

Application Number: 21/0899/FULL

Date Received: 11.01.2022

Applicant: Taylor Wimpey South Wales

Description and Location of Development: Create surface water drainage system to serve approved residential development reference numbers 18/1059/NCC and 19/1024/RM - Land At Gelli Farm Tredegar Road Cwmgelli Blackwood NP12 1BZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Tredegar Road (A4048) adjacent to Gelli Yard, Cwmgelli.

Site description: The site comprises of a field adjacent to Gelli Yard, stables and manege. The field is separated from the main A4048 highway by the former railway line, which is now a cycle track.

Development: Full planning permission is sought to create a surface water drainage system to serve the approved residential development reference numbers 18/1059/NCC and 19/1024/RM.

Dimensions: The red line boundary for the site area as a whole measures 1.73 hectares, however the developable area of the site is much less. The total length of the surface water pipe measures approximately 310 metres.

Two buried geocellular storage tanks are proposed comprising of lightweight compressed strength honeycombed modular structures made from recycled PVC. The individual specifications for each of the tanks are as follows:-

The 1 in 100 Year Event +40% SDS cellular storage tank measures 38.5 metres long by 25 metres wide and 1.25 metres in height and has a cubic capacity measuring 1203.125m³.

The 1 in 30 Year Event +40% SDS cellular storage tank measures 36.5 metres long by 7 metres wide and 2.5 metres in height and has a cubic capacity measuring 638.75 m³.

Ancillary development, e.g. parking: The creation of an access track for a right of way to be granted to Dwr Cymru/Welsh Water to access and maintain any adopted infrastructure.

PLANNING HISTORY 2010 TO PRESENT 14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.14.

15/0252/OUT - Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access - Appeal Allowed - 27.04.16.

18/1059/NCC - Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years granted 14.11.19.

19/1024/RM - Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Granted - 05.03.2021.

21/0289/COND - Discharge condition 7 (scheme to provide public open spaces and play areas) of planning consent 18/1059/NCC (Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years)) - Pending Consideration.

21/0290/COND - Discharge Condition 8 (Noise attenuation) of planning consent 18/1059/NCC (Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years) - Pending Consideration.

21/0291/COND - Discharge conditions 05 (Engineering Details of Road) and 06 (Programme for Provision of Road) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0292/COND - Discharge condition 07 (CEMP) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters

reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0293/COND - Discharge Condition 17 (hedgerow) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC)) - Decide - 24.06.2021.

21/0371/NMA - Seek approval of a non-material amendment to planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC)) to amend condition 1 (approved plans) to remove the approved turning head and condition 17 (protection of hedgerow) to ensure retention of hedgerow in its entirety along the western boundary of the site - Granted - 24.06.2021.

21/0413/COND - Discharge condition 12 (Wildlife protection) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Decide - 17.06.2021.

21/0772/COND - Discharge condition 2 (Materials - samples/details req) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0773/COND - Discharge condition 3 (boundary treatments) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

POLICY

LOCAL DEVELOPMENT PLAN The Caerphilly County Borough Local Development Plan up to 2021 -Adopted November 2010.

Site Allocation: The site is located outside settlement limits within a green wedge as defined by Policy SI 1.9 Blackwood, Oakdale and Penmaen. It is also within a Sandstone Safeguarding Area. A small section of the southern boundary is also covered by a Site of Importance for Nature Conservation designation (SINC NH3.71) Blackwood Riverside Woodlands, North East of Blackwood.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor (NCC)), SP5 (Settlement Boundaries), SP6 (Place Making), SP8 (Minerals Safeguarding), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection) together with advice contained within Supplementary Planning Guidance LDP 4: Trees and Development.

NATIONAL POLICY Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 15: Development and Flood Risk (2004).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes

Was an EIA required? No in that the proposal individually does not meet the criteria falling within any part of Schedule 2 Development. However, outline planning permission was previously granted for the associated residential development whereby it was concluded that the proposal did not require an Environmental Impact Assessment. The Reserved Matters Consent however was approved for a greater number of dwellings, (14 more than the threshold of 150 dwellings), albeit the outline permission did not limit the number of dwellings that could be accommodated within the site. Nonetheless the application has been screened in accordance with Part 13 (b) Changes and Extension and it is not considered that the off-site drainage works to serve the consented development would have significant adverse impacts on the environment and therefore there is no justification for the Local Planning Authority to request an Environmental Statement.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of high risk. A Coal Mining Risk Assessment accompanies the application and this has been reviewed by the Coal Authority.

CONSULTATION

Senior Engineer (Land Drainage) - 1. Structural calculations have been provided by the proposed supplier of the geocellular systems. These calculations have been carried out to a recognised method in CIRIA C680, although it is noted that CIRIA C737 is the most current methodology. The calculations appear to support the use of the proposed systems, although they do not appear to fully account for groundwater pressures. Should groundwater be located above the base of the tank, it is recommended that the calculations are adjusted to account for this. The systems are not proposed to be underneath the adoptable highway, nor presented to the Local Authority for Adoption. The design and construction risk therefore vests with the designer and developer under The Construction (Design and Management) Regulations 2015.

