructure and planning obligations that may be sought where development proposals require the provision of new, improved or rely on existing services or infrastructure to make the proposal acceptable in land use planning terms. These include management of strategic transport corridors, travel plan initiatives and highway infrastructure works as well as environmental and landscape improvements and nature conservation.

Policy AW5 - sets out amenity and accessibility criteria that new development proposals should meet. These include requiring appropriate consideration to the amenity of the site and surrounding area in terms of the effect on the character and appearance of the site and surrounding area, retaining features of built and the natural environment, amenities of neighbouring occupiers as well as to suitable and safe access arrangements.

Policy AW8 – only permits development proposals where they would not cause harm to features of a Site of Importance to Nature Conservation, unless the proposal is directly necessary for the positive management of the site, would not unacceptably impact on the features of the site for which it has been designated or the development could not reasonably be located elsewhere and the benefits of the proposed development clearly outweigh the nature conservation value of the site. The proposed development should have no unacceptable impact upon ecological networks, the quality of natural resources such as water, soil and the natural drainage of surface water.

Policy AW10 – does not permit development proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity due to (1) air pollution, (2) noise pollution, (3) light pollution, (4) contamination, (7) water pollution, (8) flooding, or any other risk to the environment, local amenity and public health or safety.

Policy AW14 – aims to safeguard minerals from development which would unnecessarily sterilise them or hinder their extraction. The site is located within the primary and secondary resources of coal.

Policy NSA23.3 – allocates land for The Heads of the Valleys Cycleway in order to extend, improve and enhance the existing network of cycle paths and community routes.

Supplementary Planning Guidance (SPG's) in relation to Access, circulation and parking: Nature Conservation and Planning Obligations

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 Decisions), Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 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.

Minerals Planning Policy Wales (MPPW) Part 1 General Guidance, A (To provide for the working of minerals), B (To Protect areas of importance to the natural and built heritage from inappropriate mineral development), C (To reduce the impact of mineral extraction and related operations during the period of working) D (To achieve a high standard of restoration and after care, and provide for beneficial after uses when mineral working has ceased) and Part 2 Policies for Individual Minerals - Para's 61-63 (Coal).

Minerals Planning Policy (Wales) Minerals Technical Advice Note (Wales) 2: Coal (MTAN2) – sets out the Welsh Government's detailed advice regarding the mechanisms for delivering policy for coal extraction of surface and underground working, advice on best practice, how impacts should be assessed and what mitigation measures should be adopted.

Other relevant policy guidance consulted.

PPW Technical Advice Note (TAN) 5 Nature Conservation and Planning.

PPW Technical Advice Note (TAN) 15 Flooding

PPW Technical Advice Note (TAN) 23 Economic Development

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to

be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

Main Issues:

Principle of the proposed development

As stated in Para 10 of MPPW, one of the 5 key principles of a sustainable pattern of mineral extraction is the fundamental requirement to provide mineral resources to meet society's needs and to safeguard resources from sterilisation. Para 11 therefore advises each Mineral Planning Authority to *"ensure that an appropriate contribution is made... to meeting the local, regional and UK needs for minerals"* and in relation to coal this should be done in consultation with relevant organisations, including the Coal Authority, local producers and other Mineral Planning Authorities.

Para 11 of MTAN2 sets out the objectives of energy policies in Wales, which is *"to ensure a secure, diverse and sustainable supply of energy at competitive prices."*...

Para 13 of MTAN2 states that *"the Government believes that is right to make the best use of UK energy resources, including coal reserves, where it is economically viable and environmentally acceptable to do so"*. It goes on to state that *"It is likely that coal will be a strategic source of energy for the foreseeable future and that the generating industry and the steel industry will require a steady supply, at today's levels until 2020."*

Para 14 of MTAN 2 states that *"Opencast coal is generally more flexible and cheaper to produce than deep mined coal, and where UK coal is available and the generators continue to use it, UK coal contributes to energy diversity and supply."*

Para 15 of MPPW recognises the difficulty in predicting the long term demand for energy minerals (which is largely based on power generation), because of the highly volatile nature of world markets and prices.

Para 18 states that in Wales 70% of coal demand comes from electricity generation with other demands from industry, domestic and the steel making industry.

The Overarching UK National Policy Statement for Energy (EN-1) states that *"It is critical that the UK continues to have secure and reliable supplies of electricity as we make the transition to a low carbon economy energy"*, and that there is *"a diverse mix of technologies and fuels, so that we do not rely on any one technology or fuel"*

It recognises that *"The UK economy is reliant on fossil fuels, and they are likely to play a significant role for some time to come. Most of our power stations are fuelled*

by coal and gas.”. Therefore the UK needs to wean itself off such a high carbon energy mix to reduce greenhouse gas emissions and to improve the security,

availability and affordability of energy through diversification. This will inevitably lead to a period of transition and some fossil fuels will still be needed during the transition to a low carbon economy. Coal fired power stations add to the diversity and flexibility of supply but they will not be low carbon until such time as fossil fuel generation can operate effectively with Carbon Capture and Storage.

Welsh Government’s policy emphasises the increasing importance of low emission power generation, alongside increasing energy efficiency. Welsh Government policy also includes ambitious plans to generate electricity from renewable resources but this will take time to achieve. This is recognised in Para 10 of MTAN2 which states “the UK is committed to a cut in greenhouse gas emissions of 80% below 1990 levels by 2050”.

UK Coal statistics for 2012 indicate that coal consumption in the UK was 64.1 million tonnes of which, 85% was used for electricity generation. Indigenous coal production amounted to 16.8 million tonnes and 44.8 million tonnes was imported. The UK coal industry has been in general decline since the 1960’s but that has been exaggerated since the early 1990’s. Although surface mine production declined by an average of 4% between 1991 and 2005, it exceeded deep-mined production for the first time in 2005, accounting for 53% of total production (21 million tonnes) and has continued to grow, accounting for 61% of UK coal production in 2012. As indigenous coal production has declined, the UK has become increasingly reliant on coal imported from other countries over the last 40 years, much of which comes from Russia, Colombia and more recently the USA.

It is always important to consider the overall requirement and justification of any development. The extraction of indigenous coal resources has been declining for a number of years and a number of factors, not least the opportunity to work areas that are environmentally acceptable have become more difficult to find. Notwithstanding a general shift in policy to renewable energy technology, there is a definite need for coal either from the UK or from imports to maintain domestic markets for some time. Objectors claim that coal is not environmentally sustainable and affects climate change but it will still be required in the short term until such time as alternative means of power generation are established.

Therefore, there is a strong case for the UK to produce anthracite from indigenous sources in order to minimise carbon emissions resulting from the global transportation impacts of coal imports. However, this case must be balanced against the requirement for this to be carried out where it can be demonstrated that there will not be undue environmental impacts.

The site provides an opportunity to work a resource of premium quality anthracite coal. It is therefore concluded that significant weight should be given to the need to extract the coal at this location at this time.

In RCT the resources of coal are mainly located on the north and southern areas on the edge of the South Wales coalfield. The resources have been identified by the British Geological Survey (BGS) Minerals Resources Maps. The BGS data divides the coal resource into three zones according to its quality, which is also associated with their potential economic interest for opencast, known as primary, secondary and tertiary resource zones.

The whole application site, and a significant area around it, is located within the identified coal resource, as identified in the BGS maps. The majority of the extraction area of the site lies within an area of Primary Shallow Coal Resource, with other parts within the Secondary Resource. The BGS data indicates that there have been previous opencast workings in the general vicinity of the application site, although the submitted documents clarify that the previous workings are not located within the area proposed for coal extraction.

Both the primary and secondary coal resources are safeguarded for their extraction, in accordance with Policy AW14.4 of the LDP, and where it can be achieved Para 5.87 of the LDP recognises that it *“can represent a truly sustainable approach to development , good application of the proximity principle and husbanding of resources.”*

In consideration of the above advice it has been established that the application site is located within the area of primary and secondary coal resources, as defined in the LDP as a resource of national importance and is therefore safeguarded for its extraction. The submission of this application indicates that the extraction of coal by opencast means at the site is economically viable. Furthermore, it is considered that the demand for coal, particularly from power generation is likely to continue for the foreseeable future. The supply of 1.2 million tonnes of coal would provide a useful benefit supported by national policy and provide a useful contribution towards the demand for coal from primarily the electricity generating and steel industry.

The principle of the proposed development, in utilising identified coal resources and supplying coal is therefore in accordance with national policy and Policy AW14 of the LDP.

However, whilst the principle of the development is considered acceptable, Para 34 of MTAN2 clarifies that such a designation does not indicate an acceptance of working. From a planning policy perspective, there is a need to determine whether the need for the coal to be extracted, overrides the environmental and amenity issues associated with such an operation. It is considered that the following environmental and amenity issues should also be taken into account in determining the acceptability of the proposed development:-

- Whether the impacts are limited to acceptable proven environmental limits upon residential and sensitive properties
- Whether the transportation would be safe and would have minimum impact on the local and wider highway network
- Whether there would be any unacceptable impacts on existing features of importance to the landscape, or unacceptable effects on the character and appearance of the site and surrounding area
- whether the existing features of historic and /or archaeological interest make an important contribution to the character and appearance of the local community and should be protected and enhanced
- whether the proposal would cause harm to the SINC unless it would not unacceptably impact on the features for which the site is designated or the benefits of the development clearly outweigh the nature conservation value of the site
- whether the proposal would be likely to have an unacceptably significant effect on the Blaen Cynon Special Area of Conservation (SAC)
- whether measures are proposed for the protection and management of protected and priority species and whether the mitigation and compensation of potential impacts is acceptable
- whether there would be unacceptable harm to health and/or local amenity due to air, dust, noise, traffic movements, light, water pollution, contamination, land instability or flooding
- whether appropriate restoration and aftercare measures are incorporated
- Finally, there is a need to determine whether there are other material considerations, including those of an economic-social nature which would outweigh any negative impacts which would indicate that planning permission ought, on balance, to be granted.

Impact on the amenities of residential and sensitive properties

The principal areas of concern for the amenities of nearby residential and other sensitive properties are the potential for the proposal to cause detrimental impacts and disturbance due to noise, blast vibration, dust generation, traffic movements, light pollution and disturbance affecting the quality of life and the cumulative impacts with other nearby existing or planned extraction, waste and energy developments. MTAN 2 sets out guidance to ensure that the impacts of coal extraction are

undertaken in accordance with accepted limits and these limits are referred to within the assessment below.

Proximity to settlement boundary and residential properties

MTAN2 states at Para 29 that “*coal working will generally not be acceptable within 500m of settlements.*” MTAN2 requires Mineral Planning Authorities (MPA’s) in their local development plans to define areas where coal working will not be acceptable. Para 30 advises that it is for the MPA to define a settlement and a settlement boundary, but they should ensure that through the development control process that there are no unacceptable impacts on individual houses or sensitive properties. Whilst MTAN 2 does not define “*settlements*” for the purposes of these guidelines, the LDP advises in the justification of Policy CS10 Minerals that settlements are those areas with identified settlement boundaries and other established settlements of 10 units or more.

MTAN2 also recognises that when considering evidence put forward in support of an application, there may be exceptional circumstances where coal working may be permitted within 500m of settlements. The development would need to meet only one of a number of factors, which are set out in Paragraph 49 of MTAN2.

The development proposals indicate that the application site is located within 500m of an established settlement of 11 houses known as Grey’s Place, Llwydcoed (outside and without a settlement boundary) as identified in Appendix 1.F of the LDP. However, Para 51 of MTAN2 sets out guidance that indicates that where the site boundary is drawn widely to encompass for example conservation areas and tree planting, and if it can be clearly demonstrated that such areas will generate only insignificant impacts, the MPA may wish to consider defining an operational boundary which excludes such non-operational areas. Bearing in mind this guidance, the south western part of the site boundary (i.e. the closest point to Grey’s Place) is located some 500m from the extraction area, accordingly, Grey’s Place would be located over 1,000m from the coal extraction area. In addition, the land adjacent to the coal extraction area is proposed for water treatment areas, noise mitigation mounds and site offices and these would be located approximately 660m to the nearest dwelling in Grey’s Place. It is considered that the low scale activity of creating the new water treatment areas, noise mitigation mounds and site offices would not consist of operations that would be in conflict with the guidelines in Para 51 of MTAN2. It is therefore considered that as the coal working would not take place within 500m of a settlement, and the other low scale activities would take place over 660m of a settlement, the need to put forward exceptional circumstances for the proposed development is not required.

Nevertheless, there are six individual dwellings and the Jah Jireh nursing home which are located within distances of 200m to 570m of the proposed coal operations (either the overburden mound or the excavation area). The applicant has considered

these properties in their assessments of noise and dust and the consideration of this matter is included in the paragraphs below:-

Noise

Noise from coal working can have a significant impact on the quality of life and the amenities of nearby residential and sensitive properties. The applicant has carried out an assessment of the potential noise impact at six locations which have been taken to be representative of the key noise sensitive locations within the vicinity of the site, and these have been agreed with the environmental health officers of Rhondda Cynon Taf and Merthyr Tydfil Borough Councils. These are located at the individual residential properties in close proximity to the site known as Drift Houses, Dyllas Farm, Bryn Y Gwyddel, and Penderi, Merthyr Road, Llwydcoed, at the Jah Jireh Rest Home and at Heol Corn Du, Beacon Heights, Merthyr Tydfil. The assessment includes a survey of background noise levels and the predicted noise levels likely to be generated as a result of the working operations, including use of the haulage roads, the specific plant to be used and are based on the 'worse case scenarios' for each of the five phases of proposed coal working. The assessment has also been carried out of the impact of noise from the HGV traffic that would use the re-aligned Bryn Pica Access Road, both to and from the waste management facility and the surface coal mine site. The Public Health and Protection Division of the Council has confirmed it is satisfied with the monitoring locations and the time and duration of the monitoring exercise.

For the operations during the normal weekday, (07:00 to 19:00 Hours) Monday to Friday, excluding Bank Holidays, the assessment has concluded that the noise levels would be below the acceptable limits set out in MTAN2. The limits that are required to be met are background noise level plus 10 dBLAeq or 55 dBL Aeq, 1 Hr (free field) or whichever is the lesser. The Public Health and Protection Division have recommended that adherence to the noise levels should be achieved at the six locations in order to comply with MTAN2. However, in order to achieve these levels the applicant would need to provide a number of mitigation measures during the operations. These would include the use of baffle mounds situated adjacent to the proposed internal access roads and excavation area, the use of modern plant with regular maintenance. In addition, in order to ensure compliance with the noise levels, noise monitoring would be required at the agreed six locations.