2. I understand that some of the off-site works are intended to be offered to Dwr Cymru Welsh Water for adoption. I note that DCWW have offered no objection to the development proposals in their consultation response dated 06/10/2021. However, they have not positively confirmed an intention to adopt any of the proposed works.

3. I understand that some of the off-site works are intended to remain under private ownership. I recommend that the LPA obtain details of the proposed maintenance plan and responsibilities, which should be in place for the lifetime of the development.

4. I note that the Coal Authority in their consultation response dated 15/10/2021 have recommended an intrusive site investigation be carried out prior to any development. I fully endorse this recommendation and further advise that the location and structural design of the proposed geocellular storage may need to be adjusted based on the outcomes of the intrusive site investigations.

Recommendations to the Developer relating to 21/0899/FULL:

a) Structural calculations are reviewed and updated should groundwater be identified to be present above the base of any of the proposed systems within intrusive site investigations recommended by the Coal Authority.

b) Agreement in principle from DCWW or copy of the S104 or S106 agreement to be obtained and confirmed to the Local Lead Flood Authority (LLFA).

If the Planning Officer is minded to grant permission for this development, I request that the following or a similarly worded condition is applied (based on Condition 42 of WGC 016/2014).

Ecologist - Advises that a holding objection is raised and that the developer should address the removal of trees and consequential potential to support roosting bats, request a strategy for the removal of invasive plant species, reptile strategy and mitigation for the loss of a proportion of semi-improved grassland.

No objection is raised subject to conditions imposed to any permission.

Principal Valuer - No adverse comments offered.

Rights Of Way Officer - Advises that there is one Public Right of Way within the area and recommends the following conditions imposed to any consent.

1. Details of a scheme to include provision for any proposals for diversion and closure of public rights of way (including temporary) and alternative route provision;
2. The site access and any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.
3. Drainage provision shall be made for the installation and maintenance of a drainage system to ensure that no slurry or water from the permitted area flows onto the public rights of way.

Head Of Public Protection - CCBC - No adverse comments to make in respect of the above, however, I would request that all outstanding Environmental Health concerns are addressed in relation to 19/1024/RM and 15/0252/OUT to ensure that any drainage work does not adversely impact any works in relation to contaminated land

Ecologist - No comments received at the time of writing the report based on the biodiversity strategy, but addendum and mitigation measures proposed to overcome the previous comments raised. Should any further comments be received in the interim, these will be reported verbally to members at planning committee.

Dwr Cymru - No objection but provides informative advice to the developer.

Natural Resources Wales - We refer you to the additional information consultation for application 21/0899/FUL which we received on 12 January 2022.

We have reviewed the following report submitted in support of the application:

- PRF Inspection Note, Cwm Gelli, Blackwood, E1992103/Doc. 03, prepared by Soltys Brewster.

We note that no bats were using the site and a precautionary approach will be taken when felling trees and that a Protected Species Licence is not required.

We have no objection to the application as submitted.

The Coal Authority - The consultation period for The Coal Authority to respond on the findings contained within the Intrusive Coal Mining Risk Assessment Report has yet to expire. These comments will be reported verbally to members at planning committee and will also address whether the previous recommended conditions requested to be imposed by the Coal Authority to any permission are still required.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and nineteen neighbours were notified by way of letter.

Response: Five letters of representation have been received from one member of the public at the time of writing the report. Questions from the local ward members have also been asked and written responses to those queries have been provided directly to the local ward members. Where any responses have yet to be addressed, those observations have been stated below.

Summary of observations: The following representations have been made:-

1. Questions the initial technical drainage calculations submitted for consideration and the potential for excessive water to be discharged in the Sirhowy River and consequently increasing the potential for river flooding and properties along the river's embankments.
2. Refers to the previous consented reserved matters application advising that Natural Resources Wales (NRW) stated that a Flood Risk Activity Permit (FRAP) from NRW is required prior to commencement of works on site for both the permanent structure and the temporary construction works and advises that no FRAP to date has been applied for or exists for the development.
3. Refers to construction enabling works that have taken place to date on the residential site that should not have been permitted and has resulted in local flooding during heavy periods of rain.
4. Reference is made to several paragraphs contained within Schedule 3 of the Flood and Water Management Act.
5. Reference is made to Paragraph 11 of the Flood and Water Management Act in that the approval body must consult with NRW and the only consultation with NRW currently relates to Bats, with no discussion or comments upon the discharge of surface water run-off and drainage into the Sirhowy River.
6. Can drainage officers give a guarantee with 160 houses being built that they are content there will be no excessive strain on the system.
7. Questions whether NRW should be consulted given the on-going surface water issues from the development site.
8. Questions why the developer does not have to provide the necessary permits to the Local Planning Authority prior to the application being determined.