The proposed operations include working on Saturday morning (07:00 to 13:00 Hours). MTAN2 advises that when working is agreed on a Saturday between 08:00 and 12:00 it may be considered appropriate to establish a reduced noise level. The reduced noise level that should be applied during this period of working is 42 dBLAeq at sensitive locations. The Public Health and Protection Division has advised that bearing this guidance in mind the proposed working hours on a Saturday morning should be restricted to the hours of 08:00 to 12:00 and to the reduced noise levels of 42 dBLAeq.

MTAN2 advises that increased noise limits of up to 67dBLAeq would be considered acceptable on a short term temporary basis for periods of up to 8 weeks between the hours of 10:00 to 16:00 a year for operations involved in soil stripping, construction of baffle mounds and soil storage mounds and site road construction and maintenance. The predicted noise levels show that the proposed temporary operations would fall comfortably within the noise limits of MTAN2, and at least 12 dB (A) below and would not exceed 55 dBLAeq. However, it is considered that the hours of work for such temporary noisy operations should occur during the restricted hours of 10:00 to 16:00 excluding Bank Holidays, subject to a noise limit of 67 dBLAeq, as per MTAN2.

It is also considered that planning conditions should be imposed in order to restrict the times of coal transportation movements in accordance with the hours submitted, and to ensure that none enter the site outside the operational hours permitted, in order to minimise disturbance to the nearest properties.

In conclusion, it is considered that the noise assessment has shown that the development could be operated within the levels set out for noise under MTAN2, subject to the safeguards afforded by restricting operations at the site to adhere to the noise levels, times and operations as set out above, together with the provision of a noise management plan, a monitoring regime and noise complaint protocol, in order to ensure compliance with these restrictions. These matters would be secured by conditions to ensure that the impact of the proposed development on the nearest properties would be minimised.

Blast Vibration and Noise

The ES has outlined that blasting may be needed in order to loosen and fragment the harder strata overlying the coal seams. Blasting can cause ground vibration, air overpressure, noise and dust and these effects can be experienced outside the site boundary and will depend on a number of factors including the location of the blast, atmospheric conditions and the nature of the strata. The ES states that based on the applicant's experience at other sites with similar characteristics that the effects of blasting can be predicted with confidence. The ES states that the overall impacts would be well within recognised limits, which are set out in MTAN2. It is therefore considered that subject to the imposition of conditions to secure a scheme of blasting to detail mitigation measures, monitoring, and to limit the hours of blasting, the works would be consistent with the accepted limits as recommended within MTAN2. These limits would ensure that blasting would only occur between 10:00 to 16:00 on weekdays, no blasting on Saturdays, blasting vibration levels would not exceed 6mm/sec at the 95% confidence level and an air over pressure of 120dB linear in 95% of blasts measured over a 12 month period.

Dust and air quality

Dust at surface coal mine workings is emitted from many sources but primarily is derived from the excavation, tipping, backfilling and movement of overburden and coal processing activities and coal haulage. Wind blow across stripped and backfilled and disturbed areas, coal, overburden and soil storage areas can also contribute to the potential for the generation of dust. Dust is categorised as particulate matter PM₁₀ and nuisance dust. Smaller particulate matter such as PM_{2.5} can become airborne for a significant time and transported thousands of kilometres. It is for this reason that PM_{2.5} is not monitored and has no national limits although the UK Government has a target of reducing PM_{2.5} levels by 15% in urban areas. Additionally, raised levels of nitrogen dioxide (NO₂) may be generated by increased HGV exhaust emissions.

Dust

MTAN2 notes that dust can travel to 1 km of a minerals extraction source. Therefore the ES has included an Air Quality Assessment for receptors within 1km of the site to be representative of the local area. The assessment is based on short term dust and PM₁₀ monitoring undertaken near to the site, wind speed and direction data recorded by Celtic Energy at its Selar site and monitoring data at Celtic Energy's existing surface coal mine sites at Nant Helen and Selar. The receptors include the residential areas of Beacon Heights, Castle Park, Winchfawr, the Jah Jireh Nursing home in Merthyr Tydfil and individual properties known as Bryn Y Gwyddel, Dyllas Farm, Drift Houses/Dyllas Cottage, Ty Gwyn and Bryn Carnau and the Gelli Uchaf/Greys Place residential area. For each of these receptors an assessment has been made of the impacts of the operational areas of the overburden mound and Phases 1 to 5 of the working void. The nearest receptors to these features would be Dyllas Farm and Bryn Y Gwyddel at a distance of 200m. The residential areas within Llwydcoed, namely Tre Lfor and Tre Gibbon, lie at distances greater than 1km from the principle work areas of the site and therefore have not been included. However, an assessment within 1km can be extrapolated in order to include the likely effects for all other sensitive receptors further away.

The Air Quality Assessment indicates that, in the absence of any mitigation, there would be potentially significant estimated risks of adverse impacts due to fugitive and windblown dust at Dyllas Farm. These risks are associated with operations on the overburden mound and in Phases 1 and 2, which would occur during Years 1, 2 and 5. These impacts would be greatest when the operations are closest to the western site boundary and would decrease rapidly with distance into the site. There are also medium/low estimated risks of fugitive or windblown dust at Castle Park, Winchfawr and Bryn Y Gwyddel which would be associated with operations on the overburden mound during Years 1 and 5. The estimated risks of fugitive or windblown dust are low or near zero at the other identified receptors and those which lie further afield.

The ES outlines a number of proposed mitigation measures to control dust emissions in accordance with good practice. These measures include the provision of an adequate water supply, wheel washing facilities, water bowsers, the seeding of

soil mounds, spraying of coal processing and stockpile areas, together with a monitoring and a complaint system. Following the use of these mitigation measures the residual risks of fugitive and windblown dust are estimated as medium/low at Dyllas Farm during the stripping and excavation works in Phase 1. The risks would be greatest whilst operations take place in the south western part of the initial void and would rapidly reduce with distance from the site boundary. The haulage ramp is considered to be the principal dust source which would be located 225m away but together with the low frequency of winds from the north west, this would indicate that the significant adverse impacts are unlikely to occur. The residual impacts at other identified receptors are estimated to be low or negligible. The ES has concluded that the Public Rights of Way in the vicinity of the site would be subject to similar low levels of risk from fugitive and nuisance dust.

In consideration of these matters, provided the working operations conform to best practice, (as set out in MTAN2), and conform to the mitigation measures as set out above, which would be secured by means of a robust dust management and dust monitoring plan, the dust generation arising from the site should conform to acceptable levels. It is also considered that the impacts on the nearest properties, to the south and west of the site would be minimised due to the prevailing wind direction in the area which blows from the west. Concern has been expressed regarding the prevailing winds which would cause dust, air and noise pollution to travel towards the nearby residential areas of Merthyr Tydfil. However at these areas are located at over 700m from the site operations it is considered that significant impacts would be unlikely. It has been recommended by RCT and MTBC's environmental health officers that the dust monitoring should be undertaken along the site boundary at the Jah Jireh Nursing Home, at the south western corner of the Castle Park Housing Estate and at an intermediate point between the site boundary and Castle Park. These should be in place prior to works commencing in order to obtain comprehensive baseline data and on an on going basis to monitor dust levels. Some modifications to the dust management plan would also be required to include changes to the way the PM10 results are recorded and to include the capacity for reactive monitoring should unexpected dust depositions arise.

Air Quality

As recommended in MTAN2, an assessment has been carried out of the potential for impacts on sensitive receptors within 1km. The baseline conditions have been derived from a number of sources. A short term monitoring of baseline data has been carried out which shows that the levels of PM₁₀ are well below the National Air Quality Standard (NAQS) of 40 ug/m³. It is also based on PM₁₀ monitoring that has been carried out by the applicant at its other existing surface coal mine sites at Nant Helen and Selar as well as a monitoring station in operation for the Fros y Fran Site in Merthyr Tydfil Borough Council. The monitoring data has shown that there have been no significant impacts of PM₁₀ levels in the vicinity of these sites. The Council is aware that PM₁₀ levels derived from the Tower Colliery surface coal mine site have also been significantly below the NAQS levels. Whilst it is considered that these

other sites are not fully representative of the application site, they clearly demonstrate that within the 3 surface coal mine sites in the locality, that PM₁₀ levels are significantly below the levels set out in the NAQS. It is therefore considered that there are likely to be similar PM₁₀ levels as a result of the proposed surface mine at Bryn Defaid and that additional controls and monitoring over and above best practice would not be required for site operations.

Some concern has been expressed that a detailed assessment of air quality has not been submitted to accompany the application. The relevant guidance is set out in MTAN2 and the Local Air Quality Management Technical Guidance 2009 (TG09). TG09 advises that where background levels are below 26ug/m³ and there would be relevant exposure within 200m, then a detailed assessment of air quality is needed. MTAN2 encourages a baseline study and site specific modelling to ensure NAQS are not breached. However, the nearest properties to the proposed coal operations would be at 200m, and the NAQS background maps show that for the area surrounding the site, the background levels of PM₁₀ are predicted to be in the range of 11 to 13 ug/m³ in 2013, which is significantly below the NAQS objective level of 40 ug/m³. Furthermore, the background levels are predicted to fall in future years. Based on this guidance, it is considered that a detailed assessment of air quality is not required. The Public Health and Protection Division have confirmed it is satisfied that the applicant has sufficiently assessed the baseline levels of air quality in accordance with the guidance in MTAN2 and TG09.

With regard to potential cumulative impact from Tower Colliery, the ES states that the baseline dust and PM₁₀ data obtained to date from the monitoring location at Nant Hir indicates that emissions are not causing adverse impacts in the vicinity of the site. In consideration of this matter it should be recognised that the other surface coal mine sites of Fros Y Fran and the proposed Nant Llesg are located some distance and up wind of the site, and therefore are unlikely to cause any cumulative impacts. There are therefore unlikely to be any significant cumulative impacts resulting from the proposed development.

With regards to NO₂ emissions, the ES provides baseline data from the Local Air Quality Management Areas (LAQM) from the four kilometre squares in which the site is located, the kilometre square in which the Jah Jireh Nursing home is located and from RCT monitoring data at three locations in the vicinity of the site, over a ten year period, to determine the annual urban and rural mean. The data shows that the concentrations of NO₂ are significantly less than the National Air Quality Standards (NAQS). Furthermore, the applicant has undertaken short term monitoring which has shown that the existing levels of particulate matter are lower than the levels predicted by the background maps. The ES also states that there are no Air Quality Management Areas (AQMA) in respect of traffic related NO₂ emissions in the vicinity of the A465 road, and therefore road transport serving the site would not pass in the vicinity of an AQMA. The ES states that emissions from road transport serving the site are unlikely to cause air quality impacts although there is no prediction data provided.

The ES concludes that as the NAQS for fine particulate matter would not be exceeded, that any changes would be of negligible significance, and transport emissions are unlikely to cause adverse air quality impacts, significant adverse health impacts arising from the air quality are very unlikely to be caused as a result of the proposed surface mine. The Public Health and Protection Division is satisfied that the applicant has sufficiently assessed the baseline data of air quality in accordance with MTAN2 and that the monitoring data has shown that it is likely that levels of PM₁₀ in the vicinity of the site will remain at levels below that set out in the NAQS. Nevertheless, the Public Health and Protection Division of the Council and the Environmental Health Officer of Merthyr Tydfil have both recommended that dust monitors for fine particulates and nuisance dust are placed along the site boundary and within the local communities and are operational before any works commence on site and which are capable of being remotely accessed with the data downloaded daily. This would ensure that comprehensive data is provided of the existing dust levels at these locations close to the proposed operations, before works commence.

In conclusion, whilst it is inevitable that there would be some release of dust to the atmosphere, it is considered that with the imposition of a dust management plan to secure recognised measures for dust suppression, together with a monitoring programme to be agreed with the Council prior to any works commencing, the levels of dust should be able to be kept to accepted limits. The dust management plan will need to take into account the location of nearby residential properties and implement specific actions to combat fugitive emissions from the site.

Lighting

Illumination of the working operations has the potential to have an adverse impact on the local environment in terms of the amenities of nearby residential and sensitive properties and to local wildlife. Therefore conditions would be required to ensure that the type, siting and intensity of any lighting would be acceptable in order to protect the amenities of sensitive receptors and to ensure that it would also be subject to a complaints monitoring procedure.

Contaminated Land

A Contaminated Land Report has provided an assessment of the risk of contaminated land occurring within the site and the associated pathways and risks there may be to human health. It includes historical and current databases and other evidence regarding the occurrence of contaminated land. It concludes that there are no recorded elevated levels of heavy metals and this accords with the benign water quality of surface water run-off recorded and there are no defined contaminated land within the site. The Public Health and Protection Division has no information to dispute these conclusions.

In light of the above considerations and the consultation responses from the Council's and Merthyr Tydfil's Public Health and Protection Divisions and the inclusion of appropriate conditions, it is considered that there is no evidence to suggest that the living conditions of local residents would be materially harmed, given the safeguards which are proposed to be imposed governing noise levels, permitted hours of working, blasting operations, dust emissions and lighting levels.

Impact on the Bryn Pica Waste Management Facility

The operators of Bryn Pica Waste Management Facility, Amgen Cymru, have sought assurances regarding a number of matters in relation to the proposed development which it considers may have an impact on their commercial operations. These matters relate to the potential impacts of transportation, dust generation and blast vibration relating to the proposed development upon the commercial operations of the waste management facility and the stability of an old landfill site near to the application boundary. In view of the submitted environmental information, the consultation responses received, together with the inclusion of appropriate conditions, it is considered that there is no evidence to suggest that the operations of Amgen Cymru would be materially harmed, given the safeguards which can be imposed governing the transportation measures, dust emissions and blasting operations of the proposed development.

Health Impact Assessment (HIA)

The Ministerial Interim Minerals Planning Policy Statement (MIMPPS, 01/2009) published in January 2009 entitled Health Impact Assessment for Opencast Coal Sites inserts a replacement paragraph 63 and a new paragraph 63a into MPPW and states that it is the policy of the Welsh Government that HIA should be provided to accompany any planning application for opencast coal working.

Paragraph 121 of MTAN2 states in part: "A planning application for coal working that may have significant effects on human health should be accompanied by HIA as part of the EIA. This does not in itself mean that such developments have unique, significant, or necessarily negative health impacts. It does recognise, however, that to meet expressed concerns, not only should the technical evidence be rigorously assessed, but also the local community should be properly informed and involved and people's views heard about the application."