9. The Local Planning Authority should insist that all revised details are posted accordingly to allow further Public Consultation in the interests of fairness and references paragraph: 025 Reference ID: 15-025-20190722 stating "In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended."
10. The amendment has not been tracked on the "Important Dates" within the submitted planning document.
11. Concerns relating to phosphate concentrations entering the Sirhowy River and that residential development allocated in Local Development Plans are now on hold.
12. The submitted drainage calculations do not align with the recommendations within the SuDS standard for Wales.
13. Rain water run off rates (litres/sec) have increased from the previously submitted figures of 45litres/sec to 55 litres/sec, whereas Welsh Government guidance states 11.78litres/sec (based upon the area of the development).
14. Details indicated on the Drainage layout do not align with the submitted drainage calculations i.e. sizes and levels.
15. Guidance states that the maximum value for rainfall runoff rate should be used, which is a figure of 150mm/hr, any figure inputted into the calculation less than this must be justified. NOTE: Figure used is 100mm/hr or 66% of the stipulated requirement.
16. Volumetric run off rate should be set to 1, whereas the design is incorrectly based upon 0.75.
17. Additional flow/climate change - should be set to 10% of the roof areas, again this limiting condition has not been included and has been set to 0.
18. Within the 1 in 100yr return period storm calculation the 40% climate change factor has not been included, and has been set to 0%, which is correct for a "Day Value Calculation only". The title of document states "+40%CC", this figure SHOULD be included.
19. Winter storms MUST be included within the 1 year simulation criteria for a storm, this has been turned "OFF".
20. The safety factor used is 2.0, whereas the "Safety Factors should align with those outlined within the contents of Table 25.2 in section 25 of the CIRIA C753 SuDS Manual. Justification should be given for any Safety Factors used." i.e. based upon the size of the area, and the consequences of failure, the safety factor should be "5" or "10".

21. The MADD factor has been set to 4.5 (10m³ storage/hectare), whereas for all new developments, as there should be no cracks in paving etc the figure should be set to "0".

22. Area is incorrectly set at 2.914, and not 5.89Ha.

23. Weir height is lower than top of SUDS storage i.e. reduction in storage capacity of 20%.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes there is potential for the development to affect protected species, however a biodiversity strategy accompanies the application setting out a series of mitigation and enhancement measures. Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard the mitigation and enhancement measures along with a scheme to deal with Japanese Knotweed within the site as identified within the Biodiversity Strategy will be secured as part of the approved plans and documents should planning permission be granted.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable in that the development is not creating any additional floor space.

ANALYSIS

Policies: The application has been considered in accordance with national guidance and policy together with local plan policies. The main issues for consideration in the determination of this application are whether the proposed development conflicts with any local planning policies and if there is any conflict and whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations, which indicate that planning permission should be granted. In that respect the application site lies outside the settlement boundary of Blackwood as

designated in the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and as such the starting point is that the application is not in accordance with the Development Plan. With that in mind each of the following issues will be assessed in turn:

- Principle of Development within a Green Wedge;
- The Off-site Drainage Matters;
- Natural Heritage and Ecology; and
- Neighbouring and Visual Amenity Impacts.

The application site is a greenfield site located in the Northern Connections Corridor (NCC) located adjacent to the settlement of Blackwood. The proposed development seeks to create an off-site surface water drainage system to serve approved residential development (planning references 18/1059/NCC and 19/1024/RM) for which outline planning permission was granted on appeal (appeal reference APP/K6920/A/15/3137884. The consented residential development site is located to the north of Tredegar Road (A4048).

In essence the consented development site is separated from the application site for consideration by the A4048. The two sites would be connected by a surface water pipe approximately 0.55 metres in diameter running underneath the A4048 and would cover a total length of approximately 310 metres until it meets the watercourse outfall point at the southern end of the application site. As part of the drainage strategy two large geocellular storage tanks to hold surface water would also be installed underground with the top of the tanks located between 0.7 and 1.1 below existing ground levels. The smaller of the two tanks located at the bottom of the site would be adopted by Dwr Cymru/ Welsh Water. An access track would also be created for maintenance purposes and would run parallel to the western side of the of the geocellular storage tanks in a north to south direction.

PRINCIPLE OF DEVELOPMENT WITHIN A GREEN WEDGE

Whilst there is no provision with the Local Development Plan (LDP) that addresses off-site drainage proposals outside of any defined settlement, the consented residential development site in which the off-site drainage is intended to serve also falls outside of settlement limits. The land the subject of this application was identified within the ownership of the applicant (the blue line) at outline stage (planning reference 15/0252/OUT) and the granting of development at outline stage upon appeal is a material planning consideration in the determination of this application, which weighs in its favour.

It should also be noted Planning Policy Wales (PPW) explains that the construction of new buildings in the Green Wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Wedge.

The application site is within a green wedge identified by Policy SI 1.9 Blackwood, Oakdale and Penmaen. The intention of this green wedge is to prevent coalescence between Blackwood, Oakdale and Penmaen. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. Previously, at appeal the inspector concluded the following in respect of the loss of Green Wedge:-

"The proposed development conflicts with national and local policies relating to the protection of the countryside and Green Wedges. PPW states that substantial weight should be given to any harmful impact that a development would have on a Green Wedge and inappropriate development should not be allowed except in very exceptional circumstances. It is necessary, therefore, to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge. My conclusions regarding the impact of the proposal on heritage assets and landscape represent a neutral rather than a positive benefit but do not weigh against the proposed development."

In that the application site for consideration is within the same green wedge designation but is separated from the application site by the A4048, the extent of the visible works on site would be limited to a linear access track running through the site for maintenance purposes and would not look out of place when compared to the existing situation and no buildings would be located on the land, it is considered that the development proposal would not extend the urban built form and result in coalescence between the settlements of Blackwood, Oakdale and Penmaen.

DRAINAGE MATTERS

Policy CW5 (Protection of the Water Environment) of the LDP states that development proposals will only be permitted where:

- A They do not have an unacceptable adverse impact upon the water environment; and
- B Where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water).

In that regard the land the subject of this application was shown in the ownership of the applicant at outline stage (planning reference 15/0252/OUT) but the red line boundary for the approved reserved matters application(planning reference 19/1024/RM) did not include any blue line to indicate any proposed off-site surface water drainage works. In that outline planning permission was granted prior to the implementation of Schedule 3 of The Flood and Water Management Act (2010) and the reserved matters application met the exception criteria as outlined in Paragraph 5(2) of The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018, the residential development does not require consent under that legislation.

For developments approved prior to the subsequent changes to drainage legislation the drainage hierarchy priority is listed below:

Priority Level 1: Surface water runoff is infiltrated to ground;

Priority Level 2: Surface water runoff is discharged to a surface water body;

Priority Level 3: Surface water runoff is discharged to a surface water sewer, highway drain, or another drainage system; and

Priority Level 4: Surface water runoff is discharged to a combined sewer.

From the soakaway testing carried out on land within the red line boundary for the approved development, infiltration was limited to only a small area of land to the north of the site and infiltration was not possible anywhere else on the site, therefore reliance on infiltration drainage to serve the residential development was not viable. In that Priority Level 1 could not be achieved the developer is required to explore Priority Level 2 options that may be available to them. The nearest watercourse to the consented development site is a stream that discharges to the Sirhowy River, however this stream is located on the opposite side of Tredegar Road (A4048) and any surface water runoff from the consented development into this watercourse is only achievable if the appropriate off site drainage infrastructure is installed and connected to the consented development to allow for the outfall into the identified watercourse and subsequent Sirhowy River.

As the off-site drainage scheme falls outside of the red line boundary to serve the consented development, the proposed development for consideration therefore falls under the requirement for Sustainable Drainage Approval under Paragraph 7 of Schedule 3 to the Flood and Water Management Act 2010 where:

7(2)(a) construction work means anything done by way of, in connection with or in preparation for the creation of a building or other structure; and

7(2)(b) construction work has drainage implications if the building or structure will affect the ability of the land to absorb water.

7(5) For the avoidance of doubt, anything that covers the land (such as a patio or other surface) is a structure for the purposes of sub-paragraph 7(2)(a).

Notwithstanding the above the underground geocellular storage systems would be considered to be "structures" in their own right and are being constructed "in connection with the creation of a building" (in relation to the consented housing development), it is not possible to retrospectively apply the requirement for SuDS approval to the dwellings approved as part of the consented development to the north of Tredegar Road. Furthermore it is not considered that the geocellular storage systems would have a significant impact on the ability of the land to absorb rainwater. On that basis the Senior Engineer (Land Drainage) has confirmed that the proposed buried surface water storage system does not meet the definition of "Construction Work" as defined in

Schedule 3 to the Flood and Water Management Act (2010) and advises that Sustainable Drainage Approval is not required for development under consideration.

The off-site works are intended to remain in private ownership with some of those works being offered to Dwr Cymru/ Welsh Water for adoption under the Water Industry Act (1991) and it should be noted that Dwr Cymru/ Welsh Water offered no objection to the consented Reserved Matters scheme. The creation of the access track is considered necessary for maintenance purposes. On that basis it is considered reasonable and necessary for The Local Planning Authority to impose a condition to any consent to clarify maintenance roles and responsibilities and ensure that the proposed drainage system operates as designed for the lifetime of the development.

In terms of the structural integrity of the geocellular storage systems, structural calculations have been provided by the proposed supplier of the storage systems. These calculations have been carried out to a recognised method in CIRIA C680, although it is noted that CIRIA C737 is the most current methodology. The calculations appear to support the use of the proposed systems, although they do not appear to fully account for groundwater pressures. Should groundwater be located above the base of the tank, it is recommended that the calculations are adjusted to account for this. The systems are not proposed to be underneath the adoptable highway, nor are they presented to the Local Authority for Adoption. The design and construction risk therefore rests with the designer and developer under The Construction (Design and Management) Regulations 2015.