Paragraph 122 goes on: "HIA should assess the potential direct and indirect effect on the health of a population and the distribution of those effects within that population; it is a flexible but systematic way of considering the possible impacts of developments on people's health. The public seeks a certain level of scrutiny to provide assurance that the potential risks to health have been considered and can be adequately controlled. HIA will provide this scrutiny."

The determinants of health as identified by Wales Health Impact Assessment Support Unit (WHIASU) are environment, income, employment, education, the

organisation of transport, the design and condition of houses, crime, and the social and physical condition of local neighbourhoods.

A Health Impact Assessment (HIA) has been provided to accompany this application in the form of an Integrated Environmental, Social and Health Impact Assessment. The HIA is a systematic means of providing adequate information on the potential risks to health for the local community and whether these risks can be adequately controlled. The HIA is a two part process, the carrying out of the assessment by the applicant and the evaluation by an independent organisation, which in this case has been done by RPS. RPS has undertaken an independent review of the HIA in order to facilitate the final report that fulfils the regulatory requirements and delivers the main aim of HIA to minimise and design out potential health risks and inequality, and to identify, enhance and support the uptake of potential health benefits. In addition MTAN2 advises that local health boards should be consulted, and this function has been undertaken by Public Health Wales and Public Health England, Centre for Radiation, Chemical and Environmental Hazards (Wales), on behalf of Cwm Taf Health Board.

The HIA has identified that the key potential health issues as a result of the proposed development would be on the Environment (air quality, noise and visual impacts), Employment and Transport and identifies the community and individual properties in the vicinity of the site within Rhondda Cynon Taf and Merthyr Tydfil which would be potentially sensitive receptors to these impacts. The public health profile of the local community and the nearest communities affected and the identification and prediction of impacts has been provided. The scoping report and the Community Engagement Statement provide details on the engagement with statutory consultees, the public consultation exercise which has investigated local concerns and how these have refined the proposed development in light of the perceived health issues. The design and mitigation proposals are set out in order to minimise affects on the local community. A Health Action Plan has also been produced which comprises a summary of the proposed mitigation measures which would be employed for the duration of the works, which are set out in detail in the ES. It also highlights the community engagement which would be carried out which would include a Community Liaison Committee, regular newsletters to inform local communities of key stages and a complaints system. In addition, there would be community support initiatives to support the uptake of wider local benefits such as the provision of a community fund of approximately £500,000 to be administered by a registered community charity for the local communities of Rhondda Cynon Taf and Merthyr Tydfil Borough Council and links with education providers.

The HIA overall concludes that the scheme will not have any significant adverse impact on the health and wellbeing of the local population. The applicants consider that the proposals will have a positive impact on the health of residents due primarily to the employment opportunities offered by the proposal, but also due to biodiversity and amenity improvements of the site. The objectors however consider that these jobs will not go to local people and there would be no benefits to the community. In

addition, the applicants consider that the proposal does not have any significant negative health impacts other than negative perceptions in relation to the stigma of surface coal mine sites.

A number of objectors have expressed concerns about the impact of the development on health, especially on children and older people. However, the Newcastle University study in the late 1990's concluded that there is "little evidence For associations between (people) living near an opencast site and an increased prevalence of respiratory illness, asthma severity, or daily diary symptoms", adding that for children in communities experiencing surface coal mining, "past and present respiratory health was similar, even though there were more GP consultations for respiratory conditions in opencast communities during the core study period".

In commenting on the Newcastle study, the Committee on the Medical Effects of Air Pollutants (COMEAP), agreed with the findings of the report adding that "from what is known of the long-term effects of coal mining on the health of coal miners, it is most unlikely that open cast sites would have any long-term effects on the health of local communities".

In 2000, COMEAP reported inter alia that air pollution can aggravate, but does not appear to cause, asthma, adding that lifestyle can be a significant contributory factor. COMEAP also suggested avoiding busy roads and the pollution that traffic can generate would help asthma sufferers.

In Paragraph 122 of MTAN2 it states that public perceptions of harm can be a material consideration in planning decision making even if not objectively justified by the facts. However, little or no weight should be attached to those perceptions if they cannot be justified, for example if accepted international standards for protection of public health are met.

Levels of particulate matter, PM₁₀'s and mapped levels of PM_{2.5} indicate levels substantially lower than the NAQS objective. In certain concentrations Nitrogen Oxide (Nox) in the atmosphere are an irritant to the human respiratory system, which can lead to serious health effects for asthma sufferers in particular. In Wales the main producers of Nox are energy producers (36%), followed by exhaust fumes from transport (34%). Nox levels for 2012 were 9.0ug/m³ for this area. This is well below the recommended guideline of 40ug/m³.

Nuisance dust can have an effect on the amenity of the closest residents however there is no evidence of any indirect effect on health from nuisance dust. As discussed above whilst there are sensitive receptors around 200m of the site operations, their location in relation to prevailing winds and the use of sufficient dust prevention measures should counteract such impacts.

Noise at a certain level is considered to be a nuisance and noise has been recognised as having a possible indirect effect on health. The noise modelling

exercise shows that the predicted noise would comply with acceptable limits subject to the implementation of a number of noise mitigation measures including the use of baffle mounds and best practice.

The impacts of transportation has the potential to have an effect on the amenity of local residents and cause a nuisance. Whilst all the coal would be transported by road there would be a number of mitigation measures put in place to ensure that the effects of the transportation operations are limited as set out below. These measures include routing all heavy goods vehicles to travel north on leaving the site to avoid the residents of Llwydcoed, avoiding peak am and pm hours, minor junction improvements at the Baverstocks Junction and directing to use the A465/A470 Junction for highway safety reasons.

The impacts of light, visual impact and amenity have been considered along with the cumulative impact of sequential mineral development in the locality. The specific impacts of these issues both alone and in combination have been considered against policy and government guidance. Social and economic benefits have also been balanced. All the above issues have been measured in accordance with potential effects of the proposal and the mitigation and design of the site to counteract the impacts.

An assessment of the public health implications has been undertaken by Public Health Wales and PHE CRCE Wales on behalf of the Cwm Taf Health Board, (CTHB). CTHB has advised that the potential health impacts of particulate matter from opencast sites are often raised as a health concern by local communities and this is recognised in the statement on opencast coal mining operations by the Committee on the Medical Effects of Air Pollutants.

CTHB have reviewed the HIA, the application details and the mitigation details which will be employed during the operations. CTHB have advised that overall the HIA is quite sound and that all the recommendations of RPS have been included in the final document. CTHB have also advised that the Local Authority of Rhondda Cynon Taf is among the more deprived in Wales and in the area of the proposed development, some of the measures of population health are below or in line with the rest of the Local Authority and Health Board Area. In addition, several sensitive receptors lie within 1,000m of the site including residential and care facilities, but there are no educational facilities, groundwater protection areas, flood zones or air quality areas. The CTHB have advised there would be limited risk to public health and that this risk would be limited to the potential for nuisance in respect of which a number of recommendations are set out for the Council to satisfy itself upon. These include the need for dust and NO₂ monitoring to demonstrate that contributions to local air quality would be negligible, dust prevention measures are sufficient to prevent nuisance and exposure to PM₁₀ at the most sensitive receptors, noise monitoring to confirm the models' scenario and the need for a robust Environmental Management System.

It is fully recognised that the well being of the local population must be given due regard within the determination of the application. An appropriate level of assessment has been undertaken on the range of criteria considered relevant to health particularly in respect to air quality measurements. The public health implications have been considered by the Cwm Taf Health Board who have advised that there would be limited risk to public health and that this would be limited to nuisance. The CTHB have made a number of recommendations for the Council to address and these matters have either been included within the proposed operations or can be secured by means of conditions to be attached to any consent granted.

Impact on nature conservation, biodiversity and protected species

The vast majority of the application site lies within The Aberdare Mountain Site of Interest for Nature Conservation, SINC 29 and is therefore of high County Borough importance. The submitted survey and assessment work has reconfirmed that the ecological value of all the SINC land affected by the proposal is worthy of designation. A number of habitats found on the site are identified as habitats of principal importance for the conservation of biological diversity under UK and Local Biodiversity Action Plans and The Natural Environment and Rural Communities Act 2006: Section 42 - List of Habitats of Principal Importance For Conservation of Biological Diversity in Wales. These habitats include areas of dwarf shrub heath, fens, marshes and swamp, ponds and in inland rock criteria open mosaic habitats of previously developed land. The mosaics of habitats on site which support noteworthy assemblages of species such as grassland fungi, butterflies and lichens, some of which is associated with particularly important areas of old colliery spoil habitat. The site also includes the presence of a European Protected Species and there are aquatics habitat on the site including two ponds which provide breeding ground for Great Crested Newts. The site surveys have also shown that the site is used by other protected species including four species of bats, and a good bird assemblage including red kite, common crossbill and goshawk. The site surveys record widespread presence of UK and Local BAP common lizard. The Site has a high County Borough biodiversity value.

Out of a total site area of 104ha, 79 ha (75%) consists of SINC, 67.70ha of which would be lost to the scheme, the remaining 11.39ha would be retained. Table 11.3 of the ES identifies the type of habitat within the SINC which would be lost, the majority of which would comprise of 49.88ha of conifer plantations, 15.76ha of coal spoil and 2.67ha of acid grassland heath habitats. The ES states that the loss of SINC habitat would still allow the remaining SINC to retain its SINC status and that the loss could be assessed to be less than County scale and be non significant and minor adverse. The Council's Ecologist has advised that with a quarter of the SINC lost, the application would have a significant negative impact on SINC 29. NRW also consider that the ES has downplayed the significance of the biodiversity losses. The ES however does state that the loss of the coal spoil habitat (without mitigation) would be significant and moderately adverse.

The ES has considered that the proposed development would not have an indirect impact on adjacent and surrounding SINC's, in particular the SINC's that are contiguous with the site, i.e. the remainder of Aberdare Mountain SINC and Winchfawr West SINC. The Council's Ecologist considers that the ES has not provided sufficient evidence to justify this statement and that it is likely that there will inevitably be some effects, for example on the great crested newt populations in these adjacent areas.

In relation to European protected species, the application site forms part of the habitat area used by a meta population of great crested newts and this meta population straddles the county boundary into Merthyr Tydfil. The two ponds and adjacent habitat used by great crested newts within the site would be lost. Mitigation proposals include the provision of new ponds, long term monitoring and management of the restored areas together with appropriate financial resources. NRW have raised no objections to these proposals subject to additional ponds and the proposals being further detailed and secured by planning conditions and a Section 106 Agreement, which together should ensure that there would be no detriment to the favourable conservation status of the great crested newt. NRW also recommend the imposition of conditions to secure a detailed bat survey prior to the felling of any appropriate trees and the provision of a lighting plan to minimise light pollution to minimise impacts on bats and birds, which would address the impacts on other protected species.

The ES confidently predicts that the recovery of existing habitat and species features would be restored within the life of the restoration programme through various prescriptive measures as outlined in Chapter 16 of the ES. The ES therefore states that the scheme would have at worst 'neutral to negligible' impacts and an overall ecological benefit. The Council's Ecologist and NRW both consider that the ES appears optimistic in asserting that exactly the same quantity of habitats of a similar quality can be recreated and that the proposals (with mitigation) would result in an "overall net gain for biodiversity".

The proposed restoration scheme provides for the replacement of the large part of the conifer plantation, i.e. retaining only 4.92ha, with 39.12ha of mountain side vegetation, to be encouraged to be developed naturally as acid grassland and upland heath. The Council's Ecologist has advised that there is reasonable confidence that habitat of a value which could compensate for the loss of the plantation habitats could be achieved and therefore that this approach could be considered to represent adequate mitigation for the loss of the conifer plantation. There is confidence that the existing standing water features have a capacity to be successfully mitigated. He also considers that the provision of re-created water channels on the site will require careful attention to soft engineering techniques if they are to become ecologically interesting features.

However, the Council's Ecologist raises concerns about the ability of the restoration scheme to successfully restore the marshy wetland features on the colliery spoil, the

species rich neutral grassland and lichen heath mosaics within the existing plantation areas, forest rides and colliery spoil areas.

The Council's Ecologist considers the habitat type on the old coal spoil tips to be a particularly important biodiversity feature. He has highlighted the fact that Rhondda Cynon Taf has few large old colliery tip complexes left, and that as one of the few old tip complexes in the RCT area the application site therefore deserves to be considered to be of particular local to regional importance. Mineral and Coal Spoil is a locally important Habitat as identified in Action for Nature 2008 (the Local Biodiversity Action Plan for Rhondda Cynon Taf). The Nature Conservation Supplementary Planning Guidance of the RCT LDP (January 2010) specifically identifies that habitats and species identified in Action for Nature have been used to inform SINC selection criteria. Therefore the Mid Valleys SINC selection criteria (used in RCT) includes a specific Mineral Spoil Tips criteria. Further to this importance, the Council's Ecologist has also identified that an important component of the local biodiversity plan process is the identification of locally distinctive and characteristic habitats and features. In the Rhondda Cynon Taf context old coal tips are part of the sense of place and cultural setting of the area. These are relevant consideration for a Local Biodiversity Action Plan (LBAP) approach. The LBAP is required to embrace the importance of locally characteristic and valued within its definition of biodiversity and its relevance to local communities. As a County Borough area Rhondda Cynon Taf has a rich history of coal and iron production, however little remains of that pre-1960s industrial landscape. This consideration further re-enforces the Council Ecologist's concerns regarding the potential loss of the coal spoil tips on this Site.

In relation to the old coal spoil tips, the restoration proposals seek to re-create the intricate topography of the coal spoil tips and to promote the recovery of the existing diverse biodiversity. The Council's Ecologist questions whether such specific manipulation and prescribed restoration techniques would deliver the results that the ES predicts of recreating this habitat. The Council Ecologist points to importance of the slow, gradual natural process which have been responsible for the development of the habitats on the old tips: processes which have developed over many decades and via an array of complex (and little understood) interactions. It is also highlighted that the cultural biodiversity importance that the old tips currently have will be lost in a restored post-scheme landform. An ecological objection is raised to the loss of the tips. NRW concur that it is optimistic to suggest that the lichen rich heath and coal spoil habitat can be recreated as like for like, particularly since the habitat on the tips has developed over the last 100-150 years. NRW also identify that the site is significant on a regional basis for wax caps, a grassland fungi, rather than being 'not of significance' as the ES asserts. The ES states that translocation and inoculation of the turves on the tips would recreate the wax cap habitat, but NRW advise that there is a high level of uncertainty regarding the success of this approach. It is therefore assumed that these habitat mixtures on the site are more likely to be lost.