It is also noted that the Coal Authority has requested that an intrusive site investigation is undertaken, the developer has undertaken the intrusive site investigation and at the time of preparing this report, their comments have not been provided following on from a further re-consultation. Should their formal comments indicate that the location and structural design of the proposed geocellular storage may need to be adjusted based on the outcomes of the intrusive site investigation, this is a matter that can be considered by members at planning committee and controlled by way of condition if required. Conversely, in that the findings of an intrusive site investigation are currently under review, it should also be advised that the initial conditions may no longer be necessary. Again this is a matter that can be reviewed by members.

Having regard to the application site in addition to the consented development it should be noted that surface water is uncontrolled. The proposed drainage infrastructure to facilitate the residential development in conjunction with the geocellular storage systems will therefore, provide a more controlled runoff from the site. In addition, the total discharge rate is being reduced for the higher intensity rainfalls and extreme events. In that the drainage system proposed has been designed in accordance with the requirements of Technical Advice Note 15: Development and Flood Risk and Planning Policy Wales Edition 11, the proposed development is therefore considered to comply with policy CW5 of the LDP.

NATURAL HERITAGE AND ECOLOGY

Policy CW4 (Natural Heritage Protection) of the LDP does not preclude development in green wedges. Policy CW4 recognises that where development proposals are such that the need for the development outweighs the ecological importance of the site, harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature. It is therefore necessary to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge and any potential harm to the ecological interest of the site.

It should also be noted that a small area of the site along the southern boundary is within a Site of Importance for Nature Conservation designation (SINC NH3.71) Blackwood Riverside Woodlands, North East of Blackwood and the routing of the pipework to the existing watercourse in addition to presence of ash die-back would unfortunately result in the loss of three trees. However, the loss of these trees would be mitigated for via replacement planting on a 2:1 basis and therefore six new native tree species would be planted.

In terms of the wider development area, to accommodate the piped surface water drainage route and geocellular storage tanks, approximately 1250 m² of semi-improved grassland would be lost temporarily. Whilst the habitat is described as a species-poor neutral grassland within the Preliminary Ecological Appraisal, it does however share characteristics with priority habitats (lowland meadows) listed under Section 7 of the Environment Act (Wales) 2016. Areas of semi-improved grassland lost during construction will be replaced by new grassland seeding and created and retained areas of grassland will be managed with the aim of improving species diversity as a localised enhancement.

The development also proposes to provide biodiversity enhancement in the form of bat roost provision within the site and undertake a long term scheme of treatment to eradicate invasive species on site of which will include excavating of knotweed stems, roots and surrounding soil and burying/storing of controlled waste on site, followed by a herbicide application programme.

The ecological and reptile mitigation along with enhancement measures and treatment of invasive species are included in the accompanying Biodiversity Strategy and the implementation of the Biodiversity Strategy would be controlled by condition in that it would form part of the approved documents to accompany the submission details. Having regard to the above, the need for the development outweighs the ecological importance of the site in the short term, and any harm can be minimised by mitigation measures and offset as far as practicable by compensatory measures designed to ensure that there is no overall reduction in the overall value of the area. On that basis the proposal accords with policy CW4 of the LDP.

VISUAL AND RESIDENTIAL AMENITY.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. In that regard it has previously been addressed above that the site is a field parcel located outside of the settlement boundary. It has no designated land use with a stable block and lock-up yard located immediately to the west of the application site. Looking at the field parcel as a whole, in tandem with the adjoining land uses, it is not considered that the underground drainage works would conflict with surrounding land uses.

In terms of the nearest neighbouring residential properties to the site, this would include the dwellings within Gelli Farm to the north of the A4048 and Brookside House and Rookery, approximately 140 metres away to the west, adjacent to the Public Right of Way with the five properties at Berllangron Cottages beyond. Given the distances of these properties away from the site the proposed development will not give rise to any adverse amenity impacts in the long term, however during the construction phase it is inevitable that there will short term disruption in order to prepare the land for the required drainage infrastructure.

With regards to the visual impacts of the development, given the greenfield nature of the site, it is expected that any development on this land would have some impact on the local landscape conditions. Whilst the majority of the development would be underground, a new access track for maintenance purposes would become a permanent feature in the localised landscape. Details of the access track have not been provided, however its visual appearance including surfacing materials can be controlled by way of condition. It should also be acknowledged that the engineering operations required to facilitate the drainage works would have temporary short term adverse impacts to the local landscape including flora and fauna during both the construction and reinstatement phases of the development. Notwithstanding the above, the measures identified in the Biodiversity Strategy along with the recommendation to impose a condition requiring the submission of a landscaping scheme to be provided will ensure that there are no long term harmful effects upon the local landscape.

On that basis despite some limited negative aspects of the proposal, its design and impact on the character and appearance of the area is considered to be an acceptable form of development and therefore accords with policy CW4 of the LDP.