The proposals propose an extended aftercare period of 25 years of monitoring and appropriate management in order to deliver habitat restoration. Whilst in the medium term these habitats are unlikely to replicate those currently on the Site, with appropriate restoration proposals and management it is considered likely that habitats of some biodiversity value could be delivered in the long term. However, that value cannot be quantified and within the period of the management agreement the Council's Ecologist considers that there can be no guarantee of the habitat quality which will be developed.

In order to provide further compensation for the habitat losses on the site, the proposals include the provision of extended management on an additional area of 130 ha of land in the applicant's control within the Aberdare Mountain SINC to the south east of the site. This would need to be secured as part of a Section 106 Agreement. This proposal has been welcomed by NRW and the Council's Ecologist as it would provide some compensation for the significant loss of SINC habitat, and as enhancement of existing habitat there is a higher level of certainty of outcomes. Within that consideration it is however also important to recognise that these areas do not offer additional new habitat (to compensate for loss), but an opportunity for better managed existing habitat.

The proposals also include the management of the existing agricultural land, within the south western part of the site for the benefit of marsh fritillary butterflies. Given the very particular requirements of the butterfly, the specific outcomes of this enhancement, measures are very difficult to quantify, but the opportunity is considered to be a welcome contribution which should be pursued if planning permission is granted.

Conclusion

It is considered that there would be long term permanent harm as a result of the loss of SINC habitat on the site on a scale which would be significant on a local to regional level. The proposals have sought to minimise these impacts and for the significant majority of the site which consists of conifer plantation and areas of standing water it is considered likely that the proposed restoration scheme would in the long term be likely to provide adequate mitigation for the loss of these particular habitats. However, the ability to adequately mitigate for the loss of the old coal spoil tips is not considered to have been proved. Both NRW and the Council's Ecologist consider that insufficient justification has been provided to conclude that there would be a reasonable likelihood that restoration of colliery spoil habitats would be successful. Not only is the success of restoring individual components of the colliery spoil habitat questioned but the very act of removing the old colliery tips will inevitably result in particular biodiversity impacts which cannot be mitigated. These include the historic ecological record that the current tips represent and the sense of place and cultural context that the old tips possess. Within a Rhondda Cynon Taf context there is greatly diminished number of larger old tip systems which can

provide that biodiversity context, and the application site represents one the few remaining examples of that type of old tip systems in the County Borough.

In respect of the protected species of great crested newts, NRW have advised that with appropriate planning conditions and a Section 106 Agreement to secure long term habitat provision and management, the impacts can be addressed adequately to maintain their favourable conservation status. In addition impacts on other protected species, in particular birds and bats would be able to be could be mitigated and secured by conditions.

In summary, while certain features and species mitigation is considered achievable, the impacts on the old colliery tips raises sufficient concerns about features of local to regional significant coal spoil tips to conclude that the proposal would cause significant harm to SINC and BAP habitat and is therefore considered to conflict with Policy AW8 of the LDP in this regard.

Likely Significance on the Blaen Cynon SAC

The site is approximately 4.9km east of the nearest point of the Blaen Cynon Special Area of Conservation SAC and is also 240 metres east of the nearest area of marshy grassland which supports potential marsh fritillary habitat, the Bryn Carnau Grassland SSSI.

As a Competent Authority under Regulation 61 of the Conservation of Habitats & Species Regulations 2010, the Council has to consider the impact of the proposed development on the features for which the SAC is designated and undertake a Test of Likely Significant Effect (TLSE) to assess those impacts.

The ES has undertaken an assessment of the potential impact on the nearby Bryncarnau Grasslands SSSI and has concluded that based on this assessment the risk of any hydrological or other form of impact upon the SSSI is minimal.

It is considered that adverse impacts due to dust deposition are unlikely to be caused as the ES has concluded that any consent as mitigated, conditioned and monitored, in accordance with best practice, would be required to remain below national deposition rates of 80 mg/m²/day and it has been reported that vegetation is unlikely to be significantly affected by dust deposition of less than 200 mg/m²/day.

Furthermore, with regard to the potential impact of NO₂ emissions, the ES provides baseline data from the Local Air Quality Management (LAQM) from the four kilometre squares in which the site is located, and the kilometre square in which the Jah Jireh Nursing home is located and from RCT monitoring data at three locations in the vicinity of the site, over a ten year period to determine the annual urban and rural mean. The data shows that the concentrations of NO₂ are significantly less than the National Air Quality Standards (NAQS) The ES also states that there are no Air Quality Management Areas (AQMA) in respect of traffic related NO₂ emissions in

the vicinity of the A465 road, and therefore road transport serving the site will not pass in the vicinity of an AQMA.

The Design Manual for Roads and Bridges (DMRB) guidance states that an assessment of traffic emissions is required if there is an "affected road" within 200m of the designated site (e.g. SSSI). Affected roads are ones which would meet specific criteria regarding changes in alignment, vehicle flows or vehicle speeds. The relevant criteria for the Bryn Defaid scheme is a change in heavy duty vehicle (hgv) flows in excess of 200 annual daily traffic flows. As there would be a maximum of 120 hgv movements associated with the proposed surface mine per day, this would amount to 60% of the criteria. In addition, the SSSI lies more than 200m from the B4276 and the site access road and operational parts of the site would lie beyond this range. The ES therefore concludes that emissions from road transport serving the site are unlikely to cause air quality impacts, and there is no prediction data for the reason provided above.

As the ES has concluded that the impacts of the site operations due to dust deposition and emissions from road transport serving the site are unlikely to cause adverse impacts on the Bryn Carnau Grassland SSSI it is concluded that there is unlikely to be any significant impacts on the Blaen Cynon SAC. This assessment has been forwarded to NRW who have confirmed these conclusions.

Impact on the historic environment

When determining mineral extraction applications Para 31 of MPPW advises authorities to have regard to the desirability of preserving cultural interest and their settings.

It is considered that the archaeological resource of the site and its context has been adequately researched within the submitted assessment undertaken by Cotswold Archaeology. The assessment shows that the site includes a substantial area of former industrial remains made up primarily of spoil tips, and surface mine workings, shallow adits, an associated tram road layout along with bridges and retaining walls belonging to the period from 1770's to 1870's when the Heads of the Valleys area saw the development of a number of large ironworks. Map and documentary evidence shows that works on the site began in 1847, associated with the extraction of coal for the Llwydcoed iron works, soon after the acquisition by the Fothergill family and continued until 1877, hence the name on the O.S. map as Fothergill's Patches. The site remains largely unaltered since work was abandoned, although the western edge has been lost to opencast works in the 1960's and the tips and some tram road routes are preserved in good condition. Other aspects such as the tram road bridges have collapsed.

Prior to the submission of the application Cadw issued assessments regarding the value of the heritage remains on the site. The assessment concluded that as the site is not rare in the Heads of the Valley area, other examples are older, more diverse,

and more directly connected to other features and individual ironworks with more extensive documentation often from a longer history of extraction, the remains were not worthy of scheduling as an ancient monument.

There are three Scheduled Ancient Monuments (SAM's) which have been identified as lying nearby to the proposed development. These are known as the Hut Circles and Enclosures on Buarth Maen, (GM410), 60m to the south, Pillow Mound at Bryn Y Gwyddel (GM517) 220m to the north and an area of scour and patch iron working known as Winch Fawr (GM554) 460m to the north west. There would be no direct impacts on any of these SAM's and Cadw have advised that the local landscape has been substantially altered by mineral working during the 18th and 19th centuries and that the proposed development will not have a significant impact on their settings.

The application site lies on the boundary of the Merthyr Tydfil Registered Landscape of Outstanding Historic Landscape Importance which lies mainly to the west of the site. (HLW (MGL) 2. The most north eastern part of the site is included within this designation, but contains no historic areas of mineral extraction. The application site would also be located in close proximity to the East Fforest Fawr and Mynydd Y Glog Landscape of Special Historic Interest., located in BBNP. The application area and some of the proposed development, particularly the overburden mound would be visible from both these areas. An assessment of the impact of the proposed development on these areas has therefore been undertaken in accordance with good practice. The assessment has concluded that there would be low or slight visual impacts upon these landscapes and GGAT have concurred with this assessment.

The majority of the historic mining landscape would be located within the proposed extraction area and would be destroyed as a result of the proposed development. The submitted heritage mitigation strategy would ensure that these features would be preserved by record, principally by the use of LiDAR. The most important other archaeological feature inside the site, an area of rubble which is the remains of the Penwaen Person - a post medieval farmstead would be retained, along with four other nearby features of 19th century mining including Fothergill Level IV, Penwaen Person Tip and Spoil Tips and the Nant Y Derlwyn Shaft. Therefore there would be no direct impacts to these features.

Glamorgan Gwent Archaeological Trust have considered the cultural heritage section of the ES and the heritage mitigation strategy. GGAT have advised that the type of mine working on the site is the only example in Rhondda Cynon Taf and is of regional significance, but also advise that there are much better examples nearby such as at Winch Fawr, which is a designated Scheduled Ancient Monument. GGAT have advised that whilst the landscape will be recorded, the opportunity to view the existing features and the monumental scale of the coal tips would be lost. GGAT advise that Members will need to consider whether the economic advantages of the proposed development and the recording of the historic landscape will compensate for this loss. In addition GGAT advise that should Members decide to grant consent

then conditions should be secured to ensure that the archaeological resource to be lost would be properly investigated, the results made available to the public, and the archaeological resource to be retained is adequately protected.

It is recognised that the archaeological resource on the site does include the Fothergill's Patches coal spoil tips which GGAT have advised are more than local significance being the only example of this type of mine working in RCT and therefore of regional significance,. However they have been assessed as not worthy of scheduling as an ancient monument by Cadw, and both GGAT and Cadw advise that this feature is not rare in the Heads of the Valley area and that there are much better examples nearby such as at Winch Fawr, which is a designated Scheduled Ancient Monument. In cases which involve less than Nationally important archaeological remains, Para 6.5.1 of PPW advises that Local Planning Authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development. Policy AW7 of the LDP advises that cultural features which are not subject to formal recognition make an important contribution to the character and appearance of local communities and should be protected and enhanced. In relation to the above Policy, it is considered that on the one hand the remains are well preserved and are impressive but on the other hand they are inaccessible, not readily accessible to the public and they also do not make a significant contribution to the character and appearance of the local community being generally obscured from public view and knowledge. (see the section below regarding the impact on the character and appearance of the landscape). Therefore it is considered that the importance of the archaeological resource is insufficient to require the preservation of the coal spoil tips and to warrant an objection to the proposed development.

Para 6.5.3 of PPW advises that where preservation in situ of archaeological remains is not justified in the circumstances of the case and that development should proceed the authority needs to be satisfied that appropriate and satisfactory archaeological investigation and recording and publication of the results has been made. It is considered in order to comply with these provisions, the conditions recommended by GGAT should be attached to any consent granted. Based on the above conclusions it is considered that the scheme would comply with national and local planning policies in relation to its impact on the historic environment.

Impact on the water environment

All mineral workings have the potential to affect the water environment and it is essential to determine the extent of any effects and if the consequential impacts can be mitigated or controlled to acceptable levels. The ES and the subsequent water features survey and surface water supplementary statement have been submitted as an assessment of the known impacts.

The site is located within Zone A as defined by the Development Advice Map (DAM) referred to under TAN 15 such that there is no risk to the site from either fluvial or

tidal flooding. However, there are a number of ordinary watercourses within the boundary of the site, the Nant Y Derlwyn and the Nant Y Faeldref. There are also a number of tributary streams and drainage channels which convey surface water into the Nant Y Derlwyn which are ephemeral in nature and channels along the western site boundary which connect to the Nant Y Faeldref via a 600mm diameter culvert underneath the B4276 Merthyr Road.

The site operations include the provision of northern and southern perimeter drainage channels, two water treatment areas and associated settlement lagoons in order to provide the attenuation of surface water flows and the control of water quality, before it discharges to the existing watercourses at the two proposed discharge points. The Nant Y Faeldref which originates within the northern part of the site and the roadside channel would be removed to allow the overburden mound to be constructed. Drainage from the overburden mound would be intercepted by a system of peripheral drains along the toe of the mound. Surface water from excavation operations would be directed to the water treatment areas. Surface water runoff from the site offices and car parking area together with surface water runoff from the internal access roads would be directed to the southerly water treatment area. A Supplementary Statement incorporates an extended stand off from the Nant Y Derlwyn by up to 6 metres along the south western boundary of the limit of excavation, in order to protect the integrity of the stream.

A number of mitigation measures are identified to be employed during the operations in order to minimise potential impacts on the water environment. The ES states that these measures would ensure that the run-off would cater for storm water conditions, would not exceed greenfield runoff rates and would control water quality in terms of sediment and chemical pollution. Ongoing monitoring would be undertaken as part of the Environmental Permits required for the discharge consents. Ordinary Watercourse Consent would also be required for the alteration and for the creation of the new water channels on restoration. Full details of the surface water management, pollution prevention measures and flood risk assessment would be required prior to any works commencing.

The ES identifies the surface features and geological features and hydrogeology within the site which has been affected by previous surface and underground mine workings of the coal and ironstone industries. The ES states that generally the location of groundwater lies below the designed base of the excavation, although some levels exist within abandoned mine workings mainly associated with the Six Feet seam horizon and within minor sandstone beds. The ES states therefore that it is likely that mine water will be encountered during the operations but is unlikely to present any problems as operations would commence at the outcrop of seams and progress down dip to enable the waters to be progressively drawn down. NRW require a working method statement to include the working practices to be employed in order to deal with any such groundwater encountered.

The ES states that there are no licensed abstractions within 1m of the site although there are unlicensed abstractions at the springs at No's 1 and 2 Drift Houses. The Council is aware that there is a natural spring at Dyllas Cottage. The springs relate to the Gellideg coal seam which lies at a significant distance beneath the proposed excavation level and are therefore not likely to experience any impact. A borehole at the Bryn Pica Waste Management Facility lies to the south of the site and it would be monitored to assess where there would be any derogation in supply. NRW have accepted this approach subject to a scheme to require options for mitigation should the water supply be impacted prior to works commencing.

Foul drainage would be disposed of via a type of private treatment facility as there is no foul sewer available, the precise details should be required by condition in order to protect the water environment.

The Council's Drainage Officer has advised that the principle of the proposed drainage strategy is acceptable subject to the receipt of further details prior to the commencement of operations. It is therefore considered that on the basis of the likely impacts identified in the ES and subsequent statements together with the proposed mitigation and monitoring measures, the details of which would be required prior to works commencing, it is considered that the water environment would not be adversely affected.