CONCLUSION

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

Enabling works to commence the residential development on the northern side of the A4048 are underway, and the drainage condition imposed to the outline permission 18/1059/NCC development has yet to be discharged in that the off-site drainage works

the subject of this application are fundamental to the drainage strategy to deal with surface water from the approved development site. Residential development has already been granted on the site and this application for consideration is the only acceptable design solution having regard to the drainage hierarchy prior to the implementation of Schedule 3 of The Flood and Water Management Act (2010).

It is clear at outline planning stage the intention of the applicant was to utilise land within their control to deal with the surface water but the red line boundary at reserved matters stage indicated otherwise. This application provides an acceptable drainage solution to serve 164 approved dwellings of which 41 are affordable units. The contribution that the consented development would make towards the housing land supply cannot be underestimated, however further works cannot take place without the relevant permission secured to be able to transfer any associated on-site surface water off-site where any surface water can be appropriately controlled, managed and stored before its outfall into the Sirhowy River. Dialogue with the developer and this Council's Senior Engineer (Land Drainage) has been extensive and the technical details have been reviewed thoroughly and have progressed to a stage whereby the details submitted for consideration are now acceptable.

Despite the proposed development incurring short term biodiversity and local landscape impacts, these are not considered to be harmful to such a degree to warrant refusal of the application in that appropriate mitigation and enhancement can be provided. It is also acknowledged that there will be some long terms impacts associated with the access track required for maintenance purposes to the local landscape, however the significant benefits of the proposal would not warrant the refusal of the application in this instance. It is therefore considered that the proposed development accords with the relevant development plan policies contained within The Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010 and therefore it is recommended that planning permission be granted for the proposed development, subject to the imposition of conditions.

Comments from Consultees: The Public Rights of Way Officer has recommended that conditions be imposed to any permission, however the Public Right of Way near the site would not be affected by the proposal and is located in excess of 100 metres to the west. The imposition of such conditions are not considered to be reasonable or relevant.

Comments from public: The following comments have been raised:-

1. Questions the initial technical drainage calculations submitted for consideration and the potential for excessive water to be discharged into the Sirhowy River and consequently increasing the potential for river flooding and properties along the river's embankments.

LPA RESPONSE: This was an earlier representation made and further representations have been made based on revised details.

2. Refers to the previous consented reserved matters application advising that Natural Resources Wales (NRW) stated that a Flood Risk Activity Permit (FRAP) is required prior to the commencement of works on site for both the permanent structure and the temporary construction works and advises that no FRAP to date has been applied for or exists for the development.

LPA RESPONSE: This is not a matter that can be addressed as part of the determination of this application and any informative comments provided by NRW, the developer would be aware of. Furthermore this is not controlled through the planning system and is a matter for the applicant to address. Failure for the applicant to comply with any environmental regulations subject to legislation under the control of the Welsh Government or UK Government would be subject to enforcement action taken by that regulatory body.

3. Refers to construction enabling works that have taken place to date on the residential site that should not have been permitted and has resulted in local flooding during heavy periods of rain.

LPA RESPONSE: This is not relevant to the application for consideration.

4. References is made to several paragraphs contained within Schedule 3 of the Flood and Water Management Act.

LPA RESPONSE: This is noted and has been addressed in the report above.

5. References is made to Paragraph 11 of the Flood and Water Management Act in that the approval body must consult with NRW and the only consultation with NRW currently relates to Bats, with no discussion or comments upon the discharge of surface water run-off and drainage into the Sirhowy river.

LPA RESPONSE: The Development Planning Advisory Service: consultation topic document created by NRW provides a list of consultation topics to help their staff identify matters to comment on in response to planning consultations. The list is not exhaustive and does not replace any legislative, legal or other duty which may be imposed. In this instance any permits require for surface water drainage to discharge into the Sirhowy River would be addressed separately outside of the planning system.

6. Can drainage officers give a guarantee with 160 houses being built they can confirm as they are content there will be no excessive strain on the system.

LPA RESPONSE: The surface water drainage system will be a new system constructed to manage surface water from the development and convey to the River Sirhowy at less than the controlled rate agreed by the Planning Inspectors at the Outline Planning stage. Dwr Cymru Welsh Water would have to advise on whether the new development will place any strain on their systems for management of foul water from the development. It is noted that DCWW offered no objection to the development at

Reserved Matters stage and that the adoption of the surface water and foul water systems serving the development would be subject to DCWW's own adoption procedures under the Water Industry Act (1991).

7. Questions whether NRW should be consulted given the on-going surface water issues from the development site.

LPA RESPONSE: Natural Resources have been consulted on the application for consideration and what they will provide comments on as part of a planning application is considered in point 5 above.

8. Questions why the developer does not have to provide the necessary permits to the Local Planning Authority prior to the application be determined.

LPA RESPONSE: The Planning Authority is unable to request evidence from the developer confirming that the necessary consents have been sought or secured. However, as part of ongoing discussions with the developer, the Planning Authority and LLFA has advised that the necessary consents need to be sought from the respective approving bodies and this is a matter for them to address separately. Failure for the applicant to comply with any environmental regulations subject to legislation under the control of the Welsh Government or UK Government would be subject to enforcement action taken by that regulatory body.

9. The Local Planning Authority should insist that all revised details are posted accordingly to allow further Public Consultation in the interests of fairness and references paragraph: 025 Reference ID: 15-025-20190722 stating "In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended."

LPA RESPONSE: This extract has been taken from Guidance Consultation and pre-decision matters from <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>.

It should also be noted that Paragraph: 025 Reference ID: 15-025-20190722 refers to English Legislation, nonetheless the preceding text which has been removed from the extract states:

"Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness"

The application has been advertised and re-consultations have taken place with the relevant statutory consultees, it is acknowledged that there has been a significant amount of technical information that has been uploaded to Public Access for the Senior Engineer to review for consideration. The application has been advertised in

accordance with the publicity requirements of the Development Management Procedure Order and as such there is no requirement to re-consult residents on every occasion that revised technical information is submitted for consideration in that the revised revisions have been submitted by the developer to overcome existing concerns previously raised.

10. The amendment has not been tracked on the "Important Dates" within the submitted planning document.

LPA RESPONSE: It is not known what is meant by this comment. Public Access on the Council's Website is automated, however the local ward members have been routinely updated on progress and advised of the likely date the application would be reported to planning committee.

11. Concerns relating to phosphate concentrations entering the Sirhowy River and that residential development allocated in Local Development Plans are now on hold.

LPA RESPONSE: Nutrient concentrations in Welsh rivers and globally are a widespread problem, and stakeholders have expressed concerns that they are increasing in some locations. The Compliance Assessment of Welsh River SACs against Phosphorus Targets report issued by Natural Resources Wales. The report assesses compliance with the revised phosphorus targets for Welsh river Special Areas of Conservation (SACs). The Sirhowy River is not identified as one of the nine SACs and it should be noted that a permit will be required for surface water to discharge into Sirhowy River.

12. The submitted drainage calculations do not align with the recommendations within the SuDS standard for Wales.

LPA RESPONSE: More specific details are required in order to provide detailed commentary, however, it is worth noting that the development itself was granted outline and reserved matters permission prior to the implementation of Schedule 3 to the Flood and Water Management Act (2010) in Wales.

13. Rain water run-off rate (litres/sec) have increased from the previously submitted figures of 45litres/sec to 55 litres/sec, whereas Welsh Government guidance states 11.78litres/sec (based upon the area of the development).

LPA RESPONSE: The discharge rate from the development was agreed by the Planning Inspectorate at Outline application stage on granting of the appeal. It is not possible to retrospectively change the permission granted.

14. Details indicated on the Drainage layout do not align with the submitted drainage calculations i.e. sizes and levels.

LPA RESPONSE: More specific details are required in order to provide detailed commentary, however, it is worth noting that all details would be checked again by Dwr Cymru Welsh Water as part of their adoption process.

15. Guidance states that the maximum value for rainfall runoff rate should be used, which is a figure of 150mm/hr, any figure inputted into the calculation less than this must be justified. NOTE: Figure used is 100mm/hr or 66% of the stipulated requirement.

LPA RESPONSE: This design parameter is only used by the software when pipes are set to auto-design. As no pipes have been allowed to auto-design, the parameter has no impact on the model.

16. Volumetric run off rate should be set to 1, whereas the design is incorrectly based upon 0.75.

LPA RESPONSE: Whilst the design parameter (indicated on p1 of the calculations) has not been adjusted, the simulation criteria (p31) has been set to 1.0. Design parameters are utilised by the software when setting the model up, simulation parameters are used to run different storm events through the model and check for resilience.

17. Additional flow/climate change - should be set to 10% of the roof areas, again this limiting condition has not been included and has been set to 0.

LPA RESPONSE: It is the understanding of the LLFA that this additional area has been accounted for within the Area Summary (p30).

18. Within the 1 in 100yr return period storm calculation the 40% climate change factor has not been included, and has been set to 0%, which is correct for a "Day Value Calculation only". The title of document states "+40%CC", this figure SHOULD be included.

LPA RESPONSE: The file has been mistitled by the applicant. The Micro Drainage files were submitted alongside the PDF summary and the flooding impacts shown with the 40% climate change added are represented on the Drawings 190422-TWC-D-013 C and 190422-TWC-D-014 Rev A available to view on Public Access.

19. Winter storms MUST be included within the 1 year simulation criteria for a storm, this has been turned "OFF".

LPA RESPONSE: Summer and Winter storms have been assessed for impacts through the Micro Drainage files submitted.

20. The safety factor used is 2.0, whereas the "Safety Factors should align with those outlined within the contents of Table 25.2 in section 25 of the CIRIA C753 SuDS Manual. Justification should be given for any Safety Factors used." i.e. based upon the size of the area, and the consequences of failure, the safety factor should be "5" or "10".