Impact on transportation considerations

The proposed development involves the road haulage of 1.2 million tonnes of coal to be extracted from the site at a rate of approximately 5,000 tonnes a week over a five year period. The coal haulage route would enter the B4276, travel along the A465 to the Onllwyn Distribution Centre and upon return HGVs will be directed to the roundabout on the A465/A470 (Baverstocks Junction) to avoid the right turn at the junction of the B4276/A465 for highway safety reasons.

Within the site an internal access road would be provided on a newly created private access road, which would also be shared to serve the Bryn Pica Waste Management Facility and retained following restoration works. An area would be set aside for circulation and parking provision for employees and visitors. The new cycle route which has been constructed as part of the Sustrans Connect 2 scheme would be unaffected by the proposals. The Public Rights of Way would be temporarily diverted during the site establishment and operational parts of the development and reinstated during the restoration period.

The application is accompanied by a Transport Assessment (TA). The TA has been carried out for the base year of 2013 and an end date before 2020. It includes trip generation, junction analysis of nearby access junctions, capacity analysis, collision data analysis and an analysis of the existing access on to the B4276, which has recently been improved as part of the development of the Bryn Pica Waste Management Facility. The Transport Implementation Strategy (TIS) demonstrates

how the objectives of the TA would be met in order to mitigate the impact of the scheme on both the local and wider highway network .

The following highway mitigation measures are proposed:-

- Improvements to the A465/B4276 Junction to allow for left-in left out traffic movements, to cater for the increased number of HGV movements together with some carriageway resurfacing,
- Appropriate signage on the A465, warning drivers approaching the junction that there may be slow moving vehicles ahead,
- Introduction of an informal bus stop in close proximity to the site access,
- Provision of a staff mini bus, car sharing and a travel plan to minimise the need to travel by car,
- Operational procedures during blasting to control overspill of vehicles,
- Coal transportation to avoid am and pm peak hours Monday to Friday and 07:00 Hours to 08:00 Hours on Saturdays and
- Divert footpath within a suitable buffer of the operational works.

The Welsh Government Transport Division and the Council's Transportation Section have reviewed the TA and TIS together with the proposed highway mitigation measures and have raised no objections subject to the imposition of appropriate planning conditions. The recommended conditions seek the prior approval of the full engineering details of the improvements to the A465/B4276 Junction, a Construction Method Statement and a Road Safety Audit. A Section 106 Agreement is also requested in order to secure funding for either a one-off payment for additional damage caused by the extraordinary traffic use or to undertake condition surveys prior to works commencing and on an annual basis until the expiry of the permission. In addition it is noted that the developer will need to enter into an Agreement under Section 278 of the Highways Act 1980 to undertake the agreed improvement works on the A465 trunk road. Furthermore, it is considered necessary to impose a condition to ensure that the new road to serve the Bryn Pica Waste Management Facility is constructed to an acceptable highway standard, at least similar to its existing standard. The Council's Public Rights of Way Officer has raised no objections but advises of the need to formally divert footpaths prior to works commencing and that further details are required regarding the nature of these diverted routes. It is therefore considered that with the implementation of the mitigation measures, secured by conditions and legal agreements there would be minimum impact on the existing local and wider highway network.

Impact on the character and appearance of the landscape and visual impact

The Landscape and Visual Assessment accompanying the application has been undertaken in accordance with best practice as set out in the current Guidelines for Landscape and Visual Assessment (GLVIA), and in accordance with the LANDMAP Information System Methodology, devised by the former Countryside Council for Wales, to a Level 3 classification for the wider area up to 3km from the site boundary

and a Level 4 classification for the site together with its immediate context up to 500m from the site boundary. The Level 4 assessment identifies and describes 24 landscape character areas (LCA) and the site has been broken down into seven LCA's. The degree of the likely landscape and visual effects has been determined by relating the sensitivity of receptors, or ability of the landscape to accommodate changes and the scale of the change. The assessment of impacts has been undertaken with all mitigation measures incorporated.

A full description of the site is presented above in the site appraisal. In landscape terms the site lies within a generally open elevated position and is located on the northern end of the Mynydd Aberdâr ridge, a ridgeline which is the dominant landform feature of the area. The site comprises largely of conifer forested land situated within the south-western and northern parts of the site which varies in character and density with ground conditions. The south eastern and middle part comprises of an open area of former coal and ironstone workings and tips and also an area of sparse and scattered conifer and scrub associated with the area known as Fothergill's Patches. Within the western part of the site and adjacent to Dyllas Farm lies a large open field of agricultural land which is a previously restored opencast site. Along the south western boundary of the site lies the valley of the Nant Y Derlwyn.

On the wider area, the landscape effects are shown to be small changes and minor adverse in the short to medium term for the landscape habitat, historic and cultural landscape which would be reduced to minor beneficial in the long term apart from the historic landscape which is assessed as neutral. There would be negligible impact on the geological and visual and sensory aspects. For the very sensitive cultural landscape of the National Park the changes in the site are assessed as negligible in the long term.

Within the site the dense conifer plantation which covers most of the site would be affected by the excavation and overburden storage and support facilities, although some would be retained for screening purposes including the area covered by the TPO. This level of change is regarded as major adverse in the medium term which would be reduced to major beneficial in the long term with the development of the vegetation on the new landscape, which would become apparent in the medium term during restoration.

The historic landscape features and the associated diverse habitat of the Fothergill's Patches would be almost entirely removed and replaced by restoration which seeks to reinstate the existing complex landform, re-establish the mosaic of habitats and enhance public access. This is assessed as a major adverse effect in the short term but a major long term beneficial effect. The area of scattered conifer and scrub on the Fothergill's Patches would be removed and replaced with a new landform with features of ecology and landscape character diversity. This change is assessed as a moderate adverse in the medium term and as a moderate benefit in the long term as the restoration integrates with the wider landscape.

The open field adjacent to Dyllas Farm would not be affected by the operational area other than the formation and removal of the soil storage bunds, access roads and the field being managed for ecological interest. On restoration it would be restored and managed in association with the adjacent land in the south. This is assessed as a medium adverse short term effect reduced to a moderate benefit in the long term following restoration. For Dyllas Farm the effect is assessed as a moderate to major intermittent one due to the intrusion on tranquillity reduced to a slight beneficial long term effect due to the increased diversity of the landscape and improved public access.

Other major adverse effects would arise within the open access land lying within the south eastern part of the site within Mynydd Aberdâr which would be affected by the final void excavations but which would be restored, which has been assessed as a localised major adverse effect. The intrusion of tranquillity and visual amenity is assessed as moderate adverse medium term and a moderate benefit to visual amenity following restoration.

Major adverse effects would also result in the land immediately adjacent to the east and south east of the site, namely the upland areas of Mynydd Aberdâr, Mynydd Bryn Y Gwyddel and Winchfawr West. These effects are associated with the close views over the proposed excavation and the overburden mound, causing an intrusion on the tranquillity and visual amenity which would be reduced to a moderate benefit to visual amenity after restoration from Mynydd Aberdâr and to no change from the other areas.

Moderate adverse medium term effects would occur within the land associated with the B4276 Merthyr Road adjacent to the north western part of the site, as a result of the removal of the existing conifer plantation and the construction of the overburden mound and the provision of the water treatment area which would be reduced to a slight long term benefit following the opening up of this area following restoration.

A slight adverse intermittent effect is shown from the urban edge of Llwydcoed due to the intrusion on tranquillity from time to time, whilst the area would be separated from site operations due to the retention of conifer plantation in the south of the site. Long term there would be no effect.

The visual assessment generated a zone of theoretical visibility (ZTV) to identify areas where views of the proposed development would be available. The assessment studies eighteen viewpoints to be representative of views available from twelve groups of visual receptors ranging from residents, users of access land and routes, views from designated built and landscape areas and community facilities. Eight viewpoints were chosen to identify the visual impact at three critical stages – maximum void, final void and 10-15 years after restoration. There would be moderate to major adverse visual effects during operations for viewers in the higher parts of Penywaun and Trecynon which would have open direct views. For viewers

in communities to the south west and from the Dare Valley Country Park, for whom the site is a moderately important mid distance element in their view there would be moderate to minor medium term adverse effects. For viewers with oblique views or views from upper floors there would be less significant adverse effects on residents, such as in Trecynon and Beacon Heights, the effect would be principally due to the impact of the overburden mound. There would be no effect on the nearest residents at Beacon Heights and Jah Jireh Residential Home due to the screening effect of the existing landform.

For near viewers from the higher access land to the south and within the Landscape of Outstanding Historic Interest to the east, the effect of the site operations is assessed as major and following restoration as beneficial. For users of public footpaths, bridleways and long distance public footpaths the effect of the site operations is assessed as a moderate to minor adverse medium term impact, as there are generally few clear views of the site from these receptors. For viewers from the BBNP the views available from the upland areas offer wide ranging and varied panoramas in which the site is an unimportant element in the view and therefore any changes within the site are assessed as minor. For users of the B4276 passing adjacent to the site boundary the overburden mound would form a moderate adverse effect and in more distant views the overburden mound and the latter excavation works would be a moderate to minor adverse effect.

For many other receptors including users of access land (other than stated above), including the upland areas within the BBNP, users of the nearby cycle route, the landscape of special historic interest, Cyfarthfa Castle, visitors to community facilities and travellers on roads including the A465, the impact is assessed as minor or negligible. A moderate or minor beneficial long term effect would arise as a result of the extent of the change in the character of the landscape and the integration of the restored landscape with the existing landscape. For all other visual receptors the visual effect is assessed as moderate or less, adverse or neutral during operations or beneficial or neutral after restoration.

The ES has also considered the cumulative landscape and visual impact with other similar developments which are taking place within 5km of the site, i.e. Tower Surface Mine, Fros Y Fran Surface mine, Pen Y Cymoedd Wind farm and the Bryn Pica Waste Management Site. It concluded that the Mynydd Aberdâr is a key visual barrier separating the zones of visibility of developments to the west and those to the east of the ridge, so that Fros Y Fran would not be visible with Tower. The wind turbines of Pen Y Cymoedd, Fros Y Fran and the overburden mound of Bryn Defaid would be visible. The site would be visible with the Tower and Pen Y Cymoedd developments from the settlements of Hirwaun, Penywaun and Llwydcoed, although not in the same angle of view and from the upland areas of Moel Penderyn and Mynydd Y Glog. The site would be theoretically visible from the uplands to the north of Merthyr with Fros Y Fran and Pen Y Cymoedd.

The impact is assessed as a short term additive cumulative effect of no more than of moderate significance during operations from the higher parts of Penywaun and Trecynon and as a minor cumulative temporal effect from Mynydd Y Glog. Cumulative impacts from the A465 are not likely of all the developments although they could occur with the Pen Y Cymoedd Wind farm and is considered to be negligible. From Dare Valley Country Park, views of one or other of the surface mines would be visible with the wind farm and the contribution of Bryn Defaid is not likely to be greater than moderate to the additive and sequential visual effect.

The assessment has shown that there would be major adverse landscape and visual effects during the operational phase of the site operations and these would be confined to areas within the site, users of the B4276 and the immediately adjacent higher land, including that of the Landscape of Outstanding Historic Interest to the east and communities within Penywaun and Trecynon. Within the wider context the effects would be no more than minor adverse during the operations. In the long term the proposals would result in beneficial landscape and visual effects to either a moderate or minor degree depending on the scale of the change to the existing landscape or view. Effects on the BBNP, historic buildings, other designated parks and landscapes both within Merthyr Tydfil and RCT have been considered and assessed as minor.

The Council's Landscape Architect has considered that the LVIA is a thorough assessment of the predicted outcome of implementing the proposed scheme. The assessment has included how the development has been amended prior to submission to minimise its affects and identifies different landscape types in terms of new landforms and vegetation intended to be created. He does not consider that the removal of the conifer plantation would be a major benefit of the scheme as this could take place without the development proceeding. He recognises that the development would have minimal impact on the surrounding area due to the confined area of the proposed development being on the western side of the northern end of the Mynydd Aberdâr ridge. The effects are mainly limited to areas within the immediate area of the upper Cynon Valley area and Mynydd Y Glog within Brecon Beacons. He further considers there would be a long term loss of the existing landscape and visual experience which should be weighed against the benefits of the scheme.

Whilst it is acknowledged that the proposed development would be visible from parts of the Brecon Beacons National Park, both the BBNP and NRW consider that the impact would not be unacceptable. NRW have advised that in their opinion the scheme is relatively short in duration and the proposed restoration scheme, if implemented appropriately and in consultation with the various Authorities involved has the potential to lead to an improvement in landscape terms as a result of the removal of non native forestry plantation and restoration to more 'natural' acid grassland, heath, broadleaved woodland etc. Whilst NRW acknowledge that there are likely to be adverse landscape effects during the operational phases it is not considered that these would be unacceptable given their duration and location.

It is obvious that the landscape and visual impacts would be most significant during the operational phases of the proposed development, but this would be for a temporary period only. The applicant has sought to minimise the extent of these impacts by retaining existing trees and woodland areas to screen the operational areas and the use of phased backfilling works. The restoration scheme has the potential to lead to an overall improvement of the existing landscape in the long term. On this basis and the advice of NRW and the Council's Landscape Officer it is considered that, subject to the imposition of appropriate restoration conditions, as detailed below, the proposed development is unlikely to result in demonstrable permanent harm to the visual amenities and landscape character and appearance of the area.

Restoration, aftercare and soil resources

Achieving a high standard of restoration and beneficial after use is one of the key principles of sustainable mineral extraction set out in MPPW. MTAN2 reiterates this advice and states that if satisfactory restoration cannot be achieved then permission should be refused. Aftercare and reclamation methods should be set out in order to maintain or enhance the environment for the benefit of local communities and the long term quality of the land for the intended after use. The recovery and reuse of soils is considered an essential element of sustainable mineral extraction as set out in MTAN2.

The main features of the proposed restoration scheme are shown on Figure 10.12 as amended by Figure 5.01. It would provide a landform similar to the existing landform. The northern and eastern areas would be restored as open mountainside moorland vegetation in order to restore the biodiversity value of this part of the site and to integrate better with the adjacent extensive mountainside. These areas would be managed for the benefit of landscape, biodiversity and public access and not for commercial forestry or agricultural uses. The lower lying slopes would be planted with mixed broadleaf-conifer woodland. The lower lying land within the western area would be restored back to grassland which would be managed to be established for the marsh fritillary butterfly with areas of woodland and wetland to create more diversity. Three types of woodland are proposed to maintain woodland connectivity and to integrate the site into the retained plantations adjacent and the setting of the surrounding landscape. A more accentuated undulating landform in the same area as the existing tips would be provided in order to provide the conditions for colonisation by pioneer lichen and mosses. In addition two small patches of bare spoil or soil forming materials are included for natural colonisation with artificial rock exposures formed.

As part of the restoration strategy the new operational water treatment areas are proposed to be retained, reprofiled and landscaped to create two main areas of wetland with informal surface pond features. The ephemeral watercourses of the Nant Y Faeldref and the Nant Y Derlwyn would be reformed along their original

alignment into natural channels using reclaimed stone and gravels over clay lining and bio-degradable erosion control matting on the steeper slopes to allow vegetation. The drainage for the extremely steep areas would consist of rock formed cascades with stilling ponds.

The proposals include the recovery, storage and reuse of the limited soil materials and handling methods, soil preparation, seeding and planting details which vary according to the proposed habitat type to be created. Only a very limited amount of natural soil material would be available for re-use and the short fall would be made up of soil forming material recovered from mining operations. Any existing soils above the overburden layer would be recovered and stored in accordance with good practice. The surface material under the conifer plantation would be recovered for re-use. The soils within the open areas would be recovered and stored separately for re-use in re-instating the tip complex. The turf/topsoil with lichen and wax cap and the core material within the existing tips would be stored separately in designated areas.

The restoration includes mitigation and compensation for the loss of habitats in order to maintain the range and conservation status for great crested newt, including the provision of replacement ponds prior to the main mining works commencing and 20 new ponds as part of the restoration proposals.

In terms of the cultural heritage context the remains of the Penwaen Person, a post medieval farmstead, along with some nearby features of 19th century mining would be retained within and adjoining the existing woodland tree plantation.

The proposals include progressive restoration and aftercare management and a willingness to enter into extended aftercare for the majority of the site for 25 years, together with a financial bond. Outside the site boundary, an additional area of 130 ha of land in the applicant's ownership to the south east of the site has been offered to be managed to enhance its existing nature conservation interest.

Public access would be enhanced by reinstating the routes of the existing public rights of way together with providing additional new permissive routes, to link with the adjacent open access land and the nearby existing cycle network. However, the precise alignment of the new routes together with the details such as their surfacing, width, maintenance, crossing and access controls would need to be secured by a S106 Agreement as part of the detailed restoration and aftercare scheme.

The recovery and replacement of natural soils over a similar area of origin to re-establish flora is assessed in the ES as a negligible effect. The additional area of moorland to be created would result in a minor beneficial gain of Grade 5 land. The proposals would comply with best practice in terms of the recovery and re-use of soils and is considered to comply with both national and local planning policy regarding the use of soil resources.

Welsh Government Department for Natural Resources and Food has advised that the proposed agricultural use of the small section of the site to the south of the Amgen access road, associated with Dyllas Farm would be expected to be low productivity as exists at present on the site and in the locality. The aim of the restoration proposals to provide an upper level of 25cm of soil or soil forming material within the overall soil profile and a five year period of aftercare is acceptable.

Notwithstanding the concerns raised previously regarding the significant loss of SINC habitat and the difficulty in replicating some of these habitats, the proposed restoration scheme would be appropriate for this open upland area. It would restore the majority of the site to acid grassland with mixed woodland on the lower slopes, retaining other woodland features, retaining industrial remnants, encouraging public access and the recreation of appropriate water features. Whilst the elevated and exposed nature of the site makes the prediction of the restored landscape and its habitats difficult, it is considered that an adequate restoration scheme with enhanced biodiversity objectives, should be able to be achieved for the majority of the site. This would need to be secured by appropriate planning conditions, a Section 106 Agreement and a financial performance bond as recommended by NRW and the Council's Ecologist for up to a minimum 25 year extended aftercare period.

Restoration Guarantee Bond

Paragraphs 53 and 54 of MPPW state

“Properly worded and relevant planning conditions should be able to secure the restoration, aftercare and after use of mineral sites. Operators and landowners should ensure that sufficient finance is set aside to enable them to meet restoration and aftercare obligations. The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity of extraction. For larger sites, progressive restoration should be achieved using a stream of funding required at various stages throughout the operation. Operators are encouraged, as a reasonable alternative, to participate in established mutual funding or guarantee schemes which safeguard against possible financial failure.

Sites left unrestored for a long period or delay in legitimate restoration is not acceptable. To address the uncertainty of local communities about the completion of restoration proposals and having regard to the polluter pays principle, wherever it is reasonable to do so, authorities may require financial guarantees as a means of ensuring that sites will be restored properly and in a reasonable time period. An authority may require financial guarantees by way of a Section 106 planning obligation/agreement, as part of the approval of planning permission to ensure that restoration will be fully achieved...”

The Mid Glamorgan Act 1987 allows the Local Authority to require a bond to guarantee restoration where a development involves the mining of coal. The Bond would be required to be in the form of a cash payment deposited with the Council to utilise in the event of a default. Such a bond would be required to cover the coal operation works together with the works, monitoring and management involved up to the 25 year extended period of aftercare. The minimum expectation would be that at no point in the development would the Authority be exposed to a liability in excess of the bond held so as to ensure that the restoration scheme is deliverable in full. These provisions would ensure that adequate monies would be available to ensure the adequate restoration of the site. Therefore, any grant of planning permission would be conditional on securing a restoration guarantee bond as part of any Section 106 Agreement. The amount of the bond which would be determined by a full assessment of the monies required at each stage of the operations, in the event of the applicant defaulting prior to the completion of the proposed restoration and aftercare works.

Other Matters

Socio Economic Benefits

Need for coal

The proposal would contribute towards the diversity and security of energy supply as set out in MPPW, and contribute to the local and regional supply of coal as set out in LDP Policy CS10. The need for coal is widely recognised to reduce the UK's continued reliance upon the volatility of imported coal. Para 13 of MTAN2 advises that it is likely that coal will be a strategic source of energy for the foreseeable future, and that the energy generating industry and the steel industry will require a steady supply at today's levels until 2020.

The applicant states that the coal produced from the site would be low volatile coal which is the type of coal for which the Aberthaw Power Station was designed and built. The coal would therefore help to meet the demand for coal from Aberthaw Power Station alongside Fros Y Fran, Tower and other coal producing sites. Aberthaw Power Station meets the needs of some 1.5 million people or in excess of 40% of the electricity required in South Wales, and 60-65 % comes from within the UK.

The coal would also be blended at the Onllwyn Washery and Distribution Centre to meet specific customer requirements of the electricity and industrial markets including TATA, the domestic markets and the heritage railway sector.

The coal would be dispatched by train from the Onllwyn Distribution Centre to the Aberthaw Power Station which would be the most efficient means of transport.

Letters of support have been received from Aberthaw Power Station and from the Coal Authority and local representation has been received regarding the importance of supplying locally produced coal.

Notwithstanding a general shift in policy to renewable energy technology, there is considered to be a definitive need for coal to maintain existing coal fired power stations for some time.

It is therefore considered that the coal is a key strategic reserve of national significance and coal from the site would reduce dependence on imported coal which would benefit the local and wider UK economy. It would also ensure a prudent use of natural resources.

Regional/Local Economy

The applicant states that the proposed development would be of benefit to the regional economy of more than £75 million.

In excess of £500,000 of business rates would be provided to RCT Council.

The annual wage bill would be approximately £2 million a year which would provide an income of £12-14 million over the life of the scheme which would be largely spent in the locality and in local businesses.

Employment

The employment benefits would be clear in that it is anticipated that the proposed development would provide 50 new jobs related to work in engineering, heavy plant, maintenance, fitters, welding and as electricians. The applicant prides itself on employing local labour with 90% of its present workforce living within a 5-10 mile (8-16km) radius of their other company sites.

The applicant has stated that 4 initial apprenticeships would be provided in welding, plant maintenance, electrical and engineering disciplines with the possibility of more over the life of the site. There would also be wide ranging training for employees to industry approved standards and education and research opportunities for schools and colleges.

It is envisaged that due to a significant proportion of local people being employed within the mining sector within a 10 mile (16km) radius of the site, i.e. Fros Y Fran, Selar and Tower there is already a local pool of labour.

The site would also continue to support the Onllwyn Washery and Distribution Centre which deals with all coal extracted from the applicant's sites and which currently employs 72 people.

In addition, it is widely recognised that for every 100 jobs in coal production between 150 to 300 jobs are supported elsewhere in support jobs such as contractors whose businesses rely upon the surface mining industry and supply firms in the service and transport sectors. Therefore by applying a multiplier of between 1.5 and 3.0 it is likely that there would be between 75 to 150 supporting jobs resulting from the proposal. Although the operations would occur over a short period of time it would be a significant source of employment and income to local communities during this time.

Given that the local area suffers from significantly higher levels of unemployment than the Welsh average, the employment generation would bring significant benefits to the local area for the life of the scheme.

Community Benefits

The restoration scheme could encourage further use of the land by members of the public by the creation of additional permissive routes or rights of way. It is also envisaged that members of the public could find the site a feature that they wish to visit for industrial archaeology reasons. As such there may be a minor impact on tourism in the surrounding area.

The applicant states that the improved junction arrangements between the B4276 and the A465 would be undertaken and during the life of the site there would be traffic control cameras to monitor the hgv traffic associated with the scheme as well as other non-site hgv traffic to prevent them travelling towards the village of Llwydcoed, at no cost to the public purse.

A community levy of 40p per tonne of coal extracted would be provided which the applicant has offered to incorporate into the S106 Agreement to accompany any consent issued. This would amount to an overall community fund of approximately £500,000 which would be administered by a registered community charity such as Meadow Prospect. This is a significant fund which would be available for the wider communities of Rhondda Cynon Taf and Merthyr Tydfil.

Community Involvement

If consent were forthcoming then there would be a Site Liaison Committee set up as a forum for community discussion of the ongoing operations. This would be formed from Member and Officer representatives of both Rhondda Cynon Taf and Merthyr Tydfil Borough Councils as well as representatives of the nearest affected local residents.

Additional Matters

Adequacy of the ES - a number of objectors have questioned the adequacy of the ES. In this respect the Council's decision is required under Regulation 2(1) of the Environmental Impact Assessment Regulations to take into account all the

environmental information before granting any planning permission. The Regulations advise that the information means the ES, including any further information, any other information of any statutory consultees and any representation made by any other person. It is considered that this standard of scrutiny has ensured that the likely environmental effects are known and have been adequately assessed.

Devaluation of Property – a number of the objectors have cited this as a reason for objecting to the proposal but there is case law which establishes that this is not a material planning consideration and cannot be taken into account.

Alternative sources of energy - the suitability of the surface coal extraction operations to generate a source of energy has been questioned. In this respect, there is no requirement for the applicant to demonstrate that other forms of renewable energy have been explored.

Tourism/green industry for Heads of Valleys Area – the perceived conflict with national and regional policies which promote tourism and green industries for the area has been questioned. However, the determination of any major planning application in the area relies on a balance between all material planning considerations. It is considered that in this case, notwithstanding the significant impact on the SINC the impacts on the environment have been minimised.

Instability of Overburden Mound - the instability of the overburden mound has been questioned. In this respect the responsibility for the safety of the overburden mound rests with the applicant, which is overseen by the Health and Safety Executive, as the relevant body for monitoring the stability of active coal sites.

Conclusion

As stated in Para 62 of the MPPW the first test for open casting (surface mining) development is that the *“proposal should be environmentally acceptable, or can be made so by planning conditions or obligations and there must be no lasting environmental damage”*. It has been established above that this proposed development does not meet the test in terms of the impact on the ecological components of the environment namely the impacts on non statutory site of importance for nature conservation and Local BAP habitat. In particular this is related to the impacts and implications of the surface coal mine development upon the ecology and biodiversity value of the Site’s old coal spoil tips

As the first test has not been achieved, the second test set out in MPPW applies, that the proposal *“should provide local or community benefits which clearly outweigh the disbenefits of likely impacts to justify the grant of planning permission.”*

In this case the potential benefits are considered to be short term socio-economic benefits in terms of the clear employment creation of 50 new jobs, 75 - 150 indirect jobs in the service and transport sectors, a community benefit fund of approximately

£500,000 for the benefit of the local and wider economy and there is the acknowledged need for indigenous coal where it can be obtained in accordance with National and Local Policy.

It should be acknowledged that apart from the ecological reasons provided above, in all other environmental aspects it is considered that the proposed development, with adequate mitigation secured by planning conditions and S106 obligations, would ensure that the environmental impacts are limited to acceptable levels, in terms of protection of the amenities and living conditions of nearby residents and sensitive land uses from the effects of noise, dust, air quality, transportation, landscape character and visual impact, health, the water environment and impact on the historic environment. In addition, in the long term the site should be able to be restored to a beneficial and suitable after use.

Para 10 of the MPPW sets out the overriding objective to provide a sustainable pattern of mineral extraction by adhering to the five key principles that authorities must take into account in development control for mineral working. These are to:

- provide mineral resources to meet society's needs and to safeguard resources from sterilisation;
- protect areas of importance to natural or built heritage;
- limit the environmental impact of mineral extraction;
- achieve high standard restoration and beneficial after-use;
- encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

It is therefore considered that the Planning Authority's role in relation to mineral working is to ensure that there is a careful balance between society's need for minerals, the need to ensure prudent use of finite resources and the protection of existing amenity and the environment. Therefore, in this instance, taking all factors into account, having weighed all the environmental and other evidence, the planning policy background and balanced the potential costs and benefits of the proposal, it is considered that the balance falls in favour of recommending that planning permission ought to be granted.

RECOMMENDATION

That the application be APPROVED, subject to the following matters:

- 1. the applicant (and any other party/parties with an interest in the land) first entering into a legal agreement under Section 106 of the Town and Country Planning Act 1990 that in general terms would secure the following measures:-**

- Ecological Management, remediation and monitoring requirements of all land to be subject to mitigation and restoration for a period of 25 years,
- Provision of an Ecological Management Plan for the 130ha of land in the applicant's control to the south east of the site,
- Provision of an appropriate financial guarantee to secure adequate reclamation of the site in the event of the applicant defaulting prior to the completion of the restoration and aftercare works subject to the planning permission,
- A condition survey of the highway from the site entrance to the A465/B4276 Junction Or alternatively to pay a one-off payment contribution towards the cost of remedial works associated with additional damage caused by extraordinary use,
- All highway provisions contained within the TA, including a route restriction for HGV traffic, staff car sharing and bus stop,
- The diversion, stopping up of the public rights of way, the creation of a new PROW up onto the site and future maintenance thereof and new styles and bridges at access points to the site, to facilitate easy access, but prevent unwanted access, such as trial and future maintenance thereof;
- Two new information boards providing information on the industrial archaeology of the site;
- Community fund to be provided at a rate of 40p per tonne of coal extracted.