LPA RESPONSE: Safety factors are only used for infiltration structures to adjust the infiltration coefficient of the structure. As no infiltration is permitted from any structure and all infiltration coefficients set to zero, the safety factor has no impact on the model.

21. The MADD factor has been set to 4.5 (10m³ storage/hectare), whereas for all new developments, as there should be no cracks in paving etc the figure should be set to "0".

LPA RESPONSE: The MADD Factor is representative of storage in the drainage system not explicitly modelled (e.g. small branch lines and gully connections). An acceptable range is defined as 2 to 5 for impermeable within the software help files based on WaPUG Note 15.

22. Area is incorrectly set at 2.914, and not 5.89Ha.

LPA RESPONSE: The model considers impermeable area only. This approach was accepted under the Outline Planning Permission and cannot be retrospectively changed.

23. Weir height is lower than top of SUDS storage i.e. reduction in storage capacity of 20%.

LPA RESPONSE: For S12 the maximum predicted water level is 185.753m AOD and the weir height 185.842m AOD. For S17.1 the maximum predicted water level is 183.047m AOD and the weir level 183.472m AOD. For Off-site manhole SS4, the maximum predicted water level is 172.708m AOD and the weir level is 173.472m AOD.

Finally it is important to note that the technical comments raised above do not necessarily relate to the off-site drainage details for consideration, some relate to condition discharge details and enquiries relating to the approved development.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11

and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No. 190422_TWC_S38_003 Off site Site Location Plan received on 22.09.2021;
Dwg No. 190422_TWC_SK_015 Rev I Offsite Surface Water Drainage received on 10.02.2021;
Dwg No. 190422_TWC_D_015 Rev A Off-site tanks Longitudinal Sections received on 10.02.2021;
Dwg No. 190422_TWC_D_009 Rev E Offsite Hydro-Brake Detail received on 10.02.2021;
Micro Drainage Calculations File 210723 Rev D -Storm Sewer Design by the Modified Rational Method received on 10.02.2021;
Report No. E44121 SDS Structural Design Calculations Version 1 dated 18/01/2022 and received on 10.02.2021;
Micro Drainage Calculations File 210723 Rev D -100 year Return Period Summary of Critical Results by Maximum Flood Volume (Rank 1) for Storm received on 10.09.2021;
Micro Drainage Calculations File 210723 Rev D -Storm Sewer Design by the Modified Rational Method received on 10.09.2021;
Coal Mining Risk Assessment (CMRA) Desk Study Report prepared by Terra Firma on 02.09.2021; and
Biodiversity Strategy (including mitigation and enhancement measures in addition to the Japanese Knotweed Plan measures and contained therein) prepared by Soltys Brewster Ecology dated January 2022 and received on 10.01.2022.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Within one calendar month from the date of this consent details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include:-

- i. Confirmation of the person or persons responsible for maintenance of the drainage system or any part thereof;
- ii. The type of maintenance activities that are required to ensure that the drainage system operates as designed to manage flood risk and risk of environmental damage;
- iii. The anticipated frequency of those activities;
- iv. The estimated duration of those activities;
- v. Any specific plant and equipment required to undertake those activities;
- vi. The anticipated design life of all drainage features and associated arrangements for end-of-life replacement or rehabilitation;
- vii. A site plan showing maintenance areas, access routes and the locations where maintenance activities are anticipated; and
- viii. A statement describing any secondary function (e.g. recreation, amenity areas, etc) above the drainage features, how these areas are managed and how any damage associated with maintenance of the drainage features is to be made good.

The scheme shall be managed and maintenance in accordance with the agreed management and maintenance plan for the lifetime of the development.

REASON: To clarify maintenance roles and responsibilities and ensure that the system operates as designed for the lifetime of the development, in the interests of public health, management of the risk of flooding and environmental damages in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) Within one calendar month of the underground attenuation tanks being installed a landscaping scheme for the reinstatement of the removed earthworks shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landforms. The development shall be carried out in accordance with the agreed details within two calendar months of completing the off-site drainage infrastructure.
- REASON: In order for the Local Planning Authority to control earthworks in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) All planting, seeding, turfing and hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the development or the practical completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure that the works are carried out as approved in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Notwithstanding the development hereby approved, within one calendar month of the underground attenuation tanks being installed surfacing details of the new permanent access track to be constructed shall be submitted to and approved in writing by the Local Planning Authority. The access track shall thereafter be completed in accordance with the agreed details within two calendar months of completing the off-site drainage infrastructure.

REASON: In the interests of visual amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In the interests of public safety.

- 08) Prior to the development coming into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In the interests of public safety.

Advisory Note(s)

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

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for

example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

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

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

www.gov.uk/government/organisations/the-coal-authority

Please refer to Public Access on the Council's website to view the comments of the statutory consultees that are brought to the applicant's attention.