2. The recommended conditions as set out below in this report,

3. That the Service Director Planning to be authorised to add, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the permission or development.

4. Dependant on Members' resolutions in respect of the above that the Service Director Planning be authorised to enter into further discussion with the applicant (and/or their agents/representatives) in order to negotiate further the level, scope, delivery and phasing of contributions to be secured by the proposed development. On conclusion of these further discussions if the level of required mitigation provision (or financial contribution) identified above has not been agreed that a further report be brought back to a future meeting of this Committee confirming the outcome of those further negotiations

1. Coal extraction shall cease within 5 years from the date of the commencement of the excavation works for the initial void as shown on Figure 5.02.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to allow a timescale for the completion of coaling at the site, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

2. Unless otherwise approved in writing by the Local Planning Authority, notwithstanding any progressive restoration already undertaken, backfilling of the void and the full restoration of the site shall commence no later than four weeks after the completion of coaling at the site or be completed within 7 years from the commencement of excavation works of the initial void as shown on Figure 5.02 and in full accordance with the Site Restoration Strategy approved in accordance with Condition 47 and other conditions approved under this consent, or as may be subsequently amended by any condition or approval under this consent.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

3. The developer shall inform the Local Planning Authority in writing of the termination of coal extraction from the site and within 14 days of the cessation of coaling.

Reason: To aid the monitoring of site activities, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

4. Coal washing activities shall cease and all coal stocks shall be removed from the site within 6 months of the cessation of coaling.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

5. Unless otherwise approved in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the local planning authority.

Reason: To avoid ambiguity as to the development hereby permitted.

6. Prior to commencement of the development, details shall be submitted to and approved in writing by the Local Planning Authority of the details of the phasing of the works and restoration of the site to include the following matters:-

- phased removal of any vegetation and woodland areas,
- construction and removal of the overburden mound,
- storage and use of soil materials,
- haulage roads,

- phased provision of the restoration works, planting, new drainage features, ponds and ecological habitats,
- phased provision of new permissive paths and reinstated PROW's.
- details of the restoration of all retained water treatment areas, to include reprofiling, landscaping and ecological enhancement measures,

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

7. Prior to the commencement of working details of the proposed coal processing facility to be utilised at the site shall be submitted to and approved in writing by the Local Planning Authority. The coal washing operations shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

8. Unless otherwise approved in writing by the Local Planning Authority, the progressive restoration of the site shall be undertaken in accordance with the phasing as identified on approved plans. If progressive restoration has not been carried out within the timescales as identified on the drawings, coal extraction shall cease until restoration has been completed in accordance with the plans. The timescales indicated on the plans shall be deemed to be the end of each year 6 months from the date of the commencement of the development.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents and to ensure progressive restoration is undertaken within the approved timescales, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

9. Unless specifically required for the purposes of aftercare or otherwise approved in writing by the Local Planning Authority, all plant, machinery, hardstanding ancillary workshops, buildings or other works associated with the development (or any phase thereof) shall be removed off site within 3 months of completion of the restoration of the site. The affected areas shall be reclaimed in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be submitted for approval no less than 6 months prior to the cessation of coal extraction indicating the resources that are to be conserved for its restoration and the final contours and land use for that area.

Reason: To protect the character and appearance of the site and the environment of the surrounding area, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

10. In the event of coaling ceasing, the Local Planning Authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of coaling ceasing for a period of 6 months, or as otherwise approved in writing by the Local Planning Authority, a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 6 months of the cessation of coaling for written approval. The revised scheme shall be implemented within 6 months of its approval, or as may be otherwise approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

11. No coal processing or coal stocking shall take place on the site except in the area identified on Figure CEL.02 and all coal stocks on that area shall not exceed 6 metres in height above ground level at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

12. At no time shall any coal extraction be undertaken on the site except within that area defined as the limit of extraction area on Figure CEL.01, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

13. Prior to the commencement of the development, stock proof fencing shall be constructed along the entire perimeter of the site and thereafter retained until the completion of restoration operations and where necessary the after care period, in accordance with details which shall have been submitted to and approved by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate boundary treatment, in the interests of public safety, in accordance with policies AW5, AW6, AW8, AW10 and CS10 of the

Rhondda Cynon Taf Local Development Plan.

14. During the development hereby permitted, until personnel are no longer based at the site, a copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during site operating hours.

Reason: To ensure the monitoring of site operations can be monitored at any time, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

15. Unless otherwise approved in writing by the Local Planning Authority the only coal to be prepared, treated and stocked at the site shall be that extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking.

Reason: To prevent operations and activities not considered within the application, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

16. All rubbish and scrap materials generated on the site shall be collected and stored, in a screened position within the site area until such time as they are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

17. Unless otherwise agreed in writing by the Local Planning Authority, at intervals of 6 months, following the date of this permission, details, in the form of a land survey, sectional details and calculations, shall be provided to the Local Planning Authority indicating the extent and volume of the extraction void and the overburden mound at each such interval.

Reason: To aid in the monitoring of the site, in the interests of amenity in accordance with policies AW5, AW6 of the Rhondda Cynon Taf Local Development Plan.

18. Prior to the commencement of the development hereby permitted, a scheme shall be submitted for the approval of the Local Planning Authority to ensure that all areas of Nature Conservation Habitat, Water Features, Woodland and Retained Trees within the approved site that are to be conserved and protected are fenced off with working signs. The fencing and signage shall be maintained as approved for the duration of site operations, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate segregation and protection of areas of Nature Conservation Habitat, Water Features, Woodland and Retained Trees, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

19. Unless otherwise approved in writing by the Local Planning Authority, the external walls and roofs of buildings and the external surfaces of structures shall be dark green in colour. The colour shall thereafter be maintained until the buildings and structures are removed from the site.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

20. From the date of the commencement of coaling the site operator shall maintain records of monthly output and shall make them available to the Local Planning Authority at any reasonable time upon request. These records shall be kept for the duration of coaling operations at the site.

Reason: In order that the Local Planning Authority can monitor output at the site, in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the commencement of the development hereby permitted a scheme shall be submitted to and approved in writing by the Local Planning Authority of the locations, maximum dimensions and likely volumes of the proposed topsoil, sub soil, soil forming material and turf storage areas. Topsoil, subsoil, soil forming material and turf storage bunds shall be placed in the approved locations and constructed in the approved method and size and shape. The locations of all soil storage mounds, including the description of materials and volumes shall be submitted to the Local Planning Authority within 1 month of their construction.

Any amendments to the approved specifications shall be agreed in writing by the Local Planning Authority before being implemented.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

22. i) Except in an emergency which shall be notified to the Local Planning Authority as soon as practicable, no development, which includes the starting up of plant and machinery, or other activities associated with the development (other than water pumping, environmental monitoring and maintenance) authorised or required by this permission shall be carried out on the site except between the

following times:

07.00 to 19.00 Hours Mondays to Fridays.

08.00 to 12.00 Hours Saturdays.

ii) In addition, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times:

10.00 to 16.00 Hours Mondays to Fridays.

iii) There shall be no development or other activities other than those in relation to water pumping, environmental monitoring, maintenance and the testing of plant undertaken on Sundays, Bank or Public Holidays.

iv) No coal transportation movements shall occur between 08:00 to 09:00 & 16:00 to 17:00 Hours Monday to Fridays and between 07:00 to 08:00 Hours on Saturdays.

v) No vehicles associated with the transportation of coal shall enter the site between the hours of 19:00 and 07:00 Hours Mondays to Fridays, 19:00 Fridays to 08:00 Saturdays and 12:00 Saturdays to 07:00 Mondays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5 and AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

23. Operational noise from the site shall not exceed the specified sound pressure levels, measured as an dBLAeq 1 hour (free field) under the measurement criteria of MTAN2, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 19.00 Hours Monday to Fridays and between 08.00 and 12.00 Hours on Saturdays.

Location	Mon – Fri 07:00 – 19:00	Saturday 08:00 - 12:00	At all other times	Short term 10:00 – 16:00 Mon - Fri
1. Beacon Heights Heol Corn Du	45	42	42	67
2. Rest Home A465	55	42	42	67
3. Bryn-y-Gwydel, Merthyr Toad	52	42	42	67
4. Dyllas Farm, Merthyr Road	47	42	42	67

5.Drift House, Merthyr Road	43	42	42	67
6.Penderi, Merthyr Road	49	42	42	67

(All these figures relate to dBLAeq 1 hour free field)

The sound pressure level for operational noise from the site, measured at any other noise sensitive property, shall not exceed 55dBLAeq 1 hr free fields, or background noise level +10dBLAeq under the measurement criteria of MTAN2 between 07:00 and 19:00 Hours Monday to Fridays and between 08:00 and 12:00 Hours on Saturdays.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

24. Notwithstanding the noise level limits set out in Conditions 23, above the sound pressure level for operations for the stripping of topsoils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hr (free field) for up to 8 weeks in any calendar year.

Reason: To protect the living conditions of nearby residents in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

25. Prior to the commencement of the development hereby permitted a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. All site operations shall be carried out and monitored in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

The noise management plan shall include (inter alia) the following provisions:

- Details of the proposed location, height and construction of the required screening mounds and barriers,
- Noise monitoring protocol,
- Noise complaint protocol,
- All pumps used in connection with the development shall be powered by electricity or otherwise acoustically insulated.
- All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and acoustic covers in accordance with the manufacturers' recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers

open or removed.

- Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

26. Prior to the commencement of the development a scheme for any external lighting to be used on the site shall be submitted to and approved in writing by the Local Planning Authority. The operations shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

27. Prior to the commencement of the development hereby permitted a blast management and action plan shall be submitted to and approved in writing by the Local Planning Authority. All blasting operations and monitoring activities shall be carried out in accordance with the approved Blasting Management and Action Plan for the duration of coaling operations at the site, unless otherwise agreed in writing by the Local Planning Authority.

The scheme shall include (inter alia) the following provisions:-

- i) except in the case of an emergency, blasting within the site shall only take place within the approved coal extraction area, between 10.00 to 16.00 hours Monday to Fridays. If blasting takes place outside these hours, in the case of an emergency, full written details of the circumstances and the time of blasting shall be submitted to the Local Planning Authority within three days after the occurrence.
- ii) blasting shall be designed so that the ground vibration measured as peak particle velocity in any one of three orthogonal planes shall not exceed 6mm/s at any residential or similarly vibration sensitive property. Within this design limit ground vibration for at least 95% of all blasts in any 20 week period shall not exceed a peak particle velocity of 4mm/s.
- iii) all practicable steps shall be undertaken by careful design of blasting operations to limit air overpressure, which in normal circumstances shall not exceed 120dB linear in 95% of the blasts measured in any twelve month period and no individual blast shall exceed 125dB, measured at the nearest noise sensitive property.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

28. Prior to the commencement of the development hereby permitted, an Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Management Plan shall include, inter alia the following provisions:-

- i) operational dust management plan to control, suppress and monitor fugitive dust and PM₁₀ emissions during site operations,
- ii) Continuous monitoring of PM₁₀ and other respirable particulates to standards approved in writing by the Planning Authority, to be undertaken for background and ongoing purposes, including the following locations:-
 - a) on or in the immediate vicinity of the playground at the corner of the Castle Park estate and,
 - b) on or immediately adjacent to the site of the Jah Jireh nursing home to the east of the nursing home building and at a distance north of the Heads of the Valley Road equivalent to the distance of the nursing building façade from the said road.
 - c) At an intermediate point between Castle Park Estate and the site boundary
 - d) At other points determined by the Local Planning Authority to be necessary to assess community dust complaints.

The data from continuous monitoring sites should be capable of being remotely accessed. The data to be downloaded daily and submitted to the Welsh Air Quality Forum in a manner compatible with the Automatic Urban and Rural Network (AURN). The non-continuous monitoring of nuisance dust shall be undertaken using directional deposit gauges or similar approved methods at the said sites.

All work shall comply with the Environmental Management Plan for the duration of coal operations unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the living conditions of nearby residents, in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

29. Prior to the commencement of the development hereby permitted a pollution prevention scheme, to cover each phase of the site working, shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (inter alia) the following measures:-

- Disposal of foul drainage
- Details of all surface water disposal and its management system
- Details to treat and remove suspended solids from surface water run-off during construction and operational works
- Oil and petrol interceptor installation and maintenance details
- Maintenance programme for all water treatment areas and systems
- Measures to deal with any contaminated material

The works shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and ensure the satisfactory storage/disposal of surface water and foul drainage from site, in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

30. No development shall commence until all relevant matters outlined on the attached Planning Requirements Relating to Flood Risk Management including full drainage details have been submitted and approved in writing by the Local Planning Authority. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. The works shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage, in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

31. No development whatsoever shall be allowed to commence until the Planning Authority has received and approved in writing a Hydrological Impact Assessment including proposed mitigation, design details and a development program 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, in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

32. Prior to the commencement of any works a scheme for watercourse channel works shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include inter alia the following matters:

- a) Design of the works
- b) Timing of works
- c) Methods used for all channel, bankside water margin works;
- d) details of diversions, restoration and maintenance of all watercourses and drainage channels; and a working method statement to cover all channel works during construction, operational and restoration phases.

The watercourse channel works shall be carried out in accordance with the approved details unless any amendments have previously been agreed in writing by the Local Planning Authority.

Reason: To ensure that the protection of the water environment and ensure that the development does not harm the water environment in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

33. 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. The works shall be implemented in accordance with the approved details unless otherwise agreed 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 CS10 and AW10 of the Rhondda Cynon Taf Local Development Plan.

34. No development whatsoever shall be allowed to commence until measures to control surface water runoff from/to the adjacent land/proposed development have been submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details unless otherwise agreed 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 AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

35. Prior to any works or any on site water features, Ordinary Watercourse Consent under the Land Drainage Act 1991 and the Flood and Water Management Act

2010 shall have been obtained in respect of any works affecting existing culverted/open watercourses on the development in accordance with the approved details unless otherwise agreed 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 AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

36. 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:-
- a) The means of access into the site for all anticipated traffic,
 - b) The parking of vehicles within the site for operatives and visitors,
 - c) The management of vehicular and pedestrian traffic,
 - d) Route and delivery of abnormal plant and materials.
 - e) Storage of plant and materials on site.
 - f) Wheel washing facilities,
 - g) 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 highway safety in accordance with Policies AW5 & CS10 of the Rhondda Cynon Taf Local Development Plan.

37. No development whatsoever shall be allowed to commence until measures to control groundwater issues from/to the adjacent land/proposed development have been submitted to and approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that groundwater issues associated with the adjacent land/proposed development do 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 AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

38. No development shall commence until the performance of the proposed surface water sewerage has been assessed in relation to the impact of a 1 in 100 year return period storm and a climate change allowance of +30%. Locations of flooding from the proposed surface water sewerage, along with their flood flow routes and proposed method of on-site management are to be submitted to and

approved by the Local Planning Authority. The works shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the impact of storms in excess of the required design return period do not cause or exacerbate any adverse condition on the development site, or the wider community in accordance with Policies AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

39. No heavy goods vehicles carrying coal or any other mineral from the site shall utilise any route or access point other than the existing access road indicated in the application documents that emerges onto the B4276, and turn right on leaving the site.

Reason: In the interest of highway safety and amenity, in accordance with Policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

40. Prior to the commencement of any development hereby permitted the full engineering design, details, sections, construction and timescales of construction, for the following road works shall be submitted to and approved in writing by Local Planning Authority and implemented in accordance with the approved details prior to any coal extraction works commencing.

- i) the improvements to the A465/B4276 junction,
- ii) the Bryn Pica diverted access road
- iii) the internal road junction marked crossing point

Reason: In the interests of highway safety and satisfactory highway construction, in accordance with Policies AW5 & CS10 of the Rhondda Cynon Taf Local Development Plan.

41. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of the operation and regular convening of a Site Liaison Committee, for the duration of the development hereby permitted. The development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: To aid the monitoring of site activities, in the interests of residential amenity in accordance with policies AW5, AW10 and CS10 of the Rhondda Cynon Taf Local Development Plan.

42. A. Prior to the commencement of the development hereby permitted a programme of archaeological work and a heritage management plan shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (inter alia) the following provisions:-

- i) The programme and methodology of a written scheme of investigation and recording,
- ii) Programme for post investigation assessment
- iii) Analysis of the site investigation and recording
- iv) Publication and dissemination of the analysis and records of the site investigation
- v) Archive deposition of the analysis and records of the site investigation
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation unless otherwise approved in writing by the Local Planning Authority.

B. The site restoration programme shall not commence until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

C. Prior to the commencement of any restoration works, a scheme for interpretation boards to be sited at locations to be agreed with the Local Planning Authority and depicting the industrial/ archaeological heritage of the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the beneficial use of the site hereby approved.

D. Prior to the commencement of the development hereby permitted all archaeological sites in the development area that are to be preserved in-situ shall have been fenced to a standard to be submitted and approved in writing by the Local Planning Authority. Throughout the development no works will be undertaken within the area surrounded by the fencing without the prior written consent of the Local Planning Authority.

Reason: To ensure that the archaeological operations (programme of archaeological evaluation works) are undertaken to an appropriate standard, that the archaeological interests of the site are appropriately managed, that any findings are appropriately disseminated, that any recovered artefacts are conserved and that the information is archived, in accordance with Policy AW7 of the Rhondda Cynon Taf Local Development Plan.

43. Prior to the commencement of the development hereby permitted further details of required mitigation and management plans in respect of Protected Species,

shall be submitted for the written approval of the Local Planning Authority, to include inter alia, the following details:-

European Protected Species

i) Great Crested Newt

- A detailed great crested newt mitigation scheme (consistent with the general principles outlined in Appendix I.15 of the ES '*Bryn Defaid Mock Great Crested Newt EPS Licence Application*') to be submitted to and agreed in writing by the Local Planning Authority in consultation with NRW, before the start of any works on site
- The preparation, agreement and implementation of a monitoring scheme for protected species prior to the commencement of works on site. The scheme to be implemented as agreed. Monitoring shall include monitoring of the GCN population itself and assess the ongoing suitability of the habitats present to support them. Monitoring reports should be submitted to the Local Planning Authority and copied to Natural Resources Wales, and a final monitoring report agreed at the end of the monitoring period. Should the monitoring show a decline in population numbers or distribution, remedial measures should be agreed in writing in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- Notwithstanding the outline principles contained in the *Appendix I.15 of the E 'Bryn Defaid Mock Great Crested Newt EPS Licence Application'* the detailed GCN mitigation scheme shall include:
 - a minimum of 2 additional mitigation ponds in the compensation area.
 - provision for the new ponds to be allowed to mature for a minimum of 1 growing season before newts can be translocated into them.

ii) Bats

- The preparation of a scheme to identify the scope and implementation of pre-construction surveys of the site for protected species. The scheme shall include inter alia the need to ensure that appropriate trees to be felled are subject to a detailed bat survey by a licensed bat ecologist in advance of any works commencing.
- The preparation of a lighting plan to include measures to monitor lux levels as part of the need to minimise light pollution and maintain some dark corridors across the site. This scheme should include remedial action to be undertaken where problems are identified by the monitoring scheme.

UK Protected Species

iii) Marsh Fritillary Butterfly

- The preparation of a management plan for the agricultural land for the

benefit of marsh fritillary butterfly.

Licences

iv) A copy of the necessary licences from Natural Resources Wales under Regulation 53(2) e of The Conservation of Habitats and Species Regulations 2010 to the LPA, prior to works commencing on site.

The development of the site shall be carried out in accordance with the approved mitigation and management plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the significance of the site for Protected Species and nature conservation, in accordance with Policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

44. All areas of excavation, overburden, proposed storage mounds, haulage and temporary access roads, hardstandings, water treatment and lagoon sites, drainage channels and any other areas likely to be disturbed by any subsequent operations shall be stripped of topsoil, subsoil and any soil forming material which shall be stored in separate mounds or used in the progressive restoration of the site. The soil mounds shall be stored without overlapping and shall be sited, constructed and managed to prevent damage, loss and or contamination by any other material, liquid or compound. No topsoil, subsoil or soil forming material shall be removed or sold from the site.

Reason: To ensure adequate management, conservation and utilisation of soil resources for the restoration of the site, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

45. All storage mounds of topsoil, subsoil and soil-forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins within the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land. The details of the grass seeding mix shall have been previously submitted and approved in writing by the Local Planning Authority prior to such works commencing.

Reason: To protect the character and appearance of the site and the surrounding area, in accordance with policies AW5, AW6, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

46. The development shall not commence until an Environmental Liaison Officer has been appointed by the developer, for the purposes of overseeing and

implementing ecological and landscape mitigation in the carrying out of the development in accordance with an Environmental Code of practice which shall be submitted for approval prior to works commencing. Such an officer shall be employed for the duration of the carrying out of the development and the developer shall ensure that access to the site is afforded at all reasonable times to the Environment Liaison Officer for the purposes of monitoring the carrying out of the development throughout its construction. No appointment shall be made unless the Local Planning Authority gives its prior written approval.

Reason: In the interest of the landscape and the biodiversity significance of the area and to secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan..

47. Unless otherwise agreed in writing by the Local Planning Authority, within 1 year of the commencement of coal extraction, or in the event of the cessation of winning and working of coal which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the Local Planning Authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.
- (a) the nature or intended after use of the whole site
 - (b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;
 - (c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including soil profile characteristics;
 - (d) where it does not conflict with nature conservation outcomes, the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;
 - (e) the machinery to be used in soil re-spreading operations and the method of soil replacement;
 - (f) the final proposed contour levels of the reclaimed land, at a contour plan at 5m intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;
 - (g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage or habitat mitigation), the installation of

artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification.

(h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;

(i) the creation of attenuation ponds, water features, wetlands and their detailed construction to be designed to maximise ecological diversification;

(j) the restoration methods and distribution of woodlands and nature conservation features;

(k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way, including the crossing and surfacing of such routes;

(l) the reconstruction and reinstatement of public highways;

(m) where ditches or streams cross the route of any public highway and the construction of bridges.

(n) details of progressive restoration to be achieved in accordance with the approved plans.

Unless otherwise approved in writing by the Local Planning Authority, development shall be carried out in accordance with the approved details. Such works shall be deemed to be temporary until the details under other conditions of this consent are approved.

Reason: To secure adequate reclamation of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

48. Unless otherwise approved in writing by the Local Planning Authority, or as modified or approved in the restoration scheme under condition (??), the restoration of those areas of the site for agricultural use shall conform to the following requirements:

(a) all plant, machinery, buildings, fixed equipment, roads and areas of hardstanding, including site compounds, shall be removed unless any feature forms part of the approved restoration plan;

(b) when they cease to be required for pollution control purposes, settlement

ponds shall be emptied of contents, their floors and sides broken up and the voids filled with suitable material to the approved levels prior to the spreading of soils;

(c) following the construction of the final landform (and where it does not conflict with nature conservation outcomes) the resultant base material shall be comprehensively ripped to a minimum depth of 0.3m before any soil material is spread. All stones and boulders greater than 300mm in length in any direction, and other foreign material arising from the ripping operations shall be removed and disposed of. Special attention shall be given to areas of excessive compaction such as haul/access roads where deeper ripping may be necessary.

(d) original ground beneath soil and other material bunds shall be loosened to a minimum depth of 0.3m;

(e) any topsoil, subsoil and soil forming material set aside for use for agricultural restoration shall be spread uniformly and in the correct sequence in accordance with the approved restoration scheme. Any soil compaction caused by soil placement operation shall be removed by a loosening or cultivation method; and

(f) the restored soil profiles in areas reinstated to agricultural use, i.e. adjacent to Dyllas Farm, shall be undertaken in accordance with their pre working characteristics using the same soils as described in the ES.

Reason: To ensure adequate management, conservation and utilization of soil resources for the restoration of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

49. The Local Planning Authority shall be given a minimum of 2 working days written notice prior to the commencement of any phase of soil replacement operations, including the dismantling of soil mounds.

Reason: To aid in the monitoring of site activities, in accordance with policies AW5 and CS10 of the Rhondda Cynon Taf Local Development Plan.

50. All soils or soil forming materials shall be stripped, conserved and re-spread in accordance with the "narrow bed, loose tipping" technique, unless otherwise approved in writing by the Local Planning Authority or as modified by other schemes or conditions of this consent. The following rules shall apply:

(a) the soils shall be in a dry and friable condition before any attempt is made to move them;

(b) no wheeled dumped trucks shall be allowed across laid soils;

(c) the final topsoil, subsoil and soil forming material surface shall be stripped, placed and levelled by the excavator and dump truck technique as described in sheet 4 of MAFF Good Practice Guide for Handling Soils.

(d) ripping or other soil loosening operation within the loose laid soils shall only be carried out with the prior approval of the Local Planning Authority;

(e) stone removal from topsoil, or subsoil used as topsoil substitute, shall be carried out to achieve an acceptable seedbed;

(f) the final surface shall only be traversed by agricultural machinery suitably adapted to reduce ground pressure.

Reason: To ensure appropriate handling of soil resources, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

51. Unless otherwise approved in writing by the Local Planning Authority, within 6 months of the completion of coal extraction, and where it does not conflict with nature conservation outcomes, all settlement ponds or lagoons shall be emptied of water and slurry, their impounding banks breached, their voids filled with dry inert material originating from the site and their surfaces graded to approved levels.

Reason: To protect the character and appearance of the site and the surrounding area, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

52. No soils shall be replaced on any areas restored to finished ground profiles until the levels achieved, in the form of a written statement and plan, have been submitted to, and agreed by the Local Planning Authority, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure adequate restoration, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

53. Within 1 year of the date of the commencement of coal extraction, or in the event of a cessation of winning and working of coal (which in the opinion of the Local Planning Authority constitutes a permanent cessation, within the terms of paragraph 3 of schedule 9 of the Town and Country Planning Act), details of a five year aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the Local Planning Authority for its approval. The details shall include the steps that are to be undertaken and the period during which they are to be taken together with the following:-

- (a) the designated areas of the intended after uses for the whole site;
- (b) the timing and pattern of vegetation establishment (including methods to promote natural regeneration, details of those species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- (c) cultivation practices for the preparation of soils;
- (d) boundary/hedgerow construction;
- (e) fertiliser and lime application and weed control based on soil and chemical analysis and ecological impact;
- (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- (g) grassland, wetland and heathland establishment and management, including class of grazing stock, livestock, stocking density and mowing practices and invasive plant and species control measures;
- (h) The provisions and specifications for the establishment of woodland and any remediation measures necessary for other habitat types.
- (i) watering facilities and the provision of supplies;
- (j) the full assessment of the potential of those areas to be restored to nature conservation and the relationship with local biodiversity objectives;
- (k) the creation, management and maintenance of any paths, tracks or roads;
- (l) any other agricultural, silvicultural or conservation treatment relevant to the site;
- (m) fencing; and
- (n) details of monitoring, reporting and trigger points for remediation works.

Unless otherwise approved in writing by the Local Planning Authority development shall be carried out in accordance with the approved details.

Reason: To ensure adequate aftercare of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

54. Once a year, the site operator shall arrange a formal review to consider the restoration and aftercare operations which have taken place on the site during the previous year, and also the programme of agricultural management and any other regimes for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, the National Resources Wales and the Regional Planning Advisor. At least four weeks before the date of each annual review, the site operator shall provide the Local Planning Authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason: To ensure adequate restoration and aftercare, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

55. Except as modified within the Section 106 Agreement attached to this consent, the site shall be subject to aftercare for a period of 5 years in accordance with the provisions of an aftercare scheme as approved by the Local Planning Authority in accordance with Condition 53.

Reason: To ensure adequate aftercare of the site, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

57. All landscaping works shall be undertaken in accordance with the detailed Restoration Scheme, previously approved under Condition 47 above. Unless otherwise agreed by the Local Planning Authority, planting shall take place no later than the first available planting season after the completion of the land restoration works in that phase.

Any trees or shrubs planted as part of the approved landscaping scheme that, within five years of the date of planting, is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or seriously diseased, shall be replaced in the first available planting season with a specimen of the same species and size as the original planted, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory implementation of the landscaping works in the interests of amenity, in the interests of amenity in accordance with policies AW5, AW6 and CS10 of the Rhondda Cynon Taf Local Development Plan.

58. Prior to the commencement of the development hereby permitted a Wildlife Protection Plan shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.

The plan shall include, inter alia:-

- 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 any species or habitat re-surveys or checks required, especially prior to tree felling or vegetation clearance;
- c) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
- d) 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, hibernating and breeding amphibians and reptiles, etc.)
- e) 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.

Reason: To ensure the protection of any reptile, bat, or other protected species population, in accordance with policies AW5, AW8 and CS10 of the Rhondda Cynon Taf Local Development Plan.

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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

24 APRIL 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

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

See Relevant Application